

Food Safety and Inspection Service (FSIS) Guideline on Kit Product Labeling

July 2019

You could win one of
over 1,000 prizes
NO PURCHASE NECESSARY
SEE SIDE PANEL
FOR DETAILS

BBQ FLAVOR SUPER CHICKEN KIT

EXCELLENT SOURCE OF PROTEIN

KEEP REFRIGERATED
DO NOT FREEZE

NET WT. 4.7 OZ (133g) & 6 FL OZ (177ml)

INCLUDES:

- PETER MOYER BREADED CHICKEN
- BARBEQUE SEASONING
- CHERRY FLAVORED BEVERAGE
- FAT FREE CHOCOLATE PUDDING SNACK

4 PRE-COOKED BREADED NUGGET-SHAPED CHICKEN PATTIES, BARBEQUE SEASONING PACKET, CHERRY FLAVORED WATER BEVERAGE WITH OTHER NATURAL FLAVOR, FAT FREE CHOCOLATE PUDDING SNACK

This guideline is designed to help establishments and other food handling facilities determine:

Whether a multi-component food kit (kit product) needs to be prepared under FSIS inspection; and

How to label a kit product that contains meat or poultry components.

Unclai's Pizza

MEAT LOVERS SET-N-BAKE PIZZAS

Keep Refrigerated

Kit includes everything needed to make 2 Meat Lovers Pizzas
In one package: Crust, Pizza sauce, Cheese, Pepperoni, Sausage and Bacon

Net Wt. 34oz (2lb 2oz) 952g

What is the purpose of this guideline?

The purpose of this guideline is to provide information on the labeling and inspection of multi-component food kits (henceforth, kit products) that contain a meat or poultry component.

A kit product consists of individually-packaged food components sold together as a single unit. Examples of kit products include:

- A “Spaghetti Dinner Kit” which includes a bag of fully-cooked meatballs, a jar of marinara sauce, and a package of uncooked spaghetti;
- A “Chicken Fiesta Kit” which includes a packet of raw, marinated chicken breast strips, flour tortillas, a can of refried beans, and a package of rice; and
- A “Nugget Lunch Kit” which includes fully-cooked nugget-shaped chicken patties, a container of cole slaw, a slice of corn bread, and a juice box.

There are many varieties of kit products, including but not limited to: wraps, pizza, stew, salads, fajitas, stroganoff, or stir fry skillet meals, that include meat or poultry components. Kit products may be marketed to provide one meal to multiple consumers, such as a “Beef Stew Kit” with multiple servings, or a kit product could be a single serving meal for one, such as an “Individual Pizza Lunch Kit” with pizza components, a brownie, and a soda. The meat or poultry items are commonly fully-cooked; however, some of these items may require cooking.

FSIS has received numerous inquiries on how kit products should be labeled to ensure compliance with FSIS regulations and policies, and whether certain kit products may be assembled without FSIS inspection. When the meat and poultry components are packaged separately from other components, fully labeled, and assembled together with various other food components in common packaging, the common package is considered the immediate container and typically bears a coined or fanciful name. For example, a fully labeled package of seasoned chicken is placed with rice and frozen vegetables in a common package, labeled as “Stir Fry” or “Skillet Meal” on the immediate (outer) container, followed by a list of the individual components. In the past, FSIS has not considered these types of kit products as products of the meat or poultry industry because the product name often makes no reference to meat or poultry.

However, manufacturers have increasingly wanted to highlight the meat or poultry component in the coined name, e.g., “Chicken Skillet Meal” or “Gourmet Beef Dinner.” Historically, the Agency has required kit products purporting to be meat or poultry products to be assembled under FSIS inspection.

