



Welcome to the
**Tennessee Value-Added Beef
Webinar Series**

Made Possible By:



United States
Department of
Agriculture

National Institute
of Food and
Agriculture



Today's Topics & Presenters

- Making Special Claims About Your Beef On the Label and Off



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Session Overview

- Agencies involved in labeling
- Label requirements
- USDA FSIS requirements
 - General Approval
 - Special Claims and Approval

Session Objectives

- Increase awareness and understanding of regulations
- Use information to develop marketing plans and follow regulations
- Decrease personal and business liability risk

Who is involved in label requirements?

- USDA – Food Safety and Inspection Service
- TDA – Regulatory Services
 - Food and Dairy
 - Weights and Measures

What is required on all labels?

- Name and address of business of manufacturer, packer or distributor
- USDA mark of inspection
- Product name
- Ingredients (if other ingredients added)
- Safe handling instructions
- Net weight
- (For random weight products) Price per pound and total price

Location of Information on Labels

- **Principal Display Panel**
 - Product Name
 - Handling Statement
 - Legend/Establishment Number
 - Net weight or statement indicating net weight will be applied prior to retail

Location of Information on Labels

- Information that must be on the label but doesn't have to be on the Principal Display Panel – **Information Panel**
 - Ingredients (in descending order of predominance, if needed)
 - Signature line (name, address)
 - Nutrition Facts
- Safe Handling Instructions can be displayed anywhere on label

What is required on labels?

- **Nutritional information**
 - Requires either
 - Nutritional labeling on packaging of major cuts placed by inspected processor or retailer that does further processing OR
 - Nutritional information provided at Point of Purchase (POP)
 - Signs, posters, brochures, etc.
 - More information in previous webinar
 - Basic Regulations for Marketing Beef to Consumers...

Recommended on Label

- **Lot number or code date**
 - Identify product from specific animal or processing date
 - Helpful if a problem identified



USDA Interpretation of Law

- Pre-approval of all food labels required by law before offered for sale

Focus on USDA-FSIS Requirements

- Labels include all forms of product identification, claims, net weight, species identification and nutrition-related information
- Labeling and Program Delivery Division (LPDD)
 - Ensures labels are truthful and not misleading
 - Meat, poultry and egg products
- Labeling Compliance Team (LCT) reviews applications for special claims

General Approval

- For instances without a need for further FSIS authorization (beyond the plant)
- Applies to single ingredient products without special claims, guarantees, foreign language or nutrition facts



Sketch Approval

- Required for any meats using special claims or statements
- Includes claim "terms" in company name/logo
- FSIS Form 7234-1
- Supporting information/documentation to support the claims
- Sketch or sample of the proposed label
 - Clearly reflect the final version
 - Shows all labeling features, size, location, color, etc.
 - Printer's proof or equivalent would be helpful

Special Label Claims

- USDA, Food Safety Inspection Service, Labeling and Program Delivery Division must approve a producer's use of any claims on labels
- Point of Purchase materials may be considered labeling and fall under the regulations

Commonly Approved Claims

Raised without the use of antibiotics	Grain fed
No added hormones or No hormones administered	Corn fed
Not fed animal by-products	Grass (Forage) fed
Breed claims	Aged Beef
Location of Raising	Source Verified
Location of Finishing	Free Range, Free Roaming, Not Confined
	Certified Organic by certifying agency
	Humanely Raised

Natural

A product containing no artificial ingredient or added color and is only minimally processed.

Minimal processing means that the product was processed in a manner that does not fundamentally alter the product. The label must include a statement explaining the meaning of the term natural (such as "no artificial ingredients; minimally processed").

[http://www.fsis.usda.gov/factsheets/Meat & Poultry_Labeling_Terms/index.asp#14](http://www.fsis.usda.gov/factsheets/Meat_and_Poultry_Labeling_Terms/index.asp#14)

Naturally-Raised

- Standard adopted by AMS
- Raised entirely without growth promotants, antibiotics (except for ionophores used as coccidiostats for parasite control), and have never been fed animal by-products
- FSIS requires 3rd party certifier

Federal Register. Volume 74, No. 12. Wednesday, January 21, 2009. [Doc. No. AMS-LS-07-0131; LS-07-16]. Available July 16, 2010 online at <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5075017>

