

Regulatory Alert: FSIS Announces Retail Nutrition Labeling Inspection Procedures

Inspectors to Verify Compliance at Retail Stores

July 10, 2015

On March 1, 2013, the Food Safety and Inspection Service's (FSIS) rule on Nutrition Labeling of Single Ingredient Products and Ground or Chopped Meat and Poultry Products became effective. The rule requires nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products on labels or at point-of-purchase. The rule also requires nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings. Certain exemptions apply, including an exemption for small businesses. 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 also is displayed.

On July 8, 2015, FSIS released [Directive 7130.1](#) which provides instructions to inspectors and investigators for enforcing the regulation.

FSIS Compliance and Investigations Division (CID) Investigators will be conducting surveillance activities at retail stores 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.

CID Investigators are to bring point-of-purchase materials for the major cuts with them when conducting 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, CID Investigators are to give the management of the retail store the point-of-purchase materials and instruct the store to post them.

If ground or chopped meat and poultry products do not have "Nutrition Facts" panels on their labels, and the products are not exempt, CID 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.

At this time, CID 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.

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Upon completion of the surveillance activity, the CID Investigator is to document his or her findings in the In-commerce Surveillance System (ICS).

Please contact Erik Lieberman at erl1@liebermanpllc.com or 202.830.0300 if you have any questions or need additional information.