



United States Department of Agriculture

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Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW,  
Washington, D.C.  
20250

AUG 8 2017

Mr. Jimmy Mitchell  
Joyce Farms  
4787 Kinnamon Road  
Winston-Salem, NC 27103

Dear Mr. Mitchell:

The Food Safety and Inspection Service (FSIS) has received the petition that you submitted on behalf of Joyce Farms, dated July 26, 2017. The petition requests that FSIS initiate rulemaking to establish a regulatory definition and standard of identity for "Heritage chicken." Specifically, the petition requests that FSIS define "Heritage chicken" as:

A young chicken (between 11 and 18 weeks of age) of either sex, with a ready-to-cook carcass weight of 1.5 to 5 pounds, that is a slow growing breed suited for outdoor production, with a more elongated carcass, smaller breast and larger legs than conventional carcasses.

As noted in the petition, birds that meet the requested definition for "Heritage chicken" do not have the characteristics that would allow them to be labeled as "broilers" or "roasters" under the poultry class standards in 9 CFR 381.170(a)(1)(ii) and (iii). The petition states that it is necessary to establish a regulatory definition and standard of identify for "Heritage chicken" to clarify age and size requirements, and enhance consumer education. The petition also requests that FSIS exercise enforcement discretion, as necessary, with respect to products labeled as "Heritage chicken" that currently do not meet a regulatory standard of identity.

Your request is being considered as a rulemaking petition under the Administrative Procedure Act (5 U.S.C. 553(e)), USDA's administrative regulations (7 CFR 1.28), and FSIS's regulations on petitions (9 CFR part 392). It is also considered as a petition for policy change under FSIS's petition regulations. Your petition has been referred to the Office of Policy and Program Development for review, and it has been assigned petition number 17-03. As provided in 9 CFR 392.6, your petition will be made available to the public in the FSIS docket room and will be posted on the FSIS Website at:

<http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/petitions>

You may contact Mary Porretta, Petitions Manager, Issuances Staff at (202) 720-5627 if you have any questions regarding the status of your petition.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Michael".

Matthew Michael  
Director  
Issuances Staff  
Office of Policy and Program Development