

Country of Origin Labeling,  
Final Rule 2013:  
Labeling Provisions for Muscle  
Cut Covered Commodities

# COOL Final Rule 2013: Webinar Agenda

- \* Summary of Major Provisions, COOL Final Rule to Amend Meat Labeling Provisions
- \* Changes between 2009 COOL Final Rule and 2013 Meat Labeling Provisions
- \* Highlights of Key Provisions Unchanged in the new Rule
- \* Questions

# COOL Final Rule 2013: Summary of Major Provisions

- \* Origin designations for meat **muscle cuts** are required to **specify the country in which production steps of birth, raising, and slaughter** of the animal from which the meat is derived took place.
- \* **Eliminates the allowance for commingling** of muscle cut covered commodities of different origins.
- \* **Amends the definition for “retailer”** to include any person subject to be licensed as a retailer under the Perishable Agricultural Commodities Act (PACA).

# COOL Final Rule 2013: Implementation

**The effective date of this regulation was May 23, 2013,** and the rule has been mandatory since that date.

During the **six-month** period following the effective date of the regulation, AMS is conducting an **industry education and outreach program** concerning the provisions and requirements of this rule.

- \* Help industry understand the requirements of this regulation.

# COOL Final Rule 2013: Implementation

- \* During the education and outreach period, AMS will:
  - \* Participate in Webinars
  - \* Redesign COOL Website and post guidance:  
<http://www.ams.usda.gov/COOL>
  - \* Answer specific questions by email or phone:  
[COOL@ams.usda.gov](mailto:COOL@ams.usda.gov) **(202) 720-4486**

# COOL Final Rule 2013: Implementation

## Transition Period Questions

- \* We need to provide further guidance to both the industry and our State reviewers on transitional issues.
- \* More information with regards to enforcement transition will be forthcoming.
- \* **PLEASE contact us to discuss specific transitional issues for your firm!**

# COOL Final Rule 2013: Implementation

## Transition Period Questions

- \* The rule's requirements do not apply to muscle cut covered commodities produced or packaged before the effective date of the rule (May 23, 2013).
- \* This will allow existing stock to clear the chain of commerce.
- \* After the 6 month education period, retailers may continue to use existing inventories of older labels until these inventories are exhausted as long as retailers provide the more specific information via other means (e.g., signage).

# COOL Final Rule 2013: Changes from 2009 Final Rule

## 2009 Final Rule

- \* Retailer means any person licensed as a retailer under the Perishable Agricultural Commodities Act (PACA) of 1930.

## 2013 Final Rule

- \* The definition for “retailer” is amended to include any person **subject to be licensed** as a retailer under PACA.
- \* This change more closely aligns with the language contained in the PACA regulation.
- \* It clarifies that all retailers that meet the PACA definition of a retailer, whether or not they actually have a PACA license, are also covered by COOL.
- \* PACA defines “retailer” as a firm with an invoice cost of all purchases of produce that exceeds \$230,000 during a calendar year.



# COOL Final Rule 2013: Changes from 2009 Final Rule

## 2009 Final Rule

Prescribed categorical labeling requirements for:

- \* Muscle cut covered commodities of United States origin.
- \* Muscle cut covered commodities of multiple countries of origin that include the United States.

## 2013 Final Rule

- \* Muscle cut covered commodities derived from animals slaughtered in the United States are required to **specify the country in which production steps of birth, raising, and slaughter** of the animal from which the meat is derived took place.

# COOL Final Rule 2013: Changes from 2009 Final Rule

## 2009 Final Rule

- \* Labeling Covered Commodities of United States Origin: **“Product of the U.S.”**

## 2013 Final Rule

- \* Origin designations for muscle cut covered commodities are required to specify the production steps of birth, raising, and slaughter of the animal from which the meat is derived that took place in each country listed on the origin designation.
- \* **U.S. Origin: “Born (Hatched), raised and harvested in the U.S.”**

# COOL Final Rule 2013: Changes from 2009 Final Rule

## 2009 Final Rule

- \* Labeling Muscle Cut Covered Commodities of Multiple Countries of Origin that include the United States:  
e.g., **“Product of the U.S. and Country X.”**

## 2013 Final Rule

- \* If an animal was born in Country X, then raised and slaughtered in the United States, the resulting muscle cut covered commodities shall be labeled to specifically identify the production steps occurring in each country.
- \* **“Born in Country X, Raised and Harvested in the U.S.”**

# COOL Final Rule 2013: Changes from 2009 Final Rule

## 2009 Final Rule

**Commingling** refers to the allowance provided in the 2009 COOL regulations for industry to affix one label to all muscle cuts processed on the same production day, even when the cuts were derived from animals of two or more different origins.

## 2013 Final Rule

- \* **Rule eliminates the allowance for commingling of muscle cut covered commodities of different origins.**
- \* Removing the commingling allowance results in labels that provide more specific information as to the place of birth, raising, and slaughter of the animal from which the meat is derived.

# COOL Final Rule 2013: Much of the Rule Remains Unchanged

- \* Definitions remain the same:
  - \* Born (Hatched)
  - \* Raised
  - \* Slaughtered (Harvested)
- \* Use of disjunctive terms that only convey a list of possible origins are still not allowed.
- \* Labeling requirements for ground meats did not change.
- \* Labeling requirements for imported meat remain the same.
- \* Recordkeeping requirements remain the same.
- \* Processed Food Item definition did not change.

