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Usda fsis labeling guidelines

Start preamble safety and food inspection, USDA. ACTION: Availability notice and reply to comments. SUMMARY: The Food Safety and Inspection Service (FSIS) shall announce the availability of an updated version of its guidance on the documentation necessary to support applications for improved quality of animals made in the labelling of meat or poultry products. Official establishments shall make this documentation available to the Agency when applying for approval of labels with animal-rearing claims. The updated guidelines include changes made in response to comments on the guidelines published in October 2016. DATES: Submit comments on or before February 25, 2020. ADDRESSES: The version of the download compliance guidelines is available for viewing and printing Regulations_".asp Compliance_Guides_. No copies of the compliance guidelines have been published. FSIS invites interested parties to submit comments related to the clarifications provided in this label notice for free range for poultry products. Only comments relating to this particular issue will be addressed at the moment. Comments can be sent in one of the following ways: Federal eRulemaking Portal: This site provides commentators with the ability to enter short comments directly into the comments box on the webpage or attach a file for longer comments. Go to . Follow the instructions on this site to send comments. Mail, including CD-ROM, etc.: Dispatch to Yuri Klerk, U.S. Department of Agriculture, Food Safety and Inspection, 1400 Independence Avenue SW, Mail at 3758, room 6065, Washington, DC 20250-3700. Surrender to 1400 Independence Avenue SW, room 6065, Washington, DC 20250-3700. Instructions: All shipments submitted by post or e-mail must include the name of the Agency and docket number FSIS-2016-0021. Comments received in response to this docket will be made available for public inspection and will be published without change, including personal information to . Docket: To access the documents or comments received, call (202) 720-5627 to schedule visiting the FSIS Docket Room at 1400 Independence Avenue SW, room 6065, Washington, 20250-3700. Start additional information Terry Ninteman, Assistant Administrator, Office of Policy and Programming Development by phone at (202) 205-0495. End Additional information End introduction Home Additional information ADDITIONAL INFORMATION: Conditions under the Federal Meat Inspection Act and the Poultry Inspection Act (21 U.S.C. 601-695, at 601(n), 607; 21 U.S.C 451-470, at 453(h), 457) (Acts), FSIS and applies rules requiring that labels for meat and poultry products are reliable and non-misleading. According to the Law the agriculture that delegated this power to FSIS must approve the labels of meat and poultry products before the products can enter trade (21 USA, C 601 d); 21 U.S.C. 457 (c)). [1] FSIS allows certain labels which have only mandatory labelling characteristics and which comply with the Agency's labelling rules to be approved in a general manner (9 CFR 412.2(a)(1)). Labels approved of a general nature need not be submitted to FSIS for approval before they can be used for trade in products. However, a label with a specific application or claim (9 CFR 412.1(c)(3) and 412.1(e)), including a claim for animal rearing, must be submitted to FSIS for approval before it can be used for a product distributed in trade. Examples of animal claims include, but are not limited to: Vegetarian-fed, Grass-fed, and raised without the use of antibiotics. On 5 October 2016, FSIS announced the presence and requested comments in its Labelling Recommendation on the documentation needed to justify requests for animal quality labelling (81 FR 68993). FSIS publishes the guidelines to advise undertakings on the type of documentation they should submit in support of animal weed requests on the labelling of meat products or poultry products. FSIS needs this documentation to determine whether these allegations are worthy and not misleading. After reviewing the comments received, the Agency reviewed the guidelines. The following is a summary list of main changes to the guidelines. The revised guidelines are published on: wps/portal/fsis/topics/regulatory-compliance/compliance-guide-index. The information in these guidelines has been provided as guidance to support meat and poultrymeat establishments and has not been officially started on page 71360 from a regulatory point of view. FSIS will update this document if necessary. Summary list of key changes to the Product Labelling Guidelines: Use of animal collection claims on meat or poultry labels: Added labelling information required for claims-bearing products certified by third-party organisations, including when products certified as organic have to disclose the address of the certifying person's website on the product label. ¹ Added information for claiming additional products. An age claim has been removed because businesses do not use these claims. Animal welfare and environmental management claims: added descriptive or information (terminology) that must accompany these statements to explain the meaning of the claim to consumers, including the type of information to appear on the label when the product is certified by a third party organisation. ¹ Added information on the transfer of these claims to other products. Life or or Claims: ¹ Reorganised section for clarity on terminology labelling and recommended documentation for approval. ¹ Added information about additional terminology that usually accompanies these statements to explain the meaning of the claim to consumers, including where the information should appear on the label. Include Added information on the use of Free Range and synonyms statements (Free roaming, pasture meals, Farmed pastures bred, Pasture Raised and Meadow Raised) on the labels of poultry products and the documentation necessary to substantiated these claims. Raised without antibiotics - animals/red meat or birds: added Raised antibiotics without antibiotics and No antibiotics added as examples of claims that can be used to reveal the fact that animals have not been given antibiotics at any point in the animal production process. ¹ Added information about claims that include the term subtherapeutic antibiotics to ensure that consumers understand that the claim means that antibiotics can only be administered in the event of illness and includes the circumstances in which FSIS approves labels bearing these claims. Raised without hormones (No hormones administered or not steroids administered): ¹ Updated information to clarify that qualified statement is no longer required of pork products labelled as being raised without hormones because federal law allows the use of certain hormones in pigs, for example, for pregnancy. ¹ New examples of this type of claim have