



A GUIDE to the USDA Final Rule for Nutritional Labeling of Ground or Chopped Meat and Poultry Products and Single Ingredients Products

Effective January 1, 2012



I. Introduction

For the last ten years N.G.A. has urged the United States Department of Agriculture (USDA) to maintain a voluntary nutritional labeling program for ground meat and poultry products and opposed proposed mandatory nutritional labeling on the packages of ground products. N.G.A. opposed the mandatory nutritional labeling on ground product packages because of the excessive costs and regulatory burdens it will impose on independent retailers who operate full or self service meat departments as a means of differentiation to serve consumers. N.G.A. strongly advocated that retailers should be given a choice to post signage near meat cases or labels on individual packages of ground products, just as will be permitted for major single cuts of meat and poultry products. Unfortunately, USDA rejected that option.

This N.G.A. Regulatory Update briefly summarizes the **final rule which takes effect January 1, 2012**. N.G.A. is working in conjunction with other industry trade associations and USDA to assist retailers in complying and attempt to reduce the regulatory costs, similar to what was done for Country of Origin labeling.

On December 29, 2010 the United States Department of Agriculture (USDA) issued a final regulation that requires mandatory nutritional labeling on individual packages of ground or chopped meat and poultry products, **effective beginning January 1, 2012**.

II. Ground Products

USDA believes that consumers cannot easily see the fat in ground or chopped product and that failure to provide nutrition information would result in the product being misbranded. **Starting January 1, 2012, labels will be required on the individual packages for all ground or chopped products, with or without adding seasoning. The covered ground products include single-ingredient raw hamburger; ground beef; ground beef patties; ground chicken, ground turkey, ground chicken patties, ground pork and ground lamb.** The rule does not address sausages, or other multi-ingredient products, since these are typically multi-ingredient or heat processed products that are already required to bear nutritional information.

Nutrition information on covered ground or chopped products is required on an “as packaged” basis. Retailers could elect to add on an “as consumed” basis,

The regulations also require mandatory nutritional labeling of major cuts of single-ingredient, raw meat and poultry products by posting a sign or poster at Point of Purchase (POP) or on the package. **On June 9, 2011**, USDA issued an updated version of 54 Questions and Answers on Nutrition Labeling. **This summary incorporates key questions and answers that apply to retailers.**

Most importantly the rule affects retailers’ meat department operations because the additional labeling on the ground meat packages becomes mandatory. For retailers that add trimmings to ground products or separately grind trimmings in the store, compliance could require added burdens. Also, affected products could be single cuts of meat if retailers voluntarily chose to add nutritional labeling to the packages.

Nutritional labeling must list total calories, calories from fat, total fat, saturated fat, cholesterol, sodium, total carbohydrates, dietary fiber, sugars, protein, Vitamin A, Vitamin C, Calcium and Iron. **Note: If the value of any required vitamins or minerals is zero, it can be deleted from the label as long as a “Not a significant source of...” statement is included.** Number of servings in the package does not need to be indicated.

provided that preparation and cooking instructions are clearly stated.

This requirement has raised a number of questions about how retailers that process ground product in their stores will be affected. For those that receive chubs from the processor and just regrind it without adding trim, nutritional labeling on the package could be based upon the supplier’s information on the label. When trim is added in the store, it is anticipated that retailers will have to develop programs based upon USDA data and retailer information to provide accurate nutrition labeling.

Questions & Answers (Provided By USDA):

1. **Will packages of meatloaf meat (e.g. raw ground beef and raw ground pork combined) be required to be labeled under the rule?**

- A: *If the product includes ground pork and ground beef, it would be a multi-ingredient product. Therefore, under current regulations, it would have to bear nutrition labeling unless it is subject to an exemption.*
2. Regarding the meatloaf meat, if the ground pork and ground beef are in separate portions on the same tray could the package have two nutrition labels, one for the ground beef and one for the ground pork?
- A: *Yes, if the ground beef and ground pork were separate, there could be two nutrition facts panels.*

Percent Lean/Percent Fat Labeling

Retailers would have the option of voluntary labeling ground products for lean content, but if they choose to do so it would have to be labeled, “percent lean/percent fat” so long as the product does not meet the regulatory criteria for “low fat.”

Questions & Answers (Provided By USDA):

1. How will retailers know the lean/fat content of ground products, and how will they determine the other nutrients in the nutrition facts panel?

