

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

FSIS NOTICE

28-16

5/3/16

DESCRIPTIVE DESIGNATION FOR RAW MEAT AND POULTRY PRODUCTS WITH ADDED SOLUTIONS, AS REQUIRED BY 9 CFR 317.2(e)(2) AND 9 CFR 381.117(h)

DO NOT IMPLEMENT THIS NOTICE UNTIL JUNE 1, 2016.

I. PURPOSE

This notice provides instruction to inspection program personnel (IPP) on how to verify that establishments meet the new labeling requirements for raw meat and poultry products with added solutions as specified in [9 CFR 317.2\(e\)\(2\)](#) and [9 CFR 381.117\(h\)](#).

II. BACKGROUND

A. On December 31st, 2014, FSIS published a final rule to establish labeling requirements for raw meat and poultry products with added solutions (see [Descriptive Designation for Raw Meat and Poultry Products Containing Added Solutions \(79 FR 79043\)](#)). The rule put in place [9 CFR 317.2\(e\)\(2\)](#) and [9 CFR 381.117\(h\)](#). See Section V. of this Notice for the effective dates for this rule.

III. REQUIREMENTS OF THE FINAL RULE

A. Under [9 CFR 317.2\(e\)\(2\)](#) and [9 CFR 381.117\(h\)](#), the product name for a raw meat or poultry product that contains added solution and does not meet a standard of identity in 9 CFR part 319 or part 381 must contain a descriptive designation that includes:

1. The percentage of added solution (total weight of the solution ingredients divided by the weight of the raw meat without solution or any other added ingredients multiplied by 100). The percentage of added solution must appear as a number (such as, 15, 20, 30) and the percent symbol (%). The percentage of added solution may be declared by the words "containing" or "contains" (such as, "contains 15% added solution of water and salt," or "containing 15% added solution of water and teriyaki sauce");
2. The common or usual name of all individual ingredients or multi-ingredient components in the solution listed in descending order of predominance by weight;
3. When the descriptive designation includes all ingredients in the solution, a separate ingredients statement is not required on the label. When the descriptive designation includes multi-ingredient components and the ingredients of the component are not declared in the descriptive designation, all ingredients in the product must be declared in a separate ingredients statement on the label as required in [9 CFR 317.2\(c\)\(2\) and \(f\)](#) and [9 CFR 381.118](#);

DISTRIBUTION: Electronic

NOTICE EXPIRES: 6/1/17

OPI: OPPD

4. The product name and the descriptive designation must be printed in a single easy-to-read type style and color and must appear on a single-color contrasting background. The print may appear in upper and lower case letters, with the lower case letters not smaller than one-fourth** (1/4) the size of the largest letter; and
5. The word “enhanced” cannot be used in the product name.

**The final rule was written to require 1/3 the size but also provided an allowance to utilize 1/4 the size up through January 1, 2018.

NOTE: See Attachment 1 for label examples.

B. The following products are subject to the requirements of this final rule (see V. Effective Dates): Raw meat or poultry products with added solution that do not have a standard of identity. Some examples include raw marinated beef/pork/goat/lamb; corned beef with *more* than 10% added solution; corned beef brisket with *more* than 20% added solution; corned beef round and other corned beef cuts with *more* than 10% added solution; cured pork products not subject to or not labeled in accordance with 9 CFR 319.104 or 9 CFR 319.105; breaded raw meat products that have not been subjected to a heat treatment, boneless or bone in poultry with added solution; turkey roast with added solution; and raw breaded poultry products with added solution that have not been subjected to heat treatment.

C. The quantity of solution must be declared in the descriptive designation on the label required by [9 CFR 317.2\(e\)\(2\)](#) and [9 CFR 381.117\(h\)](#).

NOTE: The IIP will verify the percent added solution according to instructions in [FSIS Directive 7620.3](#).

IV. MEAT AND POULTRY PRODUCTS NOT SUBJECT TO THE REQUIREMENTS OF THIS FINAL RULE

A. Raw products with added solution which have standards of identity and meet the requirements of the applicable standard. These products include: “corned beef” per [9 CFR 319.100](#); “corned beef brisket” per [9 CFR 319.101](#); “corned beef round and other corned beef cuts” per [9 CFR 319.102](#); “cured beef tongue” per [9 CFR 319.103](#); “cured pork products” per [9 CFR 319.104](#); and ““Ham patties,” “Chopped ham,” “Pressed ham,” “Spiced ham,” and similar products”” per [9 CFR 319.105](#).

B. Any product that has been heat treated or cooked, for example, “Turkey Ham” per 9 CFR 381.171; breaded meat or poultry products with added solution that have been flash fried to set the breading; and cooked meat or poultry with added solution.

V. EFFECTIVE DATES

The following effective dates apply to product being labeled; product already labeled and in storage prior to the effective date will not need to be relabeled prior to distribution.