Grass or Forage Fed Claim

- ***Grass (Forage) Fed***—Grass and forage shall be the feed source consumed for the lifetime of the ruminant animal, with the exception of milk consumed prior to weaning. The diet shall be derived solely from forage consisting of grass (annual and perennial), forbs (e.g., legumes, Brassica), browse, or cereal grain crops in the vegetative (pre-grain) state. **Animals cannot be fed grain or grain byproducts and must have continuous access to pasture during the growing season.** Hay, haylage, baleage, silage, crop residue without grain, and other roughage sources may also be included as acceptable feed sources. Routine mineral and vitamin supplementation may also be included in the feeding regimen. If incidental supplementation occurs due to inadvertent exposure to non-forage feedstuffs or to ensure the animal's well being at all times during adverse environmental or physical conditions, the producer must fully document (e.g., receipts, ingredients, and tear tags) the supplementation that occurs including the amount, the frequency, and the supplements provided.

The USDA Agricultural Marketing Service definition as of November 15, 2007
Federal Register, Volume 72, No. 199. [Docket No. AMS-LS-07-0113; LS-05-09]. Available April 27, 2010 online at

Claims not Approved

- Drug Free, No Drugs
- Residue Free
- Residue Tested
- Antibiotic Free
- No Steroids, Steroid Free
- No Hormones, Hormone Free
- Antibiotic Free
- Chemical Free
- Organic
- Organically Raised
- Naturally Grown





Submitting Labels for Approval

- FSIS Form 7234-1, Application for Approval of Labels, Marking or Device
 - Fillable PDF
 - Use for paper submission by US Mail, express mail, courier or Fax
 - <http://www.fsis.usda.gov/fsisforms/7234-1.pdf>
 - Application must be typed (cannot be handwritten)
 - Must submit 2-3 copies (3 if import/export or claims)

INSTRUCTIONS FOR PREPARATION OF FSIS FORM 7234-1

Note: The following instructions should be typed unless otherwise noted.

- A. PREPARATION OF APPLICATION**
Application must be typed or it will be returned without evaluation. Submit two copies for each label application.
- B. TYPE OF APPROVAL REQUESTED**
Sketch: Self explanatory. (See 9 CFR 317.4 & 381.132)
Temporary and Extension of Temporary. Actual label or color litho take off to be used.
- C. FOREIGN LANGUAGE**
Labels printed in foreign languages must be accompanied by English language translation.
- D. ASSEMBLY OF APPLICATION**
Application Form, Product Formula, Processing Procedures, Continuation Sheet if applicable. Label, and any Supporting Documentation. Staple with one or as few staples as possible. (Do not use paper clips).
- E. MAIL COMPLETED APPLICATION TO:**
USDA, FSIS, OPD, LPDD
Labeling Distribution Unit
Stop Code 3785, Plover Plaza III, 8-168
1400 Independence Avenue, SW
Washington, DC 20250-3700
- The following instructions relate to numbered items on form.
- If using an Agent, provide the company name, address, and telephone number, otherwise leave blank.
 - Leave blank, for USDA use only.
 - Establishment No./Foreign Country (if applicable) - Self Explanatory.
 - a. Type of Product. Select one product type: Egg, Meat, Poultry, or Other (i.e. Exotic Species, Non-Ameleio, Unidentifiable, etc.).
 - a. Name of Product. Use common or descriptive product name, i.e., "Frankfurter", "Cereal Added" or "Meat Patties in Gravy". (Do not use trade brand names or coined names, such as "Joe's Corn Dogs" or "Joe's Sloppy Joes.") If coined names such as "Corn Dogs" are used, also show true product name, such as "Batter Wrapped Wiener".
 - b. Provide HACCP process category for the product. See 9 CFR 417.2(b) (1). Example: Heat Treated - shelf stable, Not heat treated-shelf stable etc. Select one.
 - a & b. Type of Approval Requested. If temporary approval or extension, insert number of days requested and number of labels on hand. If previous approval, attach copy of application and label. Include specific reason(s) why requesting a temporary or extension and include information required in 9 CFR 317.4(b) (1) or 381.132(b) (1) on the continuation sheet. Be sure to include product name and block item.
 - a. Area of Principal Display Panel (PDP). The PDP is the entire side of the package to which the label is affixed. See 9 CFR 317.2 (d) and 381.116 (b).
 - Total available labeling space in square inches for entire package.
 - USDA-AMS Child Nutrition Program Logo. Indicate if the product includes a USDA-AMS Child Nutrition Program Logo.
 - Leave Blank. For USDA-AMS use only.
 - Special claims, guarantees, or foreign language. Indicate if there are any special claims, guarantees, or foreign language on the label. Check all that apply. If Other Claims is selected, indicate specific claim(s) in space provided.
 - Name and Address of Firm. Insert Firm's name and mailing address. Use 2 letter symbol for State. Show postal zip code.
 - Signature and Date of Applicant or Agent. To be signed and dated by the applicant or agent representing the official establishment or plant.
 - Leave blank for USDA use only. Conditions Applying to Use of Label or Device. (Any condition, modification or remarks applied to the application when approved are conditions governing use of the approved device.)
 - Product Formula. List the ingredients by percent or weight in order of their predominance. If product consists of several components, e.g., a frozen dinner, list each component separately and indicate the percentage or amount of each component in the product. If additional space is needed, check the box for "Continuation Sheet," and use the Continuation Sheet. Be sure to include the product name and number of the block item. Express all ingredients in the same units, i.e., do not list some in pounds and others in ounces.