- A. *Retailers need to know that ground or chopped beef labeled as ground beef or hamburger does not contain more than 30% fat. Typically, they can get information concerning the lean and fat percentage from their suppliers or they can analyze the levels of fat at retail with an anal-ray or other device for measuring the fat content of ground beef.*

If the product does not contain Advanced Meat Recovery (i.e. AMR; an industry technology that removes muscle and other edible tissue from the bone of beef carcasses under high pressure without incorporating bone) or low temperature rendered product, once the fat content is known, retailers can obtain information for the nutrition facts panel from the ground beef calculator available from the Agricultural Research Service at the Nutrient Database for Standard Reference, Release 23. This is available at: www.ars.usda.gov/nutrientdata.

2. In light of the new nutritional labeling regulations for ground product, is something like “85/15” still allowed on labels for retail sale with no qualifiers?

- A. *No, under the 1993 nutrition labeling regulations that established the mandatory and voluntary nutrition labeling programs, in order for the term “__percent lean” to be used on the label or in labeling of the product, the product must have met the criteria for “low fat” (9 CFR 317.362(b)(6) and 381.462(b)(6)). Most ground beef and hamburger do not qualify as “low fat.” Therefore, the regulations precluded the use of the term “__percent lean” on these products.*

On May 24, 1994 (59 FR 26916) FSIS proposed to amend its regulations to permit a statement of the lean percentage on the labeling of ground beef and hamburger if it were contiguous to a statement of the fat percentage. On August 5, 1994, FSIS published a notice of extension of the date that it would enforce compliance with the nutrition labeling requirements for ground beef and hamburger (59 FR 39941). The Agency extended the compliance enforcement date for these products indefinitely, pending publication of a final rule on percentage labeling for lean and fat on ground beef and hamburger. Since then, the Labeling and Program Delivery Division has approved many different labels, including use of a ratio like “85/15” without any qualifiers or words like “lean” or “fat” on the label, because FSIS did not have a regulation in effect on the nutrition labeling of ground beef.

FSIS has now published the nutrition labeling final rule, which permits a statement of lean percentage on the label or in labeling of ground or chopped meat and poultry products that do not meet the regulatory criteria for “low fat,” provided that a statement of fat percentage is also displayed on the label or in labeling. The required statement of fat percentage must be contiguous to, in lettering of the same color, size, and type as, and on the same color background as, the statement of lean percentage.

A ratio like “85/15” without the words “percent lean” and “percent fat” or “%lean” and “% fat” is not a statement of the lean and fat percentage. Without a complete statement of the percent fat and percent lean, consumers may not understand the meaning of the ratio. After the effective date of the nutrition labeling final rule, “85/15” and other ratios that are not complete statements should no longer be used on chopped or ground products for retail sale to consumers. Once the nutrition labeling final rule becomes effective on January 1, 2012, the Labeling and Program Delivery Division will no longer approve labels with only a ratio like “85/15”

for retail products without the words “percent lean” and “percent fat” or “%lean” and “% fat” also on the label. A statement of percent lean and percent fat (e.g., “85% lean/15% fat”) will be permitted on the label for ground products that do not meet the regulatory criteria for “low fat.”

3. When meat is ground at small and very small establishments and retail exempt facilities, how is the fat content supposed to be measured?

A: It is the establishment’s or retailer’s responsibility to truthfully label the products. The regulations under 9 CFR 317.8(a) and 319.15(a) require a product labeled as “ground beef” to contain no more than 30 percent fat. Therefore, it is up to the establishment to support that the product is not misbranded.

4. Does a %lean/%fat statement need to be on ground products that don’t qualify as “lean” according to USDA, or is it just an option?

A: No, the use of a %lean/%fat statement is voluntary. No claims are required. However, for ground products, a %lean/%fat statement can be listed even though the products do not meet the definition of “low fat” (3 grams of fat per reference amount).

EXEMPTIONS

- A single retail store or multi-store operation qualifies for the small business exemption from nutritional labeling of **ground products, but not for major single cuts**, if the store or multi-store operation employs 500 or fewer people and produces no more than 100,000 pounds per year of the covered ground product line. For example, if a multi-store operation employed 500 or fewer people in total and produced, in total among **all its stores**, 70,000 pounds of ground beef that is ten percent fat and 60,000 pounds of ground beef that is 20 percent fat annually, the multi-store operation would not be required to include nutrition information on the label of these specific products. If the labels for these products bore a label for “percent lean/percent fat,” but no nutrition claims or nutrition information then no nutrition labeling has to be applied to the package.
- Products that are ground at an individual customer’s request and that are prepared and served at retail, provided the labels or labeling of these products bears 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, 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.