January 1, 2016: The final rule becomes effective for all raw meat and poultry products with added solutions with two exceptions: 1) beef with added solution is NOT subject to this effective date, and 2) the 1/3 size requirement for the product name and descriptive designation (the smallest letter must be at least 1/3 the size of the largest letter) is NOT subject to this effective date. During this time, products subject to this effective date may use 1/4 sizing for the required product name and descriptive designation for added solution.

May 17, 2016: The final rule becomes effective for –needle and -blade (mechanically) tenderized beef products with added solutions with the following exception: the 1/3 size requirement for the product name and descriptive designation (the smallest letter must be at least 1/3 the size of the largest letter) is NOT subject to this effective date. During this time, products subject to this effective date may use 1/4 sizing for the required product name and descriptive designation for added solution.

VI. IPP RESPONSIBILITIES

A. IPP in establishments that produce raw meat and poultry products with added solutions (i.e., products that are subject to the requirements of [9 CFR 317.2\(e\)\(2\)](#) and [9 CFR 381.117\(h\)](#)) are to notify establishment management of this notice at the next weekly meeting.

B. After the effective date, IPP are to verify whether establishments meet the requirements in 9 CFR 317.2(e)(2) and 9 CFR 381.117(h) while conducting the General Labeling task in accordance with [FSIS Directive 7221.1](#). First, IPP are to determine whether the establishment produces this type of product by reviewing a copy of the final label that is in use, the product formulation, the processing procedure for the product. Second, IPP are to determine if the raw meat or poultry product with added solution has a standard of identity as described in [9 CFR 319](#). Lastly, if IPP determine that the establishment is producing a raw meat or poultry product with added solution that does not have a standard of identity, IPP are to verify that the product label meets the requirements in 9 CFR 317.2(e)(2) and 9 CFR 381.117(h).

C. If, during the course of observing the processing procedure for the product, IPP have concerns that the X% labeling declaration may not accurately reflect the process, IPP are to perform an unscheduled X Percent (%) Solution task in PHIS following the guidance in [FSIS Directive 7000.1](#), *Verification of Non-Food Safety Consumer Protection Regulatory Requirements*.

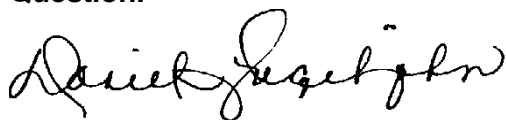
D. IPP are to document the results of their verification, including any noncompliance, in PHIS in a manner that accords with Chapter VI of FSIS PHIS [FSIS Directive 7000.1](#).

VII. QUESTIONS

Refer labeling questions to the Labeling and Program Delivery Staff (LPDS) through [askFSIS](#). LPDS can also be reached by telephone at 1-301-504-0878. When submitting a question through [askFSIS](#), use the Submit a Question tab, and enter the following information in the fields provided:

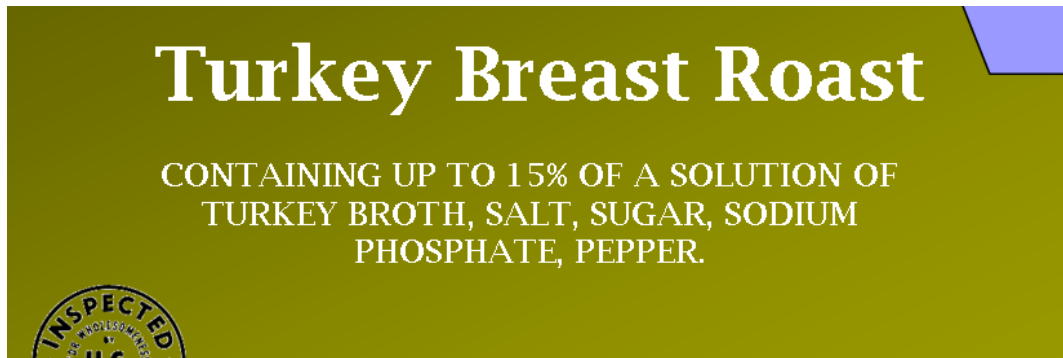
Subject Field: Enter **Notice 28-16**
Question Field: Enter your question with as much detail as possible.
Product Field: Select **Labeling** from the drop-down menu.
Category Field: Select **Labeling Regulations, Policies and Claims** from the drop-down menu
Policy Arena: Select **Domestic (U.S.) only** from the drop-down menu

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.




Assistant Administrator
Office of Policy and Program Development

LABEL EXAMPLES THAT MEET THE FINAL RULE



Turkey Breast Roast

CONTAINING UP TO 15% OF A SOLUTION OF
TURKEY BROTH, SALT, SUGAR, SODIUM
PHOSPHATE, PEPPER.



