

# Small Plant NEWS

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## Nutrition Labeling on Major Cuts and Chopped or Ground Products

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### Small Plant NEWS

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**E**ffective March 1, 2012, food retailers must display easy-to-understand and accurate nutrition information on single-ingredient meat and poultry products, as well as ground or chopped meat and poultry products. The new final nutrition labeling rule, which was announced by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) on December 29, 2010, will help consumers make healthy decisions about the foods they eat.

In July 1994, nutrition labeling became mandatory for non-exempt multi-ingredient meat and poultry products. At the same time, about 40 single-ingredient meat and poultry products came under a voluntary nutrition labeling program. FSIS had anticipated that food retailers would participate in the program at a significant level.

For participation under the

voluntary program to be significant, a retailer needed to display nutrition information for at least 90 percent of the single-ingredient, raw meat and poultry products it sold, and the label had to contain the same elements as labeling under the mandatory program. In addition, FSIS also required that at least 60 percent of the retailers evaluated needed to be participating and following the guidelines of the program.

Unfortunately, FSIS' surveys indicated that the level of participation fell below the 60 percent threshold. Therefore, the Agency proposed a new regulation to mandate nutrition labeling on single-ingredient meat and poultry products, as well as ground or chopped meat and poultry products. Let's review the two major groups of meat and poultry products that are subject to this new rule.

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## Major Cuts

The first group is major cuts. Major cuts of single-ingredient, raw meat and poultry products will require labeling, unless an exemption applies. Nutrition information for these products will be required either on its label or at the point-of-purchase (e.g., sign or brochure). Examples are listed in Table 1. Some examples of non-major cuts that do not require labeling are beef flank steak, beef ribs, and chicken tenders.

**Table 1. Examples of Major Cuts of Meat and Poultry Products**

Beef		Pork		Lamb	Veal	Chicken	Turkey
Chuck blade roast	Loin sirloin steak	Loin chop	Shoulder blade steak	Shank	Shoulder arm steak	Whole chicken (without neck and giblets)	Whole turkey (without neck and giblets; separate nutrient panels for white and dark meat permitted as an option)
Loin top loin steak	Round bottom round steak	Loin country-style ribs	Loin top roast boneless	Shoulder arm chop	Shoulder blade steak	Chicken breast	Turkey breast
Rib roast large end	Brisket (whole, flat half, or point half)	Loin top loin chop boneless	Loin sirloin roast	Shoulder blade chop	Rib roast	Chicken wing	Turkey wing
Round eye round steak	Rib steak small end	Loin rib chop		Rib roast	Loin chop	Chicken drumstick	Turkey drumstick
Round top round steak	Loin tenderloin steak	Spareribs		Loin chop	Cutlets	Chicken thigh	Turkey thigh
Round tip roast	Chuck arm pot roast	Loin tenderloin		Leg (whole, sirloin half, or shank half)			

## Ground or Chopped Products

The second group subject to the new rule is ground or chopped products. Nutrition labels will be required on all ground or chopped meat and poultry products, with or without added seasonings, unless an exemption applies. The ground or chopped products are as follows: single-ingredient raw hamburger, ground beef, ground beef patties, ground chicken, ground turkey, ground chicken patties, ground pork, and ground lamb.

## Exemptions

The nutrition labeling rule covers a wide range of products; however, as mentioned, there are a few exemptions that do apply. The labeling exemptions for major cuts are:

- Products intended for further processing, provided that the labels for these products bear no nutrition claims or nutrition information;

- Products that are not for sale to consumers, provided that the labels for these products bear no nutrition claims or nutrition information;
- Products in small packages that are individually wrapped packages of less than ½ ounce net weight, provided that the labels for these products bear no nutrition claims or nutrition information;
- Products that are custom slaughtered or prepared; and
- Products intended for export.

Then, the exemptions for ground or chopped products are:

- Ground or chopped products that qualify for the small business exemption in Title 9 of the *Code of Federal Regulations* (9 CFR), Sections 317.400(a)(1) and 381.500(a)(1) (details to follow in the next section);

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- Products that are ground or chopped at an individual customer’s request and are prepared and served at retail, provided that the labels or labeling of these products bear no nutrition claims or nutrition information;
- Ground or chopped products in packages that have a total surface area for labeling of less than 12 square inches, AND the product labeling cannot have any nutrition claims or nutrition information, AND an address or telephone number must be on the label so that a consumer can obtain the required information; and
- Ground products produced by small businesses that use statements of percent fat and percent lean on the label or in labeling of ground products, AND they include no other nutrition claims or nutrition information on the product labels or labeling.

Finally, there is a small business exemption to the rule that will apply to many of you. To qualify for this exemption, you must be in either a single-plant facility that employs 500 or fewer people or a multi-plant company/firm that employs 500 or fewer people and produces no more than 100,000 pounds per year of each ground product.

The same parameters apply to retail establishments that must comply with this rule as well. To qualify for this small business exemption for ground and chopped products, a retail store must either be a single-retail store that employs 500 or fewer people or a multi-retail store operation that employs 500 or fewer people and produces no more than 100,000 pounds of each ground product per year.

