



Meat Grading & Certification Branch

Misuse and Misrepresentation of USDA Grade Names

I. PURPOSE

This Instruction explains section 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law (Pub. L.) 272, and outlines procedures for its enforcement. Included are exhibits of Pub. L. 272, the Food Safety and Inspection Service (FSIS) Directive pertaining to grademark labeling, and guidelines and forms for investigating.

II. POLICY

It is the policy of the Meat Grading and Certification (MGC) Branch to:

- A. Ensure that all employees are familiar with (1) Pub. L. 272 (Exhibit A); (2) section 54.2 of the regulations governing the grading, certification, and standards of meats, prepared meats, and meat products; (3) FSIS Directive 6810.1, dated September 22, 1989 (Exhibit B); and (4) Guidelines for Reviewing Retail Outlets for Pub. L. 272 Violations (Exhibit C).
- B. Eliminate and prevent misuse and misrepresentation of U. S. Department of Agriculture (USDA) grade names at all marketing levels between the meatpacker and the consumer.
- C. Conduct frequent reviews of grade labeling and advertising at retail outlets.
- D. Cooperate fully with personnel assigned to investigate violations.
- E. Conduct reviews in a manner which will establish and maintain a constructive relationship between USDA employees and public and private industry.

III. RESPONSIBILITIES

- A. Grading and Certification Director is responsible for:
 - 1. Ensuring that all supervisors and graders are fully trained in performing Pub. L. 272 reviews (Exhibit D – Retail Outlet Reviews and Exhibit E – Slaughter and Processing Facility Reviews) and that supervisors and graders actively participate in completing the required Pub. L. 272 reviews.

2. Ensuring coverage of Pub. L. 272 reviews of all States across the Nation by assigning approximately 50 reviews annually to each Supervisory Meat Grader (SMG) through the Assistant Directors. Retail outlets selling meat should be targeted with a concentration on chain stores with nation-wide coverage. When consumer complaints about possible violations are received, the Grading and Certification Director will assign a review in a timely manner.
3. Ensuring that graders and supervisors obtain signed Acknowledgement of Public Law 272 Review statements (Exhibit F) from management of all establishments found in violation of Pub. L. 272 and, that they receive the necessary follow-up reviews within the required timeframe.

B. Assistant Directors are responsible for:

1. Ensuring that all graders and supervisors are familiar with (1) Pub. L. 272; (2) section 54.2 of the regulations governing the grading, certification, and standards of meats, prepared meats, and meat products; (3) FSIS Directive 6810.1; and (4) Guidelines for Reviewing Retail Outlets for Pub. L. 272 Violations.
2. Obtaining from the Grading and Certification Director the randomly selected retail outlets that are to receive a Pub. L. 272 review.
3. Ensuring that signed Acknowledgement of Public Law 272 Review statements on all violations are obtained. Management personnel refusing to sign acknowledgment statements will be reported to the Grading and Certification Director.
4. Maintaining records identifying when violations occurred and when follow-up reviews are due.
5. Reporting immediately all instances of repeat violations to the Grading and Certification Director.
6. Ensuring that all applicants are aware of and understand the requirements regarding grade labeling of federally graded meats (MGC Instruction 107, Requirements for Grading Terms on Meat Product Labeling). Questions concerning FSIS requirements or interpretation of FSIS regulations should be referred to local meat inspection officials.
7. Ensuring that MGC Branch policies regarding misuse and misrepresentation of USDA grade names are administered in their area.

C. Supervisors are responsible for:

1. Assigning graders to perform original Pub. L. 272 reviews of retail outlets, ensuring a minimum of 50 PL 272 reviews in their respective areas annually.
2. Forwarding hard copies of violations by fax to the MGC Branch Office, Management Analyst in charge of PL 272's.
3. Ensuring follow-up reviews are scheduled and conducted in the appropriate time frame.
4. Ensure that graders are knowledgeable in procedures of conducting and completing all PL 272 review forms.