ROTISSERIE FLAVOR

Turkey Breast Tenderloins

CONTAINS APPROXIMATELY 30% OF TURKEY BROTH, CANOLA OIL, SEASONING, DRIED
VINEGAR, CULTURED DEXTROSE, MALTODEXTRIN, FLAVORING.
**COATED WITH SEASONING. SMOKE FLAVOR ADDED.



GARLIC FLAVOR

CORNERED BEEF BRISKET

CONTAINS UP TO 25% SOLUTION OF: WATER, SALT,
NATURAL FLAVORINGS, SODIUM ERYTHORBATE,
SODIUM NITRITE, AND GARLIC.



BREAST OF YOUNG TURKEY WITH RIBS



MAY CONTAIN NECK SKIN, SECTIONS OF
WING AND BACK
CONTAINS UP TO 10% TURKEY BROTH AND
SEASONINGS*

TURKEYS RAISED ON ALL VEGETARIAN DIET

LABEL EXAMPLES THAT DO NOT MEET THE FINAL RULE

BEEF FOR CARNE ASADA

Boneless beef marinated in 19% solution of garlic, cilantro and authentic Mexican spices with orange and other citrus juices.

This label example does not meet the final requirements for the following reasons: 1) "beef for carne asada" is an incomplete product name, 2) water is not included as part of the solution ingredients, 3) all ingredients or multi-component ingredients in the solution need to be listed (not just the ones that sound flavorful), and 3) the ingredients need to be in descending order of predominance.

BONELESS SKINLESS BREASTS

SEA SALT & OLIVE OIL SEASONED

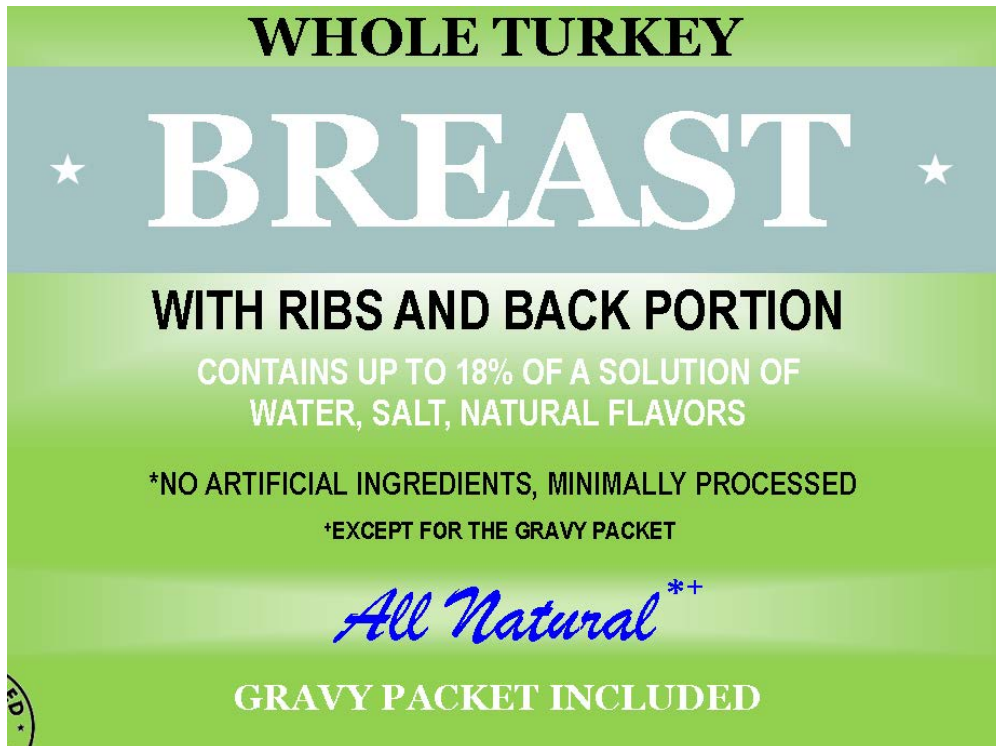
BONELESS SKINLESS CHICKEN BREAST PORTIONS WITH RIB
MEAT
CONTAINS UP TO 15% CHICKEN BROTH, SEASONING, NATURAL
FLAVORING
SMOKE FLAVOR ADDED

ICE GLAZED

**COOK
FROM
FROZEN**



This label example does NOT meet the final rule requirements because "boneless skinless breast" is an incomplete product name and requires the descriptive designation.



This label example does NOT meet the final rule requirements because “whole turkey breast with ribs and back portion contains up to 18% of a solution of water, salt, natural flavors” must be in the same font, same color, and on the same color background.



This label example does NOT meet the requirements of the final rule for the following reasons: 1) “turkey” is an incomplete product name (requires descriptive designation) 2) the product name must be the same font, same color, and on the same color background as the descriptive designation, and 3) the descriptive designation must meet at least ¼ size (until January 1, 2018, when it will need to be 1/3 size).