After further evaluation, the Agency has determined that the act of assembling a kit product whose label makes reference to meat or poultry in its name does not need to be done under FSIS inspection, as long as the following conditions are met:

1. The meat/poultry component is prepared and separately packaged under FSIS inspection and labeled with all required features, including:

- Product name,
 - Handling statement (e.g., Keep Refrigerated), if product is perishable,
 - USDA legend and establishment number of the official establishment that packaged and labeled the meat/poultry component,
 - Name and address of the manufacturer, packer, or distributor,
 - Ingredients statement (if composed of more than one ingredient), and
 - Safe handling instructions if the meat or poultry component is not ready-to-eat;
2. The outer label for the kit product identifies all the individual components in the kit; and
 3. The outer kit label clearly identifies the product as a single unit or “kit,” such as “Chicken Barbecue Dinner Kit” and “Beef Lasagna Meal.”

Note: Although the assembly of the kit product does not require FSIS inspection regardless of the amount of meat or poultry in the kit, the kit product is still under FSIS’s jurisdiction and as such is required to meet all applicable FSIS requirements. Labels for such kit products assembled without FSIS inspection are not required to be submitted to FSIS for approval. Kit products assembled without FSIS inspection will not bear the USDA mark of inspection on the label of the common packaging containing the components of the kit. The mark of inspection, instead, would be on the label and packaging of the meat or poultry component included in the kit.

Although FSIS is requesting comments on this guideline and may update it in response to comments, FSIS encourages affected industry to begin using it upon issuance. The guideline reflects FSIS’s current position.

Who is this guideline designed for?

This guideline is for official establishments under FSIS inspection and establishments under the Food and Drug Administration’s jurisdiction that plan to assemble kit products that contain a fully labeled meat or poultry component in a common container or packaging marketed as a single unit. If assembly of kit products occurs at an official establishment, the assembly would be performed without FSIS inspection and may be done outside the official hours of inspection. Thus, official establishments would not incur any charges for FSIS inspection or for overtime.

Note: The guideline does not apply to boxes of ingredients (including FSIS-inspected, fully labeled meat and poultry products) that may also include recipes that are shipped directly to consumers to help them prepare home-cooked meals. These boxes are typically prepared and packed without FSIS inspection under the retail exemption (see 9 CFR 303.1(d) and 381.10(d)).

Congressional Review Act

Pursuant to the Congressional Review Act at 5 U.S.C. 801 et seq., the Office of Information and Regulatory Affairs has determined that this guideline is not a “major rule,” as defined by 5 U.S.C. 804(2).

How can I comment on this guideline?

FSIS is seeking comments on this guideline as part of its efforts to continuously assess and improve the effectiveness of its policy documents. All interested persons may submit comments regarding any aspect of this document, including, but not limited to, content, readability, applicability, and accessibility. The comment period will be 60 days, and the document will be updated in response to the comments received, as appropriate.

Comments may be submitted by either of the following methods:

Federal eRulemaking Portal Online submission at [regulations.gov](http://www.regulations.gov): This website provides the commenter with the ability to type short comments directly into the comment field on this Web page or to attach a file for lengthier comments. Go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments.

Mail, including CD-ROMs, and hand or courier-delivered items to: Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250-3700.

All items submitted by mail or electronic mail must include the Agency name, FSIS, and document title: Guideline on Kit Product Labeling. Comments received will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>. FSIS will update the guideline based on comments received, as appropriate.

What if I still have questions after I read this guidance?

If the desired information cannot be found within this guideline, FSIS recommends that users search the publicly posted Questions & Answers in the [askFSIS](#) database or submit questions through [askFSIS](#). Documenting these questions will help FSIS improve and refine present and future versions of the guideline and associated issuances.

When submitting a question, use the **Submit a Question** tab, and enter the information indicated below in the fields provided.

Subject Field: Enter **Kits**.
Question Field: Enter question with as much detail as possible.
Product Field: Select **Labeling** from the drop-down menu.

Category Field: Select **Labeling Regulations, Policies and Claims** from the drop-down menu.

Policy Arena: Select **Domestic (U.S.) Only** from the drop-down menu.

When all fields are complete, press **Continue**.



<http://askfsis.custhelp.com/>

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