been added. Added information to clarify why it is necessary to consider it necessary to accept eligible products produced of a type or species for which federal law prohibits the use of hormones, and to emphasise that this statement must be visible and visible on the label as verified by FSIS. Third-party certification: ¹ Added information about the documentation needed to support labels bearing animal promotion claims that have been Verified or Certified by third-party organizations. ¹ Added information about organic claims, including other claims that can be supported by an organic production certificate. Added a section on procedures for adding an additional supplier for an animal collection claim label that has previously been approved by FSIS. Comments and responses from FSIS FSIS have received over 4600 comments on the Labelling Guidelines on the documentation needed to justify requests for improved animal quality for labeling. The vast majority are similar comments or groups of comments from individuals who have made them as part of what appears to be organized enrollment campaigns. FSIS received thirty individual comment letters from animal welfare organisations, trade associations representing poultry, poultry and meat, eggs or organic industry, beef marketing companies, organisations providing certification services to third parties, agricultural-specific coalitions/cooperatives, producers and environmental protection organisations. Comments from two animal welfare advocates 87 000 and 35 000 signatures respectively. FSIS also received a table of similar comments opposing the guidelines from 15,477 members of an animal welfare organisation. The comments of trade associations representing poultry and the meat processing industry have generally found that the information in the guidelines is useful for undertakings. Other comments, including those taking part in the various enrolment campaigns, strongly opposed parts of the guideline, as well as the general procedure for approving the FSIS label for animal advertising. FSIS has also received petitions from animal welfare organisations raising animal welfare claims similar to the issues raised by many of the comments. FSIS's summaries and responses therefore address the issues raised in petitions. The following is a summary of the questions raised in the comments and petitions and the answers of FSIS. Regulatory guidance and Administrative Process Act Comment: Animal welfare and consumer advocacy organizations stated that the Agency violates the Administrative Procedure Act (PPA) by effectively promulgating requirements for enterprises without implementing the notification and comments procedure. They stated that FSIS should follow DPA procedures as the guidelines grant rights, impose obligations and have a significant impact on private interests. Answer: The Guidelines do not publish new requirements to which the APA notification and comment requirements apply. As noted above, according to 9 CFR 412.1(c) and (e), labels bearing animal rearing requests must be submitted to FSIS for prior approval. FSIS publishes guidelines to help establishments producing meat and poultry products labelled with animal claims to prepare applications for approval of their label and to facilitate FSIS's review of labels bearing animal rearing applications. Animal rearing claims are voluntary commercial claims and undertakings are not required to use any of the claims set out in the guidelines. However, if this happens, undertakings may rely on the guidelines to help them submit the documentation to be assessed by FSIS and to determine whether those claims are credible and not misleading. In particular, FSIS seeks to engage the public in examining and reviewing the guidelines and has provided an extensive opportunity for public consultation. We have made very substantial changes based on the comments received. We also note that this is not a new approach. FSIS routinely publishes guidelines on how FSIS interprets labels as credible or non-misleading as examples of acceptable supporting documentation. Start printing page 71361 Defining the Animal collection commentary: animal welfare organisations, consumer organisations, petitioners and individuals, stated that FSIS must set animal promotion claims in the rules and not allow the use of animal welfare claims are not laid down in the Regulations. Answer: FSIS does not agree that it needs to establish codified definitions of animal collection claims in order to prevent improper branding of products. Animal husbandry practices differ and constantly develop; the current retention of a list of codified admissible claims would be impractical. Furthermore, FSIS does not have the power to regulate the keeping of animals on farms and thus the codification of animal husbandry claims could inappropriately limit the development of livestock farming practices through operations which would benefit from the use of a reasonable claim. Implementing acts and regulations prohibit the sale and distribution of misbranded meat and poultry products, 21 U.S.C. 453(h)(1); 21 U.S.C 601(n)(1) applied in Parts 381.129 and 317.8 of the CFR respectively. In order to prevent allegations of false and misleading labelling, any label with a special declaration or claim, including an animal-rearing claim not defined in FSIS rules or in the food labelling standards and rules book, must be submitted to FSIS for prior approval (9 CFR 412.1(c)(3) and 412.1(e)). As part of the label approval process, FSIS shall verify the accuracy of the specific application or application by reviewing the supporting documentation submitted together with the application for approval of the label. In accordance with this approach, FSIS shall evaluate the labels containing animal rearing requests on a case-by-case basis by reviewing the animal production protocol submitted together with the application for approval of the label. FSIS shall approve the label if the documentation supports the statement made, if the claim is credible and not misleading, and if the claim (including any relevant information) is visible and visible on the label. In establishments which have the label of the product with animal advertising, FSIS inspectors shall verify that the dossier presents the objects which are labeled on the FSIS label. In addition, they must take appropriate regulatory control actions, such as preserving the product, when determining that the misbranded product would enter trade (i.e. it is shipped by the undertaking). FSIS could also revoke the approval of false or misleading labels of 9 CFR 500.8. In this approach, FSIS may prevent the sale of meat and poultry products by ensuring that labels bearing animal claims accurately reflect the conditions under which the source animal was reared. Consistency with other Federal Agency standards comment: An animal welfare organisation argues