Questions & Answers (Provided By USDA):

1. Will a small retail business, like a butcher shop, be exempt from the rule?

A: Probably, it is likely that a small retail business, like a butcher shop, will qualify for the small business exemption for ground or chopped products under §§317.400(a)(1) and 381.500(a)(1). There is no small business exemption for the “major cuts” of single-ingredient, raw meat and poultry products. Therefore, a small retail business will be required to provide nutrition information for the major cuts of single-ingredient, raw meat and poultry products on labels or on point-of-purchase materials (e.g., signs, posters, or pamphlets). FSIS will make point-of-purchase materials for the major cuts of single-ingredient, raw meat and poultry products available on the FSIS website.

2. Will meat that is sliced and weighed at the deli have to bear nutrition labels under the nutrition labeling final rule?

A: No, the most recent nutrition labeling rule applies to “major cuts” and ground or chopped products, which are not typically deli products. Under current nutrition labeling regulations, product produced or packaged at retail (and not ground or chopped) is exempt from the nutrition labeling requirements (§317.400(a)(7) and §381.500(a)(7)).

3. Will a full service meat counter, where none of the meat is packaged until a customer selects the product and then it is weighed and wrapped for the customer, have to comply with the nutrition labeling final rule?

A: Yes, if the full service meat counter sells the major cuts of single-ingredient, raw meat and poultry products listed in the nutrition labeling final rule, it will need to provide point-of-purchase materials for the “major cuts” it sells. Ground product, unless it is ground at a customer’s request, will require on package nutrition facts panels, unless the business

qualifies for the small business exemption or other exemptions.

4. What is the small business exemption?

A: The small business exemption is in §§317.400 and 381.500. The small business exemption applies to any establishment (or retail facility) that has 500 or fewer employees. Any product they produce at less than 100,000 lbs per year is exempt from nutrition labeling as long as the product includes no nutrition information or claims. Ground “Product” would be designated by different formulas/different nutrient profiles. For example, 10% fat ground beef is a different product and has a different nutrient profile than 20% fat ground beef. Therefore, each would be counted separately toward 100,000 lbs of product. Different forms of the same product are counted together toward the 100,000 lbs. For example, 10% fat ground beef sold to hotels, restaurants, and similar institutions (HRI), 10% fat ground beef sold in 1 lb chubs, 10% fat ground beef sold as 4-ounce patties, and 10% fat ground beef sold in bulk, would all be counted together, since they all have the same nutrient profile.

5. Does the nutrition labeling final rule require nutrition labeling of seafood? Is the nutrition labeling program an FDA or an FSIS program?

A: No, the nutrition labeling final rule does not require nutrition labeling of seafood. Seafood is regulated by the FDA. The nutrition labeling final rule is an FSIS final rule.

6. Is sausage processed at a retail store exempt under 9 CFR 317.400(a)(7)(ii) from nutrition labeling?

A: Yes, as long as there are no nutrition information or nutrient content claims on the labeling.

7. Does §317.400(a)(7)(ii) exempt store-made gourmet burger patties (e.g., raw ground beef combined with cheese and onions) from nutrition labeling?

A: Yes, burgers made in the retail store with diced cheese and chopped onions do not meet the regulatory standards for “Chopped Beef,” “Ground Beef,” “Hamburger,” or “Beef Patties” under §319.15 because the burgers are ground beef with added foods, not added seasonings, and as such, they are descriptively labeled products. Therefore, as long as the labeling does not include any nutrition

information or claims, burgers made in the retail store with other food added (e.g., diced cheese and chopped onions) are exempt from nutrition labeling because they are multi-ingredient products processed at a retail store, not multi-ingredient ground or chopped meat products (§317.400(a)(7)(ii)).

8. Is “pumped pork” considered a multi-ingredient product and thus exempt from nutrition labeling under the final rule?

A: Yes, pumped pork is a multi-ingredient product and not covered by this final rule. However, it is covered by the 1993 nutrition labeling regulations.

III. SINGLE INGREDIENT RAW PRODUCTS

Retailers have a choice. Point of purchase displays, such as the updated Nutri-facts posters for beef and veal, pork and lamb, chicken and turkey, will be mandated to be displayed by retailers for major single ingredient meat products or labeling would be required to be on the package. Other acceptable forms of nutritional information that could be made readily available to consumers include brochures, notebooks, or leaflets in close proximity to the food.