Retail stores and establishments must meet both requirements to qualify for the exemption (less than 500 employees and less than 100,000 pounds of product per year). Ground or chopped products formulated to have different levels of fat would be considered different food products for the purposes of the small business exemption.

It’s important to note that there is no small business exemption in the rule for major cuts of single-ingredient, raw meat and poultry products because these requirements should not impose an economic hardship on establishments. The nutrition information for the major cuts can be displayed either on the labels or on point-of-purchase materials. Point-of purchase materials are available on the FSIS Web site at [www.fsis.usda.gov/Regulations\\_&Policies/Nutrition\\_Labeling/index.asp](http://www.fsis.usda.gov/Regulations_&Policies/Nutrition_Labeling/index.asp). Scroll down the page and you will find the “Nutrition Information Charts” for chicken and turkey, pork and lamb, and beef and veal.

**Percent Lean Labeling**

Now, what if you have a ground or chopped meat and poultry product that does not meet the criteria to be labeled “low-fat.” How would you label your product? The new rule allows a statement of lean percentage, as well as a

statement of fat percentage, that meets the specified criteria on the label or in labeling. As the example shows, the fat percentage lettering must be the same color, size, type, and have the same color background as the lean percentage statement.

**Beef, ground, 95% lean / 5% fat, raw**



Following this rule, let’s say you had a product that was 80 percent lean and 20 percent fat. Table 2 lists acceptable and unacceptable labels that you can or cannot apply to your product.

**Table 2. Acceptable and Unacceptable Statements for Fat and Lean Content on Consumer Packages**

Acceptable	Unacceptable
80% lean and 20% fat	80/20
20% fat (no statement about lean)	8/2
	80% lean (no statement about fat)
	Low fat, little fat, lean, extra lean, healthy

**Obtaining and Testing Nutrition Information**

To figure out the nutrient content, you have the option of obtaining their your own nutrition information for your products, or you can use USDA’s National Nutrient Data Bank ([www.ars.usda.gov/nutrientdata](http://www.ars.usda.gov/nutrientdata)) or the USDA’s National Nutrient Database for Standard Reference ([www.nal.usda.gov/fnic/foodcomp/search](http://www.nal.usda.gov/fnic/foodcomp/search)). After the final rule is implemented, FSIS will test ground or chopped products to verify compliance if there are nutrition claims on the labeling, even if information was obtained using USDA’s National Nutrient Data Bank or the USDA’s National Nutrient Database for Standard Reference.

As always, FSIS encourages you to contact the Small Plant Help Desk at 1-877- 374-7435 if you have questions. Also, for policy-related questions, don’t hesitate to call FSIS’ Policy Development Division at (800) 233-3935 or send your question to *askFSIS* at <http://askfsis.custhelp.com>. Your question, and the Agency’s corresponding answer, actually helps all parties gain a more complete understanding of the requirements of this rule since this information is published on the FSIS Web site. The questions are also included in the frequently asked questions and answers document that the Agency continually updates and makes available to everyone, some of which are included in this issue.

# Commonly Asked Questions & Answers

**Q.** *When FSIS provides the point-of-purchase materials, will they be different than the current posters, and will they take into account the change in the values in the USDA Agricultural Research Service (ARS) database?*

**A.** The format will be similar to the existing posters. FSIS will continue to be in touch with ARS, and the posters will include the new ARS values.

**Q.** *Who has the burden of complying with the rule, e.g., the packer or the producer?*

**A.** Normally, the packer is considered the producer because the packer produces the final product. For ground or chopped product, the producer of the final packaged product is required to provide nutrition labels on the product, unless an exemption applies. The producer of the final packaged product may be a Federal establishment or a retail facility. Retailers are required to provide point-of-purchase materials or nutrition labels for major cuts, unless an exemption applies.

**Q.** *Will the inspectors be checking labels at the Federal establishments?*

**A.** As part of label verification activities, inspectors at establishments that produce ground or chopped products will periodically review labels to verify that establishments meet labeling requirements, including the requirement that the product bears a nutrition label, unless an exemption applies.

**Q.** *If an establishment produces a mixed package of white meat and dark meat and both are major cuts, does the package need to carry two nutrition labels (one for white meat and one for dark meat)?*

**A.** The nutrition information for each of the major cuts could be provided at point-of-purchase. Alternatively, an establishment could composite the nutrition facts panels or include two separate nutrition facts panels on the label for each product in the package.

**Q.** *Is the leeway on values still 20 percent?*

**A.** Yes. The regulations in 9 *CFR* 317.309(h) and 381.409(h) specify that certain nutrient values are not out of compliance, unless they are more than 20 percent above the labeled value. That rule applies to the labeled values for calories, sugars, total fat, saturated fat, cholesterol, or sodium. These regulations also specify that certain nutrient values are not out of compliance unless they are 20 percent below the labeled value. That rule applies to the labeled values for vitamins, minerals, protein, total carbohydrates, dietary fiber, other carbohydrates, polyunsaturated or monounsaturated fat, or potassium.

**Q.** *If a producer is not sure of the lean and fat percentage of a ground or chopped product, could the producer label it with a worse lean and fat percentage? For example, could a producer label a product that is actually 80% lean and 20% fat, with a 70%lean/30% fat label?*

**A.** FSIS would not take action against producers estimating that their products are higher in fat than they actually are.