that FSIS labelling standards should be in harmony with the FTC and securities and exchange standards (SEC) and that the Agency should consult with the FTC and CSR in the manufacture of rules to be carried out after APA procedures. Several advocacy organizations inconsistently defined claims are inherently false and misleading in any particular case, and are therefore incorrectly formulated by law. Answer: The labelling requirements for meat and poultry products in implementing acts and regulations are aimed at preventing incorrect regulation of the product. For the reasons previously set out, FSIS considers that the review and approval of labels bearing animal claims, under the conditions described in the Guidelines, is sufficient assurance that the statements indicated on the product label are not false or misleading in specific circumstances. As a result, the products will not be incorrectly branded. FSIS is aware of the mandatory authorities under which the FTC and the NESS work to justify companies' claims for their products. For example, Section 12 of the FTC Act (15 USA.C. 52) prohibits false advertising of food, medicines and cosmetics. FSIS as a whole coordinates its activities with the FTC and other agencies to avoid duplication of effort and advises companies to consult with FSIS labeling when developing ads for meat and poultry products. (In cooperation with the FTC, see The Guide to Federal Food Labelling

Requirements for Meat, Poultrymeat and Egg Products (FSIS/USDA, Washington, D.C., 2007) Third-party certification commentary: Comments from animal welfare organizations, consumer protection organizations, individuals, third-party certification organisations and producers argue that, since FSIS does not carry out checks on the holding, the Agency should require that claims to improve the quality of animals be verified by a certifying third party. These comments stated that the required certification would constitute proof that the claim is correct and meets consumer expectations for the claim. Several commentators include their recommendations for third-party certification programmes, which they believe reflect consumer expectations for these claims. FSIS considers that it is economically not economically possible for very small and very small enterprises to bear the additional costs of certification by an independent third party due to their low sales volumes. FSIS also considers that the third-party certification requirement could reduce the variety of products labelled with animal claims that those undertakings have to offer. Reducing purchasing opportunities can also lead to costs for consumers. FSIS considers that this procedure, which provides for a case-by-case review of the producer's animal keeping protocol, is effective in ensuring that labels containing animal-rearing claims are correct and are not. Although the Agency has decided that it will not require independent certification by third parties for all animal collection claims, such designation should in no way reduce the benefit of third-party certification organisations. Sites may choose to use third-party certification programmes to support the support of Claim claim foot size Comment: Animal welfare and consumer advocacy organizations have called on FSIS to set minimum type sizes for animal claims and any additional information or information about the label's qualifications that explains the claims. They said that this information is often so small that it goes unnoticed. Answer: Where disclosure of eligible information is necessary to avoid a false and misleading request, FSIS accepts that the information should be presented correctly on the label. FSIS also considered that this information must be clearly and visibly displayed on the label and in relation to the usual person (21 .C.601(n)(6); 21 U.S.C 453(h)(6) performed at 9 CFR 317.2(b) and 381.116(b). To this end, through its label pre-approval program, FSIS confirms that any eligible information consists of clear language, that its appearance is prominent and obvious (compared to other Start Printed Page 71362words, statements or label designs) and that it is placed on the same package panel because the claim is qualified. As stated below, several comments expressed concern that claims related to the use of hormones during animal production can be particularly misleading to consumers, especially when hormones are not allowed during the production of certain types. In order to address these concerns, FSIS updated the guidelines to clarify why qualified information on certain products is needed and to stress that this information must be visible and on the FSIS label in order to approve the request. This particular issue is discussed in more detail below. Posting a comment on company-specific information: commentators called on FSIS to make enterprise documentation publicly available, preferably in an open online format. Answer: Developing and maintaining a public database with supporting documentation of enterprise claims will be too cumbersome for FSIS. However, interested parties may submit a request for copies of all records which are not normally prepared for distribution to the public in accordance with the Freedom of Information Act (A.A.D.S. 552). Please note that some entries may be in whole or in part by the requesting person if they fall within one of the nine exceptions to the AAD. For example, Release 4 protects trade secrets and confidential commercial or financial information. Organic certification Comment: Producers, a coalition that promotes sustainable agriculture, a trade association representing organic producers, and a foreign beef trade agency called on FSIS to consider biological certificates to be sufficient support for other animal collection claims by not administering antibiotics. The comments that additional documentation, such as segregation, is unnecessary for certain claims and constitutes an unjustified burden on certified organic producers. Similarly, a trade association representing a poultry indicate whether certificates for programmes other than biological ones may be used instead of the documentation referred to in the indication. Answer: Any agricultural product sold, labelled or presented as organic must be produced in accordance with the provisions of the National Organic Programme (AMP) of the Agricultural Service (AMS) in 7 CFR 205, as confirmed by a third country certification body accredited by NOP. Therefore, if an establishment produces meat or poultry products that meet the requirements for a biological request under NOP regulations, the establishment may not have to provide FSIS with additional documentation in support of a separate request for the collection of animals if the standards for the request for collection of the animals are supported by the request for organic production, i.e. the standard for the request for animal