USDA believes that consumers have reasonable expectations for single ingredient products as to nutrition information, so that it will not require labeling on individual packages, since the products are not modified by cooking and heat processing. Also, retailers could at their option, voluntarily label individual packages of single-ingredient raw products.

Major cuts would **not** include products such as pork jowls, pigs feet, pork leg, pork shoulder-picnic, and beef round rump. **If a retailer elects to put nutritional labeling on single-ingredient products, it could be declared on the basis of “as consumed” or “as packaged”.**

Questions & Answers (Provided By USDA):

1. Which cuts come under this rule?

A: The final rule requires that nutrition information for the major cuts of single-ingredient, raw meat and poultry products be provided on the label or at point-of-purchase, unless an exemption applies. All

ground or chopped products are also covered by the final rule (e.g., ground beef, ground pork, ground turkey). Nutrition information for all ground or chopped products must be provided on the label of the products, unless an exemption applies.

The major cuts of single-ingredient, raw meat products covered by the rule are: Beef chuck blade roast, beef loin top loin steak, beef rib roast large end, beef round eye round steak, beef round top round steak, beef round trip roast, beef chuck arm pot roast, beef loin sirloin steak, beef round bottom round steak, beef brisket (whole, flat half, or point half), beef rib steak small end, beef loin tenderloin steak, pork loin chop, pork loin country style ribs, pork loin top loin chop boneless, pork loin rib chop, pork spareribs, pork loin tenderloin, pork loin sirloin roast, pork shoulder blade steak, pork loin top roast boneless, lamb shank, lamb shoulder arm chop, lamb shoulder blade chop, lamb rib roast, lamb loin chop, lamb leg (whole, sirloin half, or shank half), veal shoulder arm steak, veal shoulder blade steak, veal rib roast, veal loin chop, and veal cutlets.

The major cuts of single-ingredient, raw poultry products covered by the rule are: Whole chicken (without neck and giblets), chicken breast, chicken wing, chicken drumstick, chicken thigh, whole turkey (without necks and giblets; separate nutrient panels for white and dark meat permitted as an option), turkey breast, turkey wing, turkey drumstick, and turkey thigh.

2. Are “major cuts” that are marinated required to have nutrition labeling?

A: No, nutrition labeling is not required for the major cuts of meat or poultry products marinated at the store (§§317.400(a)(7)(ii) and 381.500(a)(7)(ii)). If the meat and poultry products come to the store already marinated, packaged and labeled for the consumer, they require nutrition information, unless the supplier qualifies for the small business exemption on that product.

3. Is a cube steak considered a chopped product or is it a muscle cut since the meat isn’t chopped into separate pieces?

A: A cubed steak is not considered a chopped product. It is a muscle cut.

4. Should the definition of the “major cuts” in §§317.344 and 381.444 be interpreted to include

boneless fillets, tenderloins, thigh meat etc. or does it strictly include bone-in product only?

A: Yes, since nutrition information is based on the edible portion of the product, it doesn’t matter if the product is boneless or bone-in, the same product would have to have the same nutrition information on the raw 4-ounces edible portion or cooked 3-ounce edible portion.

5. Can nutrition facts for single-ingredient products be presented as raw or cooked on labels or point-of-purchase materials? If cooked, what is the correct description to use from the USDA National Nutrient Database for Standard Reference (i.e. broiled, braised, or roasted)?

A: Point-of-purchase (POP) materials for non-ground single-ingredient, raw products can be based on nutrition information for raw or cooked products. If retailers provide nutrition information for the product as cooked, a cooking method that does not add any nutrients to the product must be used and the method must be indicated on the POP materials. However, if a nutrition claim is made on the POP materials, all of the format and content requirements of §317.309 apply. If only nutrition information-and not a nutrition claim-is supplied on POP materials, the requirements of §317.309 apply, but (i) the listing of percent Daily Value for nutrients (except vitamins and minerals in §317.309(c)(8)) and footnote required by §317.309(d)(9) may be omitted, and (ii) the POP materials are not subject to any of the format requirements.