Check whether weight or percent is used. It is preferred that percentages be used, and the total must equal 100 percent. If weights are used, show in pounds, kilograms or grams. (No gallons, pints, cups, teaspoons, etc.) The total must equal the weights of the individual units. (Example: Crust + Cheese + Sauce + Meat = Total new weight of unit.)

DO NOT use fractions. Express as decimals carried to two places. Example: 1-1/4 lbs., show as 1.25 lbs. Example: 3/4 lbs., show as .75 lbs.
 - Processing Procedures. Poultry Products provide complete processing procedures as required in 9 CFR 381.134. Meat Products, provide complete processing procedures as required. Note: Approval of the sketch does not convey approval of the processing procedures. If additional space is needed, check the box for "Continuation Sheet," and use the Continuation Sheet. Be sure to include the product name and number of the block item.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0550-0040. The time required to complete this information collection is estimated to average 70 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This form has been approved by OMB for web distribution.

US DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE

APPLICATION FOR
APPROVAL OF LABELS,
MARKING OR DEVICE

FSIS has determined that information provided in items 11, 15, and 16 is exempt from mandatory disclosure under the Freedom of Information Act 5 U.S.C. 552(b)(4).

APPLICANT: See Page 5 for instructions.

1. AGENT NAME, ADDRESS, TELEPHONE NO. (If using an Agent, complete this block, otherwise leave blank.)

2. FOR USDA USE ONLY

3. FOR USDA USE ONLY

4. ESTABLISHMENT NO. / FOREIGN COUNTRY (If applicable)

5a. NAME OF PRODUCT

5b. HACCP PROCESS CATEGORY (Select one)

03J: Slaughter - all species
03B: Raw Product - ground
03C: Raw Product - not ground
03D: Thermally processed - commercially sterile
03E: Not heat treated - shelf stable
03F: Heat treated - shelf stable
03G: Fully cooked - not shelf stable
03H: Heat treated but not fully cooked - not shelf stable
03I: Product with secondary inhibitors - not shelf stable

6a. TYPE OF APPROVAL REQUESTED

SKETCH ☐ TEMPORARY ☐
EXTENSION OF TEMPORARY ☐

6b. WAS THE LABEL PREVIOUSLY APPROVED?

YES ☐ NO ☐

Date of approval: _____
Prior approval number: _____
Number of labels on hand: _____
Number of days requested: _____

7a. AREA OF PRINCIPAL DISPLAY PANEL (Square inches)

7b. TOTAL AVAILABLE LABELING SPACE FOR ENTIRE PACKAGE (Square inches)

8. Does this label include a "USDA-AMS Child Nutrition Program CN-Logo?" ☐ Yes ☐ No

9. (FOR USDA-AMS USE ONLY) CN Identification Number Assigned

10. Are there any special claims, guarantees, or foreign language on the label? ☐ YES ☐ NO (If yes, check all that apply)

Allergen Statements ☐
Animal Production/Breed/Raising ☐
Certified/Verified ☐
Environmental/Green ☐
Export Only Labels widevariations from Domestic Requirements ☐
Foreign Language ☐
Geographic/Undefined Style ☐
Grading Terms ☐
Guarantees ☐
Natural/Organic ☐
Nutrition/Health ☐
Religious Exemption ☐

11. NAME AND ADDRESS OF FIRM (Below and between dots)

12. SIGNATURE OF APPLICANT OR AGENT

13. DATE

14. (FOR USDA USE ONLY) CONDITIONS APPLYING TO USE OF LABELS OR DEVICE

FSIS FORM 7234-1 (11/10/2011) REPLACES FSIS FORM 7234-1 (09/01/2009), WHICH IS OBSOLETE

FSIS FORM 7234-1 (11/16/2011) page 2		PAGE <u> </u> of <u> </u>
15. PRODUCT FORMULA		<input type="checkbox"/> PCT <input type="checkbox"/> WEIGHT (No Fractions)
<input type="checkbox"/> See Continuation Sheet		TOTAL (Percent must total 100%)