rearing is explicitly addressed in the NOP Regulations. For example, a biological certificate would be sufficient support for the claim not to apply antibiotics to certified organic animal products, since 7 CFR 205.238(c)(1) expressly prohibits antibiotics for this purpose. Furthermore, there is no need for a written description of the product traceability and separation mechanism as support for certified organic products, as these activities are a condition for NOP certification. For meat and poultry products certified under non-NOP programmes involving individual animal collection claims, such as the 5-Step Certification Programme of the Global Animal Partnership, FSIS would accept with its certificate as support for individual animal collection claims or instead of the documentation specified in the manual. FSIS shall update the guidelines indicating the circumstances in which an organic production certificate could be used to support a specific animal rearing claim or instead of the documentation specified in the guidelines. However, we will reiterate that undertakings are not required to use any animal rearing claims, including those set out in the guidelines. Support for claims; Company information Comment: animal welfare organizations and individuals opposed FSIS's approval of animal welfare based on what commentators consider minimal support, for example, a brief affidavit from the requesting entity. Instead, they called on FSIS to provide at least detailed animal care protocols and photographic evidence in determining any approval of the label. Answer: In order to approve the request for collection of the animals, the enterprise must submit to FSIS documentation supporting the request. The type and size of the supporting documentation shall depend on the request and may vary according to the circumstances. FSIS assesses these label applications on a case-by-case basis. In addition, FSIS is often consulted on the its federal partners, for example with the USDA AMS, to decide whether the documentation submitted in support of the animal weed claim provides the necessary level of detail to ensure that the claim is credible and non-misleading, not misleading, the type and size of supporting documentation necessary to adequately support the claim for the collection of animals shall vary depending on the type of application. There are several claims, such as made from Angus beef, that can be supported by a short affidavit, such as a certificate from a breed organisation where the enterprise produces only those products. However, this is not necessarily the case in all animal rearing claims. Comment on animal welfare and environmental protection Comment: FSIS has received several comments from animal welfare organisations, consumer organisations and individuals on the Agency's guidelines on animal welfare and environmental claims. Furthermore, in May 2014, before FSIS published the 2016 guidelines, the Institute for Animal Welfare (AWI) petitioned the Agency to amend its regulations to require third-party certification for approval of animal welfare and environmental protection requests in the labelling of meat and poultry products. [2] Both the comments and the petition claim that FSIS does not have the expertise or resources to adequately approve animal welfare and environmental claims. According to the comments and petition, the Agency is currently approving claims based on standards that do not meet consumer expectations. In order to address these concerns, the comments and the petition state that FSIS should only approve animal welfare and environmental management claims certified by an independent third-party certification organisation that has established standards that go beyond conventional industry standards set by meat and poultry trade associations. Answer: FSIS disagrees. As noted in the guidelines, animal welfare claims and environmental management describe how animals are kept on the basis of the care the producer receives or how the producer maintains the land and complements the environment. The comments and petition state that consumers, producers and certification organisations have different views on specific livestock farming practices that should be linked to certain animal welfare or environmental protection requests. Therefore, since animal welfare claims or environmental management mean different things to different people, a claim that is determined by specific standards of the certifying organisation by a third party cannot reflect the different views relating to these types of claims. In order to ensure that animal welfare claims and environmental management continue to accurately reflect animal production practices that define a specific claim, update its guidelines with additional information, as well as examples of animal welfare and environmental claims that the Agency is likely to find credible and non-misleading. In particular, the guidelines provide for the approval of animal welfare and environmental management claims if the product label standards that define the claim and identify the entity that established the standards, such as Raised With Care: TMB Ranches Defines Raised as [explain the meaning of the claim on the label]. If an entity has a website that describes the standards used to determine the claim, it may provide the address of the website instead of explaining what the claim on the product label means, such as Raised With Care as determined by TMB Ranch at [website address]. As an alternative to additional terminology, animal welfare claims and environmental management may be certified by a certifying third party that publishes the standards used to determine the claim on its website. If the claim is certified by a certifying third party, FSIS shall approve the label bearing the claim if it includes the name of the certifying person, the website address[3] and the logo where the organisation has a logo as described in the manual. In this approach, the labelling of meat or a poultry product claiming animal welfare or environmental protection shall include the information to be determined by consumers on whether the animal rearing practices used to determine a specific animal claim meet their expectations for the claim. Comment: Comments from animal welfare organisations and consumer organisations indicate that although FSIS will only approve animal welfare or environmental management claims if the claim is set on the label, companies have different standards for animal welfare and environmental management, and use different types of documentation to support these claims. The comments indicate that due to these differences, the same statement may reflect different practices depending on the manufacturer's standards for the claim, which, according to the comments, leads to allegations that mislead and confuse consumers. The comments also state that it is unlikely