

New Mandatory Meat-Case Nutrition-Labeling Rule

Overview

On Dec. 29, 2010, the U.S. Department of Agriculture (USDA) and the Food Safety and Inspection Service (FSIS) unveiled a long-awaited nutritional-labeling rule for meats and poultry, with the rule being named the "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products." The rule, which has been 10 years in the making, was recently published in the Federal Register and takes effect Jan. 1, 2012.

The rule amends federal meat and poultry product regulations to require nutrition labeling of the major cuts of single-ingredient raw meat and poultry products on labels or at point of purchase. In addition, it requires nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings, unless the products are exempted (exemptions noted on page 2).

Specifically, the rule requires retailers to provide nutrition information for "major" cuts of meat and poultry (categorically defined below) either on the label *or* at point of purchase (POP). "Non-major" cuts of single-ingredient raw products are not required to bear nutrition labeling. However, if processing and packaging plants or retailers voluntarily provide nutrition information for non-major cuts, then that information is going to have to comply with the requirements for the major cuts.

Nutrition information is also going to be required for ground meat and poultry products but, unlike whole muscle cuts, *ground products are to be required to bear nutrition labeling on their packages*, unless exempted.

The rule also states that a lean-percentage claim can be used on the label or in the labeling of ground or chopped meat products when the product does not meet the criteria for "low fat," provided that a statement of the fat percentage is contiguous to and in lettering of the same color, size, type and on the same color background as the statement of the lean percentage.

POP information can be provided by various methods, including posting a sign or by making the information readily available in brochures, notebooks or leaflet form in close proximity to the food. The information can be supplemented by video, live demonstration or other media. Making a nutrition claim on POP requires that all of the regulatory requirements regarding format and content apply. In addition, for POP materials, a nutrition information declaration can be presented in a simplified format.

Failure to provide nutrition information in accordance with the rule renders a product misbranded, according to the rule.

Industry associated organizations, along with retail grocers, are positioning the ruling as an opportunity to communicate the nutrition value of meat and poultry and the many lean choices in the meat case. Consumers are becoming increasingly interested in nutrition and wellness, and they view the grocery store as a key resource for nutrition information. Retailers who harness the significance of nutrition information in the meat case can turn labeling into a very powerful marketing tool to build customer loyalty and increase fresh meat sales. This direction, though desired by many grocers for marketing and merchandising benefits, is going to require larger labels or multiple labels to achieve the benefit.

The new labels and POP information could help correct some misconceptions about the nutritional content of meat products. In addition to helping consumers compare meat

and poultry cuts, the labels could also help showcase the high protein, vitamin and mineral value in all meat and poultry products.

What the rule says (what grocers need to know to identify the types and cuts of meat affected and what labeling actions they need to take to be compliant):

Major Cuts of Single-Ingredient Raw Products (Whole Muscle Cuts):¹

- Nutritional data required either on package or at point of purchase (poster, brochure, etc.)
- If provided at point of purchase, can be presented either “as packaged” or “as consumed” with preparation and cooking instructions clearly stated

Ground or Chopped Products Only:²

- Nutritional data required on package
- Data must be “as packaged”; can also list “as consumed” as long as preparation and cooking instructions are clearly stated
- “% lean” can be used on labels as long as the % fat is also displayed next to the % lean in the same font size on the label (e.g., 90% Lean/10% Fat)

Exemptions:

- Exempted Major Cuts or Ground or Chopped Products:
 - o Product intended for further processing, provided there are no nutritional claims
 - o Products that are not for sale to consumers, provided there are no nutritional claims
 - o Products in small packages that are individually wrapped of less than ½-oz. net weight, provided there are no nutritional claims
 - o Products that are *custom slaughtered or prepared*
 - o Products intended for export
- Exempted Ground or Chopped Products (exemptions only pertain to ground or chopped):
 - o Products ground or chopped at individual customer request
 - o Products in packages that have less than 12 square inches of total surface area for labeling
 - o Products in small packages that are individually wrapped of less than ½-oz. net weight, provided there are no nutritional claims
 - o Products produced by small businesses that use % fat and % lean on label with no nutritional claims

Small-Business Exemption:

- Small businesses are exempt from labeling ground or chopped products only (no exemption for whole muscle cuts), specific to 9 CFR 317.400 and 381.500.

Labels

Labeling Requirements:

- On-pack labels and/or point-of-sale materials used to comply with the new rule *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 or less than 2% of the daily value (DV), it can be deleted from the main body of the nutrition facts panel as long as it is included in the “not a significant source of...” statement per 9 CFR 317.309(f)(4) and 381.409(f)(4).

*Rule information based on rule published in Federal Register on Dec. 29, 2010.

- The label does not need to indicate number of servings for random-weight packages. Random weight packages for either ground or whole muscle cuts may state “varied” for the servings per container. For whole muscle cuts, the servings per container line may be eliminated completely from POP material.

Helpful Tips

Best Practices for Labeling Fresh Beef Products:

- The Cattleman’s Beef Board (Beef Checkoff) has conducted extensive research in an effort to understand consumers’ preferences when it comes to nutrition labeling for meat. This research shows that a meat-case labeling program that follows these guidelines could increase customer loyalty and meat sales. Based on this research, following are best practices to help you effectively deliver a meat-case nutrition-labeling program to meet your customers’ needs.
- 1) **Whether on pack or at the point of purchase, communicate beef’s complete nutrition package.**
 - o Beef is an excellent source of six nutrients (protein, zinc, vitamin B12, vitamin B6, niacin and selenium) and a good source of four nutrients (iron, riboflavin, phosphorus and choline), per 9 CFR 317.254.
 - o Micronutrients (e.g., zinc, B vitamins, riboflavin) found in meat, other than the required iron, can be listed, per 9 CFR 317.309(c)(8)(iv).
 - 2) **Cooked v. Raw.** Provide your customers with nutrition information that is relevant to how they consume the product, using “as consumed” nutrient data. The more relevant nutrition information on fresh meat product packaging, the more positive nutrition can be highlighted, which could therefore possibly result in increased sales.
 - o Use “dual declaration” labels to incorporate “as consumed” data on ground-beef labels.
 - o If no nutrition claims are made for whole muscle products, use “as consumed” data along with appropriate preparation and cooking instructions. The additional information can help ensure your customers are consistently preparing your product to deliver a satisfying eating experience for their families.

Resources:

- Six months prior to the effective date, FSIS intends to make available nutrition labeling materials for point of purchase of major cuts.
- Also available through the FSIS are the following materials: PowerPoint presentation plus Questions & Answers posted on FSIS’s website, AskFSIS and the future webinars. All can be found at [http://www.fsis.usda.gov/Regulations & Policies/Nutrition Labeling/Index.asp](http://www.fsis.usda.gov/Regulations%20&%20Policies/Nutrition%20Labeling/Index.asp). See Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products.

¹Major beef cuts of single-ingredient raw meat products that must display nutrition information: 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 tip 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 and beef loin tenderloin steak. Other meat cuts include 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,

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veal rib roast, veal loin chop, and veal cutlets, whole chicken, chicken breast, chicken wing, chicken drumstick, chicken thigh, whole turkey, turkey breast, turkey drumstick, turkey thigh.

²Ground or chopped products include single-ingredient raw hamburger, ground beef, ground beef patties, ground chicken, ground turkey, ground chicken patties, ground pork and ground lamb. Seasonings can be provided as defined within the regulations on the FSIS/USDA Web site in the "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products."