IV. EFFECTIVE DATES, EDUCATION AND ENFORCEMENT

The effective date for mandatory nutritional labeling for **ground products and major cuts of single covered products is January 1, 2012**. Regarding enforcement, the USDA Food Safety Inspection Service will conduct product surveys when it does E-coli testing. In the proposed rule, USDA stated that they expect full compliance, however, if it finds a product that is labeled wrongly or in error, USDA initiates a dialogue with the responsible parties and a program to effectuate changes in the labels to assure compliance. The focus will be on corrections to the labels. However the Final Rule comments state the “Food Safety Inspection Service (FSIS) will explore its regulatory options, including

seeking criminal penalties, if it discovers a violation of the nutrition labeling requirements. FSIS is not authorized to impose civil penalties, including fines, under the FMIA or PPIA.”

FSIS personnel will conduct Webinars on the final rule and will provide additional information and guidance as needed. N.G.A. anticipates FSIS will make nutrition labeling materials that can be used at the point-of-purchase on the major cuts available at <http://www.fsis.usda.gov> by August 15, 2011.

Questions & Answers (Provided By USDA):

1. When will FSIS start scheduling webinars and meetings?

A: FSIS plans to have a webinar that discusses the general requirements of the nutrition labeling final rule and some Q&As. Once FSIS has prepared point-of-purchase materials and labels, FSIS also plans to schedule additional webinars and meetings. The date of the webinars and meetings has yet to be determined.

2. 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 ARS database?

A: The format will be similar to the existing posters. N.G.A. anticipates the updated posters will be available on the FSIS and FMI websites by August 15, 2011.

3. Will the point-of-purchase materials be in high resolution quality on FSIS's website, so you can print larger posters?

A: Yes, we plan to make the point-of-purchase materials in high resolution quality so that they can be enlarged, similar to the ones on the FDA website.

4. Does the Agency intend to research the format of the point-of-purchase materials for better readability? The Industry is willing to work with FSIS on improving the format.

A: FSIS is looking into and researching consumer readability. FSIS may conduct research on these issues in the future, provided resources are available.

5. Currently some posters include nutrition information for ground product. Will this nutrition

information on posters disqualify businesses from using the small business exemption?

A: No.

6. 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 retail facility. Retailers are required to provide point-of-purchase materials or nutrition labels for major cuts, unless an exemption applies.

7. How will sampling work at retail? Will it be as complicated as with pathogens (micro-sampling)? How will establishments or retailers be notified?

A: The details of the sampling program have not yet been worked out. However, product would not be considered adulterated if nutrition labeling information is inaccurate. Therefore, when FSIS begins sampling ground or chopped product at retail for nutrient content, FSIS does not anticipate providing establishments advance notice.

8. Will the webinars include opportunities to ask questions? Will they be archived on the FSIS Website?

A: We plan on having question and answer sessions in the webinars. Webinars are typically posted on FSIS's website for 30 days.

9. Will there be a label review process for retailers with unique needs?

A: FSIS does not anticipate the need for this. LPDD does not pre-approve labels applied at retail unless they are shipped with the product from a Federal establishment. Retailers can submit questions concerning labeling through askFSIS on <http://www.fsis.usda.gov/Home/index.asp>.

10. Is a branded beef program (e.g., Angus Beef) that sells whole carcasses directly to approximately 20 independent retailers exempt from the nutrition labeling final rule? Is a supplier that only sells whole carcasses, not case-ready

cuts, required to provide its retail customers with nutrition information?

A: Yes, if the producer does not package products, this rule does not affect it. Additionally, the supplier who sells whole carcasses is not required to provide nutrition information to retail customers based on this regulation.

11. Are nutrition facts on posters at point-of-purchase required to be in 8pt font or larger, and the details on the bottom of the poster be in 6pt font or larger? Is there a requirement that the heading cannot be larger in font than the rest of the font on the poster?

A: No, those are the specifications for a nutrition facts panel or point-of-purchase materials (POP) when a nutrient content claim is made. For POP without claims, there are no format requirements (see §317.345(a)(3)).

12. Should the nutrition information used on point-of-purchase materials be based on Release 23 of the USDA National Nutrient Database for Standard Reference?

A: Yes, that is the most current information from the Agricultural Research Service.

13. When utilizing the USDA National Nutrient Database for Standard Reference to search for nutrient values for single-ingredient products to include on nutritional labels, options are given for “Separable Lean Only” or “Separable Lean and Fat” for the products in the database. What is the correct descriptor and subsequent value to choose for the product for accurate and acceptable nutrient information? For example, should “Pork, fresh, loin, top loin (chops), boneless, separable lean and fat, raw” or “Pork, fresh, loin, top loin (chops), boneless, separable lean only, raw” be chosen?