that a manufacturer's humane or sustainable practices will be adequately described in the limited space provided for on the product label. Answer: As discussed above, FSIS recognises that the same request for animal welfare or environmental stewardship may reflect different animal production practices depending on the standards of the producer or certifying authority with regard to the claim. However, FSIS disagrees that these differences lead to claims that are misleading or confusing to consumers. As noted above, FSIS updates the guidelines with additional information and examples of claims that the Agency is likely to find worthy and not misleading if accompanied by appropriate documentation. The labelling of products bearing animal welfare and environmental protection requirements must include information that consumers may use to determine whether the animal rearing practices used to determine a specific claim meet their expectations for the claim, i.e. the name of the entity that created the standard, with a statement explaining the meaning of the as applicable to that particular product or website address that provides the standards to the entity for determining the claim. If a third party certification organisation has established the claim, the website address will need to provide the standards to the certification organisation to determine the claim. FSIS will not approve an animal welfare request or environmental management if the product label does not contain complete information on the quality assurance standards for animals that determine the claim or identify the entity that established the standards. Or, if the claim is certified by a third-party certification organisation, FSIS will not approve the label bearing the claim unless it includes the name of the certifying entities, the website address and the logo where the organisation has a logo. Comment: AWI's above comments and 2014 petition said many claims of animal welfare and environmental stewardship were misleading as they reflected traditional industry standards set by meat and poultry trade associations. The comments and petition, as cited by research, show that consumers believe that animal welfare claims, such as humanely raised ones, are a standard of care higher than that of the conventional agricultural industry. In particular, they said that studies have shown that a majority of consumers believe that products that bear humane claims in their labelling should be obtained from animals that have access to open and sufficient space for free movement. They argue that FSIS should only approve third-party certified claims if the party applies standards that meet those consumer expectations for the request in question. The comments and petition included examples of certification programs that they believe meet consumer expectations for animal welfare claims. Answer: As noted above, FSIS will only approve product labels bearing animal welfare and environmental management claims, which include information that consumers must determine whether the animal rearing practices used to determine a specific claim will meet their expectations for the claim. Thus, consumers who have specific expectations of the standard of care used to determine a claim can identify meat and poultry products that meet their expectations from the information included in the product labelling. Comments: AWI's 2014 petition and comments from animal welfare organisations state that these guidelines put producers who choose to use third-party certification in an economic position. The comments note that producers who choose to use the from a third country usually incur certification costs and maintain systems that go beyond traditional production standards in terms of animal welfare and environmental protection. The comments and petition state that producers making animal welfare claims or environmental claims that have not been and charge a premium for their products, while avoiding certification and production costs. They also said that requiring third-party certification would increase consumer confidence in animal welfare and environmental protection claims, as third-party certification programs are independent of Start Printed Page 71364companies, which they certify and have experience in setting standards. Answer: FSIS disagrees that the guidelines place companies that choose to use third-party certification for claims for animal collection in an economic situation. The manufacturer's decision to use the third-party certification program is a voluntary business decision. Producers using certification organisations do so because they have found that the benefits of labelling meat or poultry products with declared animal welfare or environmental management outweigh the costs associated with the certification programme. Consumers who have more confidence in claims that are certified by a third-party organisation can identify products that meet the standards of a certification body from the information included in the product labelling. However, as noted above, FSIS does not agree that third-party certification is required, as the Agency considers that it would not be economically feasible for very small and very small enterprises to bear the additional costs of certification by an independent third party due to low sales volumes. Furthermore, as FSIS reviews all animal welfare requests on a case-by-case basis, the Agency does not consider it necessary to require third-party certification to ensure that labels bearing animal welfare and environmental management claims are credible and not misleading. Diet commentary: One manufacturer urged FSIS to accept only the term grass, not the terms Grass Fed or grass-fed. Answer: FSIS considers all three terms synonymous and will continue to approve them when appropriate documentation is provided to substantiate the claim. Comment: A manufacturer called on FSIS to require official enterprises to submit annual soil health monitoring and reporting to FSIS as a condition for approving grass claims. The commentator said the data requirement would encourage better land management practices and healthy pastures. Answer: FSIS considers that information on land management practices is not necessary for the Agency to assess grass claims in the labelling of meat and poultry products, as land management practices are not part of the animal diet. However, information on land management practices may be included as part of the supporting documents if the claim contains information on soil health or land management practices. Comment: Environmental protection organisation called on FSIS to establish a standard for grass fed on the basis of four conditions: (1) without restriction; (2) there were no routine antibiotics; (3) no added hormones; and (4) feed-based diet life of the animal after weaning. Similarly, consumer comments, animal welfare