FSIS FORM 7234-1 (11/16/2011) page 3		PAGE <u> </u> of <u> </u>
16. PROCESSING PROCEDURES (Approval of the sketch does not convey approval of the processing procedures)		
<input type="checkbox"/> See Continuation Sheet		

- **Submit supporting information (depends on claim)**
 - Operational protocol detailing production practices employed
 - What will be done if the operational protocol is deviated from
 - How you will trace and segregate product during processing to market
 - Provide signed affidavits and testimonials that claims are not false or misleading
 - Feed formulas and/or certificates, if applicable
 - Copy of certification or verification from a 3rd party certifier if applicable
- **Submit copy of the proposed label**

Web-Based Application System

- New secure Web-based system launched May 2012
- Labeling Submission and Approval System (LSAS)
- Supposed to make review process “faster, cheaper and more accurate”

Web-Based Application System

- Makes approved and corrected labels available immediately
- Users may store labels and make changes electronically making modification approvals faster
- LSAS User Guide available

Timing

- Give plenty of lead time for approval
- May need to make changes to the label to comply



Harvest Facilities and Labels

- Labels approved for use at specific USDA-inspected facility
 - If you change processors you need to change your label and get approval again

Labeling Records



- Establishments must keep records
 - Product label
 - Product formulation (if any)
 - Processing procedure
 - Approvals received
- Must be made available to USDA within 24 hours of request

Common Mistakes on Label Submissions

- Geographic claims and styles not supported by data
- Nutrition claims not supported by data or permitted by regulations
- Not enough copies of the submission forms
- Submission not legible
- Product name prominence or letter size conflicts with requirements
- Terms/claims are not validated or supported by data
- (FSIS Website, 1/21/2013)

Nutrient Content/Health Claims

- FSIS and FDA have created definitions/requirements for some claims
 - Healthy, Lean, Extra Lean, Reduced Saturated Fats, Fatty Acid Content, Fat Content, Sodium Content
 - Health Claims with 3rd party certifier
 - “Meets American Heart Association food criteria for saturated fat and cholesterol for healthy people over age 2. While many factors affect heart disease, diets low in saturated fat and cholesterol may reduce the risk of this disease.”
- Claims/terms not defined are typically not allowed

Marketing Materials

- Seen as extension of a label
- Animal raising claims (no added hormones, etc.) may be used only if labeled with those claims (and the label has been approved for the claims)
- Nutrition claims may be tested periodically
- Marketing materials not currently reviewed unless requested
- Be truthful!
 - Federal Trade Commission prohibits false and deceptive advertising

Enforcement

- USDA FSIS Meat Inspectors at the plant monitor labels applied to products
- USDA FSIS Investigators charged with making sure products on the market are accurately labeled and advertised

References & Additional Resources

- Niche Meat Processor Assistance Network Webinar - *Meat Labels and Label Claims*
http://www.extension.org/pages/Archived_Niche_Meat_Processor_Webinars
- A Guide to Federal Food Labeling Requirements for Meat and Poultry Products
http://www.fsis.usda.gov/pdf/Labeling_Requirements_Guide.pdf
- USDA-FSIS-LPDD - *Labeling Procedures*
http://www.fsis.usda.gov/Regulations_& Policies/Labeling_Procedures/index.asp
- FSIS Policy Memoranda
http://www.fsis.usda.gov/OPPDE/larc/Policies/Policy_Memos_082005.pdf

Ask Questions or Search Q&A

- <http://askfsis.custhelp.com/>

Take Home Messages

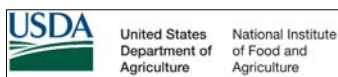
- There are minimum regulatory requirements for all beef labels
- The use of special claims on labels and in promoting the product requires application and approval
- Following regulations decrease risk of personal and business liability

Evaluate Today's Webinar

- Please take a few minutes to complete the short online survey at

<http://www.surveymonkey.com/s/BW37TTQ>

Special thanks again to our funding partners:



Join Us for the Next Webinar

- January 22, 2013
- 6:30 pm Central/ 7:30 pm Eastern
- What You Should Know About Your Product
- Slides and archived versions of all webinars will be made available at <https://ag.tennessee.edu/cpa>



Questions

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