A: The correct descriptor is NOT separable lean only. §317.345(d) specifies that the nutrient data should be based on meat cuts with external cover of fat at trim levels reflecting current marketing practices. 1/8 inch trim best reflects current market practices at this time and information available in the nutrient database.

14. What are the minimum nutritional elements that have to be shown on the label?

A: The basic mandatory information - serving size, servings per container, calories, calories from fat, total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium, iron. The servings per container statement does not need to be provided for the “major cuts,” but is required for ground and chopped products (servings per container may be stated as “varied” for random weight products like ground products). There are voluntary nutrients as well (§§317.309(c) and 381.409(c)).

15. Is there a required format for the nutrition facts panel? For example, can nutrition information be presented in script?

A: Yes, the nutrition facts panel format is regulated. See 9 CFR 317.309(c)-(f) and 381.409(c)-(f). Meat and poultry products would probably qualify to use the simplified format. Additionally, if the total square inches of labeling space (for the entire package) is less than 40 sq. in., then the tabular format may be used.

Nutrition information cannot be presented in script because the regulations stipulate that letters in the nutrition facts panel should never touch (§§317.309(d)(1)(ii)(D) and 381.409(d)(1)(ii)(D)).

16. Can a simplified nutrition facts panel be used for “major cuts” or ground or chopped products?

A: Yes, a simplified nutrition panel is acceptable since single-ingredient meat and poultry products do not generally contain carbohydrates.

17. Does nutrition information have to be presented on top of the package, or, can it be presented as a separate label on the bottom of each package?

A: No, the nutrition facts panel may be on the principle display panel (the front), or on the information panel (the first usable panel to the right of the principle display panel), which oftentimes is the back panel or the bottom of the package – see 9 CFR 317.2(m). The panel may either be part of the overall printed label or applied as a separate sticker. The following labeling guide book may be helpful: A Guide to Federal Food Labeling Requirements for Meat and Poultry Products

18. Does the total carbohydrate value have to be listed on point-of-purchase materials?

A: Yes, total carbohydrate is a core nutrient and must be listed on labels or point-of-purchase materials. For meat or poultry, total carbohydrates will generally be declared as “0”.

19. Can the required nutrition facts panel be added with a sticker label or insert label as a permanent solution to being compliant?

A: Yes, a nutrition facts panel can be added as a sticker or insert.

20. Can a food grade coated nutritional panel label be inserted with the chicken before being shrink wrapped and a sticker label that carries weight, price, product name etc. applied to the product once it is wrapped?

A: Yes, as long as all the information remains visible at the time of purchase.

21. To what extent do nutritional claims on point-of-purchase (POP) materials have to be supported with on-pack nutritional labeling? For example, if a retailer states “make lean beef part of your diet” does all the beef in the case have to be labeled as “lean” or do the POP materials or on-pack labels have to identify specifically which items are “lean?”

A: If you make a statement about “Lean Beef” on your POP materials, the POP materials would need to indicate which cuts of beef meet the lean definition. However, if a nutrition claim is made on POP materials, **all** of the format and content requirements of §317.309 apply. If only nutrition information-and not a nutrition claim-is supplied on POP materials, the requirements of §317.309 apply, but (i) the listing of percent Daily Value for nutrients (except vitamins and minerals in §317.309(c)(8)) and footnote required by §317.309(d)(9) may be omitted, and (ii) the POP materials are not subject to any of the format requirements.

22. Is a “servings per container” statement required on single-ingredient, raw products that are not

ground or chopped?

A: No, a “servings per container” statement is not required on the major cuts of single-ingredient, raw meat and poultry products. A “servings per container” statement is required on the labels of ground or chopped products. Because ground or chopped products are often random weight products, the servings per container may be listed as “varied.”

V. SUMMARY

In conclusion, **single-ingredient raw products** would meet the mandatory requirement by **providing point of purchase** materials rather than labeling individual products. For **ground products**, the individual packages will have to be labeled. In discussion with N.G.A.’s Government Affairs Committee, retailers and wholesalers indicate this will mandate significant changes in their meat department operations. Reports indicated that the regular meat labels would be expanded and additional labels may need to be added on the packaging. USDA indicated that the label could be placed anywhere on the package.

Questions? Please contact us.

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