organisations and consumer groups have asked FSIS to establish a standard for feeding grass that applies weaning for slaughter, prohibits the use of food for food and for which animals have 100 per cent access to a feed-based diet. In addition, an animal welfare organisation has asked FSIS to clarify whether products made from animals with less than 100 per cent access to grass or feed can carry advertising on the grass-fed label, such as 85 per cent grass fed. Answer: In response to these comments, FSIS updated the guidelines to clarify that claims for 100% of grass are not authorised for animal feed animals. FSIS also added that where animals have less than 100 per cent access to grass or feed, any application for grass fed must accurately reflect the circumstances of rearing (e.g. Produced from cows fed 85 per cent grass and 15 per cent maize). Like other food claims, FSIS will verify these claims by reviewing records that describe the animal's nutrition from birth to the harvest or growing period indicated by the claims. With these changes, FSIS considers that the information in the guidelines is adequate as it relates to the use of grass fed and 100% grass, it claims. As set out in the guidelines, in order to approve these specific claims, animals must be fed only with grass or feed, with the exception of milk consumed before weaning. Furthermore, these animals may not be fed grain or other cereal products and must have uninterrupted access to pasture during the growing season until slaughter. Living conditions/promotion/promotion comment: Comments from animal welfare organisations, consumer organisations and individuals state that FSIS should update the guidelines for living/rearing claims by defining individual claims for meat and poultry and poultry meat, without taking any other similar claims. The comments note that, according to the guidelines, certain claims, such as Free Range and Pasture Raised, require the manufacturer to determine the claim on the product label, while other claims, such as Free Roaming and Pasture Grown, are acceptable without definition where the animal from which the products are derived has uninterrupted access to the outside for a minimum of 120 days a year. The comments state that FSIS should set minimum standards reflecting consumers' expectations of these claims and clarify whether certain claims can only be used for products derived from animals or birds. The comments include recommendations on how to define claims for range or pasture for birds and separate recommendations on how to define range or pasture for According to the comments, the recommended standards included in the comments reflect consumer expectations for these claims, which include a certain degree of vegetative coverage, minimal space for an animal, and from risks to animal welfare. Answer: As explained above, FSIS does not consider that the Agency should define the specific living/rearing conditions in the Regulations or guidelines, as this procedure, which provides for a case-by-case review of the producer's animal weed protocol, is effective in ensuring that the labels bearing these claims are reliable and not misleading. However, these comments showed confusion as regards the labelling of products with life/promotion requirements. To ensure that claims for living conditions/promotion continue to accurately reflect livestock farming practices that define a specific request, FSIS shall update the guidelines by reorganising the living/promotion section to clarify which statements do not require additional terminology and documentation necessary to substantiate these claims. In addition, FSIS added information to clarify that almost all life/promotion requirements require additional terminology explaining the meaning of the claim, such as Cell Free. Chickens have never been confined to cages during rearing. FSIS has also clarified that, as an alternative to additional terminology, the living/raising of claims can be certified by a certifying third party that publishes its standards for determining the claim on its website. If the claim is certified by a certifying third party, FSIS will only approve the label bearing the claim if it includes the certifying person's name, website address and logo when the organization has a logo as described in the guidelines. Based on the consultation with AMS in the 1990s, the 20th century found that no additional terminology was needed on the free range claim label and synonymous statements (Free Roaming, Start Printed Page 71365Pasture Fed, Farmed Pastures Raised and Meadow) of poultry products. However, in order to approve these claims, FSIS must provide additional information to justify the request. Specific details of what additional information was needed in the manual. Although FSIS considers that the current approach is appropriate as it can cope with different production situations while providing an animal rearing environment that allows birds to express their natural behaviours, FSIS would like to comment on this approach. Comment: In January 2016, AWI submitted a different petition [4] asking FSIS to start drawing up rules to define free range and equivalent claims for poultry and to establish requirements to prove the approval of such applications. Alternatively, the petition requires FSIS to update its guidelines on the free scope it claims to include the changes requested in the petition. The petition argues that external access should not be the sole determinant of the claim of free movement According to the petition, in order for the producer to correctly illustrate that their birds are free, they should be required to in addition to outdoor access. The petition states that producers should be required to provide evidence that birds have easy and uninterrupted access to vegetation, shade and soil; protection against predators and adverse weather conditions; open space that is at least as large as the interior space. According to the petition, only when producers are obliged to provide this information does this claim become valuable to consumers. The petition and other comments said the current guidelines do not reflect consumer expectations, as under the guidelines, free-range poultry can come from captive birds under overcrowded conditions as long as birds have access to the outside. The comments and petition said the current guidelines and approval process for the free range of birds claim to relate to allegations that are inconsistent and misleading to consumers. Answer: As noted above, FSIS updated the guidelines by adding information on the type of documentation usually needed to justify the request for free range for poultry products. The update reflects FSIS's longstanding policy of approving these claims. In order to approve this specific FSIS claim, the establishment must include a description of the conditions for the accommodation of the