



**NORTH CAROLINA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES
MEAT AND POULTRY INSPECTION DIVISION
Raleigh, North Carolina**

Steve Troxler, Commissioner

MPID NOTICE

10-09

8-19-09

Labeling and Point of Purchase Claims

I. PURPOSE

This document is issued to provide guidance for Inspected Establishments and Registered Meat and Poultry Handlers who desire to make labeling claims. The information provided aims to ensure claims made on product labels and/or on printed materials displayed at the point of purchase are compliant with state and federal regulations and do not mislead the consumer or misrepresent the meat and/or poultry products.

II. REFERENCES

USDA, FSIS Food Standards and Labeling Policy Book
USDA, FSIS Labeling Policy Information
9 CFR 317.8, 9 CFR 381.129
North Carolina General Statutes 106-549.15 (12) and (15), 106-549.51 (16) and (17)

III. CANCELLATION

MPID Notice 1-08 dated 3-12-08

IV. PROCEDURE

North Carolina General Statute 106-549.15 (12) defines labeling as "all labels and other written, printed, or graphic matter (i) upon any article or any of its contents or wrappers or (ii) accompanying such article." Furthermore, any meat or meat food product is considered misbranded per North Carolina General Statute 106-549.15 (15) "if its labeling is false or misleading in any particular." Identical verbiage concerning poultry products is outlined in North Carolina General Statutes 106-549.51 (16) and (17).

This means that not only the immediate wrapper of a meat and/or poultry product must be properly labeled, but also any other printed material at the point of sale must be truthful and not misleading to the consumer.

When printed and/or graphic informational materials (e.g. pamphlets, brochures, posters etc.) accompany or are applied to products or any of their containers or wrappers at the point of purchase, such materials and the claims they bear are deemed labeling. Point of purchase materials are not subject to specific prior

approval, but are expected to be in accordance with state and federal regulations and all current labeling policies so as to not mislead the purchaser or misrepresent the meat and/or poultry products.

Claims related to nutrition and diet must be made in accordance with all current nutrition labeling regulations. Claims are expected to be within the compliance parameters identified in the nutrition labeling regulations (9 CFR 317.300-400 for meat products and 9 CFR 381.400-500 for poultry products).

Animal husbandry claims (e.g. the nonuse of antibiotics or growth stimulants) may be made only for products shipped in containers or wrappers labeled with the same production claims.

The approval process for labeling claims is as follows:

The owner of the inspected establishment that is applying the label must submit the label to the appropriate agency for claim approval.

For products slaughtered and processed in facilities under Federal Inspection, the label approval request, FSIS Form 7234-1, available from their in-plant inspector, along with documentation to support the claim must be submitted by the establishment owner to the USDA Labeling and Consumer Protection Branch in Washington DC. Questions about necessary documentation for supporting claims may be sent US mail to:

USDA, FSIS, OPPD, LPDD
Labeling Distribution Unit
Stop Code 3786, Patriots Plaza III, 8-168
1400 Independence Avenue, SW
Washington, DC 20250-3700
Phone: 301-504-0878

For products slaughtered and processed in facilities under State Inspection, the label approval request, MPIS Form 11, available from their in-plant inspector, along with documentation to support the claim must be submitted by the establishment owner to the NCDA&CS, Meat and Poultry Inspection Division in Raleigh, NC, via their in-plant inspector. Questions about necessary documentation for supporting claims may be addressed to:

NCDA&CS Meat and Poultry Inspection Division
1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3180

Commonly approved claims:

RAISED WITHOUT ADDED HORMONES, RAISED WITHOUT ANTIBIOTICS, NOT FED ANIMAL BY-PRODUCTS, FREE RANGE, FREE ROAMING, GRASS FED, CORN FED, GRAIN FED, CERTIFIED ORGANIC (BY CERTIFYING ENTITY).

Claims which cannot be approved on product labels or displayed at on point of purchase materials:

ANTIBIOTIC FREE, HORMONE FREE, RESIDUE FREE, RESIDUE TESTED, NATURALLY RAISED, NATURALLY GROWN, DRUG FREE, CHEMICAL FREE, ORGANIC, ORGANICALLY RAISED.

Hormones are only approved for use in beef cattle and lamb production. They are not approved for use in poultry, hogs, veal calves or exotic, non-amenable species. Therefore, the phrase "no hormones administered" on a pork or chicken label cannot be approved unless it is followed (directly) with the statement "Federal regulations prohibit the use of hormones in pork / poultry."

W. Alan Wade
State Director

DISTRIBUTION:
MPID Personnel; Registered Meat and Poultry
Handlers; State and Talmadge-Aiken Inspected
Establishments

SUBJECT CATEGORY:
Compliance