UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

31-18 | 6/5/18

UPDATE ON PARTIALLY HYDROGENATED OILS IN MEAT, POULTRY AND EGG PRODUCTS

I. PURPOSE

This notice informs inspection program personnel (IPP) that, as of June 18, 2018, partially hydrogenated oils (PHOs) are no longer generally recognized as safe (GRAS) in meat, poultry, and egg products.

II. BACKGROUND

A. On June 17, 2015, the Food and Drug Administration (FDA) announced through a declaratory order "that there is no longer a consensus among qualified experts that PHOs, which are the primary dietary source of industrially-produced *trans* fatty acids, are generally recognized as safe" (80 FR 34650). This declaratory order prohibits PHOs in human food for uses that have not been specifically approved by FDA. At that time, FDA gave industry until June 18, 2018 to reformulate products or otherwise comply with the change.

B. On May 21, 2018, FDA announced that it is denying a food additive petition from the Grocery Manufacturers Association requesting approval for certain limited uses of PHOs as carriers for color additives and flavoring agents, as pan release agents for baked goods, and as processing aids (83 FR 23382). The FDA recognized that the food industry needs additional time to identify suitable replacement substances for the uses of PHOs discussed in the petition. Therefore, to allow for time for reformulation of these products, the FDA extended the date to stop manufacturing foods with the uses of PHOs discussed in the petition until June 18, 2019, and until January 1, 2021 for these products to work their way through distribution.

C. At the same time, FDA extended the compliance date for food products that were manufactured before June 18, 2018, with PHOs used for purposes not included in the petition, as these products work their way through distribution. The new FDA compliance date for these products is January 1, 2020. However, food manufactured with uses of PHOs not included in the petition after June 18, 2018, may be subject to enforcement action by FDA.

D. FSIS intends to exercise enforcement discretion regarding the application of the above changes for affected meat, poultry and egg products with PHOs used for purposes not listed in the petition manufactured or distributed in commerce prior to June 18, 2018 or June 18, 2019, for products with PHOs used for reasons included in the petition.

III. IPP RESPONSIBILITIES

A. During the next weekly meeting, IPP are to discuss this notice with establishment management to assure the establishment is aware of the above information.

B. IPP are to continue to perform the General Labeling task when scheduled in the Public Health Information System (PHIS) as set out in FSIS Directive 7221.1, *Prior Labeling Approval.*

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C. Establishments have until June 18, 2019 to stop manufacturing foods with petitioned uses of PHOs: PHOs as carriers for color additives and flavoring agents, as pan release agents for baked goods, and as processing aids. If a meat or poultry product is produced with PHOs for any other uses on or after June 18, 2018, IPP are to document the noncompliance in a non-compliance record (NR) in PHIS, citing 9 CFR 424.21. IPP are also to be aware that to make this determination, establishments will need to have supporting documentation to identify whether the PHO use is one of the petitioned uses of PHOs. If they do not have that documentation, establishments need to stop using the PHO on June 18, 2018.

IV. QUESTIONS

Refer questions regarding this notice to the Labeling and Policy Development Staff (LPDS) in the Office of Policy and Program Development through askFSIS or by telephone at 1-800-233-3935. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: Enter **Notice 31-18**.
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** and at the next screen press **Finish Submitting Question.**

NOTE: Refer to FSIS Directive 5620.1, *Using askFSIS*, for additional information on submitting questions.

Assistant Administrator
Office of Policy and Program Development