birds and demonstrate that the birds have uninterrupted and free access to the outside. Comment: Comments by animal welfare organisations state that cage-free claims should not be allowed for chicken and turkey products, as food-reared birds are not normally kept in cages before being transported to slaughter. The comments argue that cage-free claims about poultry products are misleading because they give consumers the false impression that there are poultry products on the market that come from caged birds. Answer: When supported by the documentation, the claim that the birds are raised in a cage is a true and accurate statement of the manufacturer's promotion practices which the establishment has chosen to communicate to consumers on the product label. If the claim is factually accurate and supported by documentation, FSIS will approve a cellless claim in the labelling of poultry products if it is part of a full statement that is true and not misleading, e.g. Cage-free. Chickens have never been confined to cages during rearing. Any producer who raises cage-free poultry may label his poultry products as cage-free if the application is supported by documentation. Even if the rearing of birds is common practice, this does not lead to a false or misleading claim. Antibiotic-free comment: Group of animal welfare organisations noted that the guidelines allow producers to make a number of voluntary claims regarding the use of antibiotics during livestock farming, but does not require producers to disclose the use of antibiotics. The comments state that FSIS must require the use of antibiotics during animal production to be products in order to prevent improper branding of products and to promote the informed Furthermore, in June 2013, before FSIS published the initial guidelines, the Animal Protection Fund (ALDF) petitioned FSIS to initiate rules to require mandatory labelling in order to disclose the routine use of antibiotics in animals used for the production of meat and poultry products. [5] The petition requires FSIS to require the labels of all meat and poultry products to disclose whether antibiotics have been administered to the source animals. The petition includes a study suggesting that bacteria found in meat from animals kept with antibiotics may be more likely to be resistant to antibiotics than bacteria in meat from animals kept without antibiotics. The petition also cites studies that show that consumers are concerned about issues related to antibiotic use in livestock farming and the development of antibiotic-resistant strains of bacteria. The petition and comments argue that the current regulatory scheme, which allows producers who do not use antibiotics to voluntarily disclose this fact on the product label, fails to provide uniform and meaningful disclosure of the use of antibiotics on the holding. Both the petition and the comments state that the lack of disclosure of essential facts on the use of antibiotics prevents consumers from making informed purchasing choices with regard to the practice of livestock farming, which many consumers consider to pose a threat to public health. Answer: FSIS does not require the labelling of meat and poultry products to reveal the fact that antibiotics have been prescribed to animals as part of the manufacturing process, as the Agency does not consider animal production practices to be essential facts to be disclosed on the product label. The allegations of animal collection, including claims of antibiotic use, are voluntary marketing claims that highlight certain aspects of the way source animals used to produce meat and poultry products have been kept. These statements do not provide information on the characteristics or components of the meat or poultrymeat products themselves. FSIS conducts residue tests in meat and poultry to ensure that the product does not include any banned chemicals, including antibiotics. As mentioned above, FSIS regulates the marking, labelling and packaging of meat and poultry products to ensure that these products are not incorrectly marked. According to Acts, the product is wrongly robbed, among other circumstances, if its label is false and misleading in any particular name (21 USA.C.601(n)(1), 21 U.S.C. 453(h)(1)). In historical times, FSIS has misinterpreted or misleadingly in any way a specific attitude such as material distortion directly related to the intrinsic characteristics of the Food Itself Start printed page 71366. [6] In other words, the elements required to indicate the label must inform the consumer of the ingredients of the product. Information that may be of interest to certain users, such as the use of antibiotics animal husbandry, but this does not apply to the nutritional, organoleptic or functional characteristics of the product or other essential characteristics of the food, is not considered to be an essential fact to be disclosed in the labelling of the product. Although the 2013 petition submitted by ald includes information to show that the use of antibiotics as part of animal production can lead to the development of antibiotic-resistant bacterial strains, supporting data do not show that the correct use of antibiotics in animal production affects the attributes of the meat itself or a poultry product. As noted in the petition, most major grocery stores carry meat and poultry products labeled as antibiotics without. Thus, consumers wishing to avoid the purchase of meat and poultry products from animals which may have received antibiotics during the manufacturing process can identify these products from the current voluntary animal production claims. FSIS is currently testing certain products with antibiotic-free claims to check that these products are not improperly processed. This effort will help ensure that these etiquette statements are accurate and not misleading. Comment: In a 2013 petition by ALDF and consumer protection organisations, FSIS must adopt a single labelling standard for all meat and poultry products to establish whether animals have been fed antibiotics. The comments said the guidelines provide for manufacturers to make a number of voluntary claims, such as No Antibiotics Administered, Antibiotics Ever, Raised Without Subtherapeutic Antibiotics, and No Antibiotics Applied the last 150 days, which the comments find difficult for consumers to make informed decisions on what they consider public health. The petition recommends that FSIS prescribe standard terminology and definitions for claims raised with antibiotics, raised without antibiotics and Antibiotics only for use of a therapeutic antibiotic. Finally, according to the importers of comments and the petition, antibiotic claims must be separated from other claims to increase animal health on the label, since the use of antibiotics in livestock farming has potential effects on human health, which make labelling particularly important. Answer: FSIS considers that the current approach to approving labels claiming the use of antibiotics during animal production is effective in ensuring that these types of claims are credible and not misleading. Therefore, the Agency does not establish standard definitions for these types of claims, as recommended by the comments and petition. FSIS will approve a label containing a claim to increase the dose of antibiotics associated with the use of antibiotics if the claim is supported by documentation the claim accurately reflects the conditions under which the starting animal was reared. As noted in the comments, FSIS endorses statements that reflect changes in the production, such as raised without antibiotics and without antibiotics used to promote growth, antibiotics administered in case of disease. Differences in claims reflect differences in antibiotic use during animal production. FSIS does not agree that these claims are misleading or confusing to consumers, as FSIS will only approve a claim relating to the use of antibiotics that accurately reflects the conditions under which the starting animal was raised. Comment: Several comments from consumer protection organizations and individuals said FSIS should prohibit the claim raised without subtherapeutic antibiotics because the term subtherapeutic has no generally recognized meaning. Answer: FSIS will only approve claims that animals have not been given subtherapeutic antibiotics if such claims are part of a full statement that is credible and non-misleading, for example, there are no subtherapeutic antibiotics. Animals do not receive antibiotics daily; only in case of illness. However, in order to avoid confusion, FSIS updated the guidelines to include further examples of allegations in which the agency is likely to find that the use of the term subtherapeutic is true and not misleading. Raised without added hormones comment: Several comments from users, animal welfare organizations, consumer organizations, and an environmental organization called on FSIS to establish standards in the guidelines for the claim raised without growth stimulants (stimulants). According to the comments, FSIS should only approve the claim if the source animals have not been treated or have not been fed any chemical compound used to promote the growth and effectiveness of feed, including, but not limited to, hormones, beta-agonists and antibiotics. Answer: FSIS agrees that the documentation for the claim raised without growth stimulants (stimulants) will have to show that the animals are not treated or fed any chemical compound used by producers to promote growth and efficiency of feed throughout the animal's life. However, in FSIS's experience, the use of this specific statement is rare. Therefore, FSIS has not made any changes related to its expectations for growth stimulant claims but has updated the examples in line with the more commonly used negative hormone claims, such as Raised Without Added Hormones and No Added Hormones Administered. Comment: A consumer protection organization said FSIS should not determine the qualifying declaration Federal regulations prohibit the use of hormones in (types) of pork products labeled with a negative hormone claim. The organization argues that the claim is misleading for these products because several hormones, for example, Altrenogest, synthetic progesterin and oxytocin, have been approved for use in pigs by the Food and Drug Administration. FSIS agrees with the comment and updates the guidelines to clarify that the for pigmeat products. To be clear, the qualification declaration will still be required for products produced from poultry, veal, goat, mature sheep, or exotic (non-subject) species bearing negative hormone claims, such as raised without added hormones. Establishments must not reintroduction of their approval labels in order to remove the qualified indication from the labels of pigmeat products. Enterprises may remove generally qualified reports under 9 CFR 412.1, for example at the next printing, in order to comply with the updated FSIS guidelines. Comment: Several comments from animal welfare organizations and an environmental organization called on FSIS to ban negative hormone claims for products made by species for which federal law prohibits the use of hormones. They argue that resolving such claims can mislead consumers who are unaware that hormones should not be used even in animals whose products do not bear the claim. Answer: If the claim is factually accurate and maintained by Start printed page 71367documentation, the guidelines explain FSIS will approve a negative hormone application for products made from poultry, veal, goats, mature sheep and exotic species (such as buffalo and moose) when accompanied by the following eligible statement on the label: Federal regulations do not allow the use of hormones in [species name or species]. As explained above, this information must be visible and on the label in accordance with the provisions. However, FSIS recognises that users who are unaware that hormones are banned for use in some animals and poultry could be misled by a negative hormonal claim due to their unique nature. To address this concern, FSIS has updated the guidelines to clarify why eligible information is needed for certain products. The guidelines have been updated to emphasise that FSIS only approves these claims where the necessary eligible information is prominently displayed and clearly displayed on the label, for example, it appears next to the claim or is of a type with at least one third of the height. The Congressional Review Act of 5 states C. 801 and S.C., the Office of Information and Regulatory Affairs has determined that such notice is not a basic rule as defined in 5 U.S.C. 804.(2). It is important that further public notification is informed of all segments of policy-making and policy-making. FSIS will therefore announce the publication of this federal register online through the FSIS website located at: Federal Register. FSIS will announce and link to it through the FSIS constituent update, which is used to provide information about policies, procedures, regulations, federal register notices, FSIS public meetings and other types of information that may or would be of interest to our constituents and stakeholders. The ingredients update is available on the FSIS webpage. Fsis. on the website, FSIS can provide information to a much wider and more diverse audience. In addition, FSIS offers an e-mail subscription service that provides automatic and personalized access to selected news and food safety information. This service is available at: subscribe. Options range from downloading information, regulations, directives, and notifications. Customers can add or delete subscriptions themselves and be able to password protect their accounts. 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