

Regulatory Alert: Sampling of Ground Beef for Nutrient Content Begins September 29, 2014

September 3, 2014

On September 2, 2014, the Food Safety and Inspection Service (FSIS or the Agency) of the U.S. Department of Agriculture (USDA) published a notice ([Notice 43-14](#)) to enforcement staff announcing that beginning on September 29, 2014, samples of raw ground beef products collected in consumer-ready packaging with a label bearing a nutrition facts panel for testing under the MT43 project code (routine testing of raw ground beef in federal establishments) and MT05 project code (testing of raw ground beef in retail stores) may also be sampled for nutrient content to verify compliance with nutrition labeling requirements for single-ingredient and ground or chopped meat and poultry products.

On March 1, 2012, FSIS's regulation on "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products"¹ went into effect. The regulation mandates on-pack nutrition labels for ground product. For muscle cuts, nutrition information may be provided on the label or at the point of purchase.

FSIS states that the results of nutrient content testing are for surveillance purposes only at this time (i.e. the Agency will not take enforcement action). Testing results will be reported by the laboratory to the Labeling and Program Delivery Staff (LPDS). If there is a discrepancy between the laboratory results and the nutrition facts panel; however, LPDS will directly contact the establishment and Office of Field Operations inspection program personnel (IPP) or Office of Investigation, Enforcement and Audit-Compliance and Investigations Division (OIEA-CID) Regional Director (oversees retail inspection) and keep them informed.

Summary

What businesses face changes from this notice?

Retail stores and official establishments

How will inspection procedures change?

Inspectors collecting samples of raw ground beef in consumer-ready packaging (bearing nutrition labeling) for Shiga toxin-producing *E. coli* and *Salmonella* will now also test to ensure the accuracy of nutrition labeling.

What happens if there is a discrepancy between the laboratory results and the declarations on the nutrition facts panel?

Enforcement action will not be taken at this time; however, LPDS will notify the establishment and field inspectors and investigators of the discrepancy. FSIS has indicated they may begin taking enforcement action at a future date.

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¹ 75 Federal Register 82148 (December 29, 2010).