# COOL Final Rule 2013: Definitions Remain the Same

## 2008 Farm Bill

- \* **Category “A”** Designation of Country of Origin for Beef, Lamb, Pork, Chicken, and Goat Meat was defined in the 2008 Farm Bill:
  - \* **(A) UNITED STATES COUNTRY OF ORIGIN.**
  - \* A retailer ... may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was exclusively born, raised, and slaughtered in the United States...

## 2013 Final Rule

- \* Definition of **United States country of origin remains unchanged. However**, designation for muscle cut covered commodities shall include all of the production steps.
- \* **“Born (Hatched), raised and harvested in the U.S.”**

# COOL Final Rule 2013: Listing Order Requirements

## 2009 Final Rule

- \* Labeling Muscle Cut Covered Commodities of Multiple Countries of Origin that include the United States: **“Product of the U.S. and Country X.”**
- \* Except if solely imported for immediate slaughter, the countries may be listed in any order.

## 2013 Final Rule

- \* **NOTE:** The rule does not prescribe the order in which production steps may be listed.  
e.g., **“Raised and Harvested in the U.S.; Born in Canada”**  
or **“Born in Canada, Raised and Harvested in the U.S.”**

# COOL Final Rule 2013: Non-Specific Labeling Terms Are Still Not Allowed

- \* Use of terms and phrases such as “or,” “may contain,” and “and/or” only convey a list of possible origins, and remain unacceptable.
- \* A sign stating, “All of the beef in this case is from livestock born in the United States or Canada, raised in the United States or Canada, and Slaughtered in the United States” would not be acceptable as the case contains different origin meat products.
- \* The intent of the program is to require retailers to provide specific origin information to consumers.



# COOL Final Rule 2013: Labeling Requirements for Imported Meat Are Unchanged

- \* Imported meat labels will continue to read:  
**“Product of [Country X].”**

# COOL Final Rule 2013: Labeling Requirements for Ground Meat Are Unchanged

- \* Ground meats do not require origin declarations to state production steps.
- \* Ground meat covered commodities shall list all countries of origin contained therein or that may be reasonably contained therein.
  - \* Reasonable: if raw material from a specific origin is in a processor's inventory within past 60 days, that country is a possible country of origin.

# COOL Final Rule 2013: Recordkeeping Requirements Are Unchanged

- \* Records and other documentary evidence relied upon at the point of sale to establish a covered commodity's country(ies) of origin must either be maintained at the retail facility or at another location for as long as the product is on hand.
- \* Records that identify the covered commodity, the retail supplier, and for products that are not pre-labeled, the country of origin information must be maintained for a period of 1 year from the date the origin declaration is made at retail.
- \* For pre-labeled products, the label itself is sufficient information on which the retailer may rely to establish the product's origin

# COOL Final Rule 2013: Processed Food Item Definition Is Unchanged

- \* The term ‘covered commodity’ does not include an item that is an ingredient in a processed food item.
  - \* A covered commodity that has undergone specific processing (cooking, curing, smoking, and restructuring) resulting in a change in the character of the covered commodity, or
  - \* A covered commodity that has been combined with at least one other covered commodity or other substantive food component.

# COOL Final Rule 2013: Other Labeling Considerations

- \* **Abbreviations for the production steps** are permitted as long as the information can be clearly understood by consumers.
- \* For example, consumers would likely understand:
  - \* “brn” as meaning “born”;
  - \* “htchd” as meaning “hatched”;
  - \* “raisd” as meaning “raised”;
  - \* “slghtrd” as meaning “slaughtered” or
  - \* “hrvstd” as meaning “harvested.”

# COOL Final Rule 2013: Other Labeling Considerations

- \* **Signage:** A sign at retail point of purchase can be used in lieu of individual package labeling as long as the sign is clear as to the specific origin of the products available for sale.
- \* In practice this would mean that all of the meat is of the same origin.
- \* For example, a sign saying, “All of the chicken for sale in this case are from chickens hatched, raised and harvested in the United States” is acceptable.

# COOL Final Rule 2013: Other Recordkeeping Considerations

- \* **Supporting Documentation:** If the product meets the COOL definition of U.S. origin (born, raised, and slaughtered in the U.S.), then “Product of USA” on the supporting documents (Bills of Lading, invoices) is sufficient to convey the origin information from suppliers to retailers.
- \* Retailers may use a sign to convey the more specific production step information “born, raised, and slaughtered in the U.S.”.

# COOL Final Rule 2013

## **COOL Website Links to Final Rule**

Final Rule to Amend Meat Labeling Provisions under  
Country of Origin Labeling

<http://www.gpo.gov/fdsys/pkg/FR-2013-05-24/pdf/2013-12366.pdf>

Amended Meat Labeling Provisions Frequently Asked  
Questions (FAQs)

<http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5103964>



# COOL Final Rule 2013

For COOL information and resources, please visit:

<http://www.ams.usda.gov/cool>

For specific questions, you may contact the COOL Program directly:

by e-mail: [cool@ams.usda.gov](mailto:cool@ams.usda.gov)

by phone: (202) 720-4486