

Regulatory Alert: Final Rule on Labeling of Added Solutions in Raw Meat and Poultry; Compliance Required January 1, 2016

January 5, 2015

On December 31, 2014, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) published a [final rule](#) requiring the use of descriptive designations as part of the product name on the labels of raw meat and poultry products that contain added solutions and do not meet a standard of identity. The descriptive designation must include the percentage of added solution, and the individual ingredients or multi-ingredient components in the solution listed in descending order of predominance by weight. The print for all words in the product name, including in the descriptive designation, must appear in a single easy-to-read type style and color on a single-color contrasting background. The print may appear in upper and lowercase letters, with the lower case letters not smaller than one-third the size of the largest letter. The percent solution must appear as a number with the percentage sign (e.g. 15%) and may be declared with the word “containing” or “contains” among other specified terms. The word “enhanced” is not permitted in the product name. FSIS is also removing the standard of identity regulation for “ready-to-cook poultry products to which solutions are added” (9 CFR 381.169).

Summary

What businesses face changed requirements from the rule?

Retail stores and official establishments.

Why did FSIS issue this rule?

In response to petitions from the public and after evaluating its experience in reviewing labels.

When must retailers and establishments comply?

January 1, 2016, generally. January 1, 2018, for the requirement that lower case letters not be smaller than one-third the size of the largest letter in the product name/descriptive designation.

What are the specific type-size requirements of the rule?

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. Upper and lowercase letters may be used for the product name and descriptive designation; however, lowercase letters cannot be smaller than one-third the size of the largest letter.

How must the percentage of added solution be declared?

The percentage of the added solution is the total weight of the solution ingredients divided by the weight of the raw meat or poultry without solution or any other added ingredients multiplied by 100. The percentage of solution must appear as a number (such as 15, 20, 30) and the percent symbol (%).

How does this rule apply to food retailers?

The rule applies to raw meat and poultry products containing added solutions, **including marinades**. Meat and poultry products marinated in-store must be labeled or identified with signage in accordance with the rule. FSIS has stated that retail signage for these products is covered by this regulation (e.g. a sign in front of unpackaged product in a meat display case). Retailers will be required to determine marinade absorption rates. Meat and poultry products containing added solutions that are labeled by retailers must comply with the requirements of the regulation.

Can the term “enhanced” still be used in the descriptive designation for products containing added solutions that do not meet a standard of identity?

No. FSIS is now prohibiting the use of the term enhanced in the product name, including the descriptive designation.

What terms can be used to indicate the presence of added solutions?

FSIS states in the rule that in addition to “contains” or “containing,” the terms “basted,” “for flavor,” “flavored with” and “marinated” may be used.

Is a separate ingredient statement still required for products subject to the rule?

When the descriptive designation includes all ingredients in the solution, a separate ingredients statement is not required. When the descriptive designation includes multi-ingredient components and the ingredients of the component(s) is/are not declared in the descriptive designation, all ingredients in the product must be declared in a separate ingredients statement on the label.

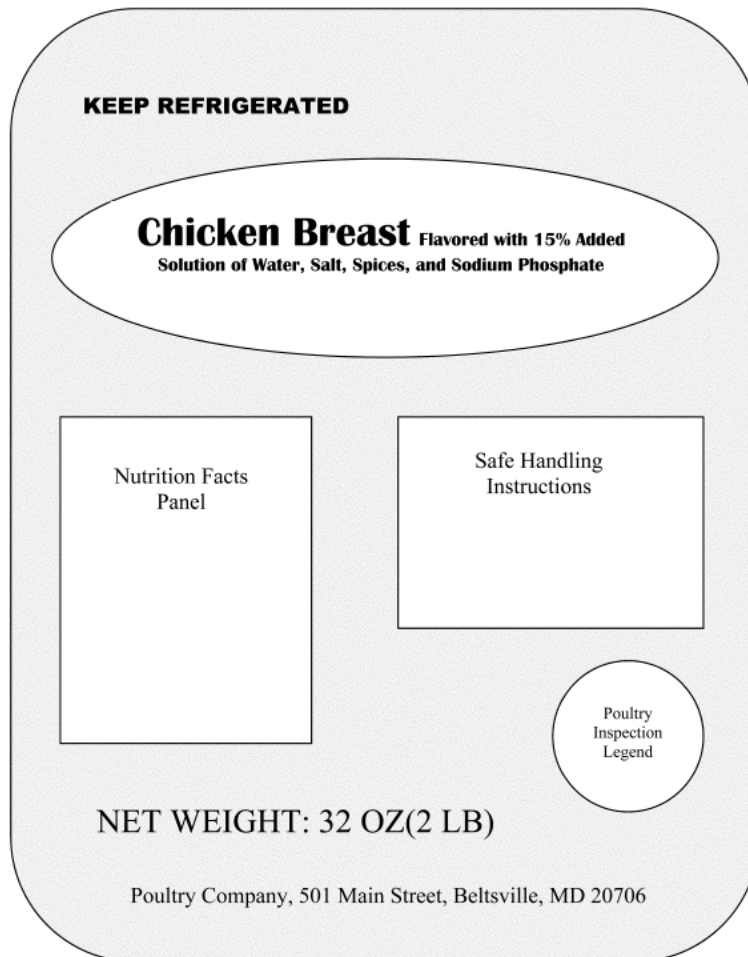
If labels are changed to comply with the rule must they be resubmitted to FSIS for approval?

Resubmission may not be required. On November 7, 2013, FSIS published a [final rule](#) that expanded the circumstances in which FSIS generically approves meat and poultry labels. The labels of meat and poultry products containing added solutions can be generically approved (i.e. the labels do not have to be submitted to FSIS for approval) provided the display all mandatory features in a prominent manner in compliance with the regulations and are not otherwise false or misleading.

A sample label from FSIS follows.

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Sample Label from FSIS



⁶ Label shown using the one-third (1/3) font size requirement applicable effective January 1, 2018.