

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS
CONSUMER PROTECTION AND FOOD SAFETY
Meat Inspection Service
MONTPELIER, VT
Chuck Ross, Secretary



MIS DIRECTIVE

Adopted from FSIS Directive 7130.5

7130.5

9/1/2015

VERIFYING NUTRITION LABELING FOR THE MAJOR CUTS OF SINGLE-INGREDIENT, RAW MEAT AND POULTRY PRODUCTS AND GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS

I. PURPOSE

This directive provides instructions to inspection program personnel (IPP), Compliance and Investigators for enforcing the regulations regarding nutrition labeling for major cuts of single-ingredient, raw meat and poultry products and ground or chopped meat and poultry products. Surveillance sampling for nutrient content of raw ground beef is described in FSIS Notice 43-14 dated 9/2/14. Instructions for collecting samples for nutrition analysis will eventually be incorporated into this directive or into a new directive specific to the subject.

KEY POINTS:

- *Nutrition labeling requirements*
- *Exemptions from the requirements*
- *IPP, and Investigator responsibilities*

II. BACKGROUND

A. On March 1, 2013, the [Nutrition Labeling of Single Ingredient Products and Ground or Chopped Meat and Poultry Products](#) (75 FR 82148) became effective. This rule amended the Federal meat and poultry products inspection regulations to require nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products on labels or at point-of-purchase, unless an exemption applies. FSIS also amended its regulations to require nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings, unless an exemption applies. In addition, the rule provides that, when a ground or chopped product does not meet the regulatory criteria to be labeled "low fat" (as defined in [9 CFR 317.362\(b\)\(2\)](#) and [381.462\(b\)\(2\)](#)), a lean percentage statement may be included on the label or in labeling as long as a statement of the fat percentage that meets the specified criteria also is displayed on the label or in labeling.

III. EXEMPTIONS

A. The following are exemptions ([9 CFR 317.400](#) and [381.500](#)) from nutrition labeling requirements for the major cuts of single-ingredient, raw meat and poultry products and ground or chopped meat and poultry products, with or without added seasonings:

1. Products intended for further processing, provided that the labels for these products bear no nutrition claims (e.g., “good source of protein”) or nutrition information;
2. Products that are not for sale to household consumers (e.g., they are for sale to hotels, restaurants, and institutions), provided that the labels for these products bear no nutrition claims or nutrition information;
3. Products in small packages that are individually wrapped and of less than ½ ounce net weight, provided that the labels for these products bear no nutrition claims or nutrition information;
4. Products that are custom slaughtered or prepared; and
5. Products intended for export.

B. The following additional exemptions are for ground or chopped products, with or without added seasonings:

1. Ground or chopped products that qualify for the small business exemption in [9 CFR 317.400\(a\)\(1\)](#) and [381.500\(a\)\(1\)](#);
2. Products that are ground or chopped at an individual customer’s request and that are sold at retail, provided that the labels for these products bear no nutrition claims or nutrition information;
3. Ground or chopped products in packages that have a total surface area for labeling of less than 12 square inches, provided that the product’s labeling includes no nutrition claims or nutrition information, and provided that an address or telephone number that a consumer can use to obtain the required information is included on the label; and
4. Ground products produced by small businesses that use statements of percent fat and percent lean (e.g., 90%Lean/10%Fat) on the label or in labeling, provided they include no other nutrition claims (e.g., 0 grams trans fat, good source of iron, high in protein, 300mg omega-3 fatty acids, or no sugar added) or nutrition information on the product labels or labeling.

IV. RETAIL STORES

Retail stores are to comply with the nutrition labeling final rule, unless an exemption applies. For example, to qualify for the small business exemption for ground or chopped products, a retail store must either be a single retail store 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 ([75 FR 82159](#)).

NOTE: Nutrition information panels are not required on package labels for the major cuts of raw, single-ingredient meat or poultry products that do not have nutrition claims on their labels. Retailers only have to display point-of-purchase materials for these products.

V. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

A. IPP in meat and poultry establishments are to verify, when performing the Public Health Information System (PHIS) General Labeling task, that:

1. All ground or chopped meat and poultry products that are not subject to one of the exemptions above ([9 CFR 317.400](#) and [381.500](#)), with or without added seasonings, bear nutrition information panels titled “Nutrition Facts” on their labels;

NOTE: These are products labeled as “ground” product, e.g., ground beef or ground turkey, not sausage products.

2. The establishment has approved labels on file for all ground or chopped meat and poultry products with “Nutrition Facts” panels on their labels ([9 CFR 320.1\(b\)\(11\)](#) and [381.175\(b\)\(6\)](#)); and
3. The establishment has documentation to support that any ground or chopped meat or poultry product, with or without added seasonings, that does not bear a “Nutrition Facts” panel on its label is exempt from the nutrition labeling regulations under [9 CFR 317.400](#) or [381.500](#).

B. If the establishment is not complying with the regulations, IPP are to follow the enforcement instructions in [FSIS Directive 7000.1](#), *Verification of Non-Food Safety Other Consumer Protection Regulatory Requirements*.

VI. COMPLIANCE INVESTIGATORS’ RESPONSIBILITIES

A. Investigators conducting in-commerce surveillance activities at retail stores are to verify that:

1. Retail stores that are selling the major cuts of raw, single-ingredient meat and poultry products have posted signs or provide brochures with nutrition information for the major cuts near their point-of-purchase in areas visible to consumers; and
2. All ground and chopped meat and poultry products packaged or ground at retail bear “Nutrition Facts” panels on their labels, unless an exemption applies.

B. Investigators are to bring point-of-purchase materials for the major cuts (Attachment 1) with them when conducting in-commerce surveillance activities at retail stores. If a retail store that sells the major cuts of raw, single-ingredient products has not posted signs or provided brochures with nutrition information for the major cuts, Investigators are to give the management of the retail store the point-of-purchase materials in Attachment 1 and instruct the store to post them near the point-of-purchase in areas visible to consumers to comply with the nutrition labeling regulations.

C. If ground or chopped meat and poultry products do not have “Nutrition Facts” panels on their labels, and the products are not exempt (see exemptions in [9 CFR 317.400](#) and [381.500](#)), investigators are to inform management of the retail store that the products need “Nutrition Facts” panels on their labels and refer them to the nutrition labeling regulations.

D. Investigators are to follow the instructions in [FSIS Directive 8010.1](#), *Methodology for Conducting In-Commerce Surveillance Activities*, if they observe violations while conducting non-food safety consumer protection surveillance activities. At this time, Investigators are not to initiate a product control action or detain or seize ground or chopped meat and poultry products that do not have “Nutrition Facts” panels on their labels and are not exempt from the nutrition labeling regulations.

E. Upon completion of the surveillance activity, the Investigator is to document his or her findings in the Compliance Review Form, MI-1.

VII. QUESTIONS

Questions can be referred to the meat inspection office at 802-828-2426.

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