D. Graders are responsible for:

1. Conducting original and follow-up reviews of retail outlets voluntarily and/or when assigned by their supervisor in accordance with Guidelines for Reviewing Retail Outlets for Pub. L. 272 Violations.
2. Accurately completing and submitting all Public Law 272 Review forms in a timely manner.
3. Obtaining a signed Acknowledgement of Public Law 272 Review statement from responsible retail outlet officials when the establishment is found to be in noncompliance.
4. Administering MGC Branch policies regarding misuse and misrepresentation of USDA grade names.

E. MGC Branch Management Analyst in Charge of PL272's is responsible for:

1. Ensuring that the Grading and Certification Director is aware of the number of Pub.L. 272 reviews that have been completed nation wide
2. Reporting to the MGC Branch Chief, Assistant Chief, and Grading and Certification Director:
 - a. All Pub. L. 272 violators who refuse to sign Acknowledgement of Public Law 272 Review statements.
 - b. All repeat violations and include a written report about the violation.
 - c. An annual report of Pub. L. 272 reviews by September 1 of each year. The annual report shall include:
 1. The total number of reviews.

2. The total number of violations.
 3. The name and location of businesses in violation.
 4. The dates of the review and the follow-up reviews.
 5. Comments about the violation and the resolution.
3. Preparing written reports on repeat violations for the Grading and Certification Director.
 4. Maintaining a list of follow-up reviews to be completed within 30 days of the initial review and issuing it each month to the Customer Service Director.
 5. Submitting to the Grading and Certification Director the names and addresses of violators who refuse to sign Acknowledgement of Public Law 272 Review statements.
 6. Preparing for release to news media and trade publications (through appropriate channels) press releases detailing successful prosecution of establishments that have not corrected Pub. L. 272 violations.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A

Public Law 272 - 84 Congress Chapter 632 - 1st Session S. 1757

AN ACT

All 69 Stat. 553. To amend the Act known as the "Agricultural Marketing Act of 1946," approved August 14, 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (h) of section (60203 of the Agricultural Marketing Act of 1946 Stat. (7 U.S.C. 1622 (h)) is hereby amended by adding at 1088.) the end thereof the following new sentence: "Whoever knowingly shall falsely make, issue, alter, forge, or counterfeit any official certificate, memorandum, mark, or other identification, or device for making such mark or identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under this section or knowingly cause or procure, or aid, assist in, or be a party to, such false making, issuing, altering, forging, or counterfeiting, or whoever knowingly shall possess, without promptly notifying the Secretary of Agriculture or his representative, utter, publish, or use as true, or cause to be uttered, published, or used as true, any such falsely made, altered, forged, or counterfeited official certificate, memorandum, mark, identification, or device, or whoever knowingly represents that an agricultural product has been officially inspected or graded (by an authorized inspector or grader) under the authority of this section when such commodity has in fact not been so graded or inspected shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 2. The farm produce inspection clause contained in various appropriation Acts (7 U.S.C. 414) Repeals and the second, third, and fourth sentences of section 1 of the Produce Agency Act of March 3, 1927 (7 U.S.C. 492) are hereby repealed. (44 Stat.1355.) Approved August 9, 1955.

Official USDA Grade Terminology

Beef:

Quality Grades - Prime, Choice, Select, Standard, Commercial, Utility, Cutter, Canner.

Yield Grades - YG1, YG2, YG3, YG4, YG5.

Lamb:

Quality Grades - Prime, Choice, Good, Utility, Cull.

Yield Grades - YG1, YG2, YG3, YG4, YG5.

Veal/Calf:

Quality Grades Only - Prime, Choice, Good, Standard, Utility.

Pork: U.S. No. 1, U.S. No.2, U.S. No. 3, U.S. No. 4, U.S. Utility.

NOTE: Currently pork is not officially graded by USDA and, therefore, may not be labeled or advertised by grade.

Examples of Public Law 272 Noncompliance

- Representing, verbally or written, red meat as being graded when it has not been graded.
- Misuse of official USDA shields or facsimiles thereof.
- Advertising "USDA" with unofficial grade terminology (e.g., "USDA" Heavy Western Beef).
- Labeling red meat by-products (oxtails, liver, hearts, etc.) with official USDA grade terminology.
- Advertising or labeling of ground or diced products with official USDA grade terminology, unless the establishment exclusively sells that specific grade or has a written quality control program in place to ensure correct grade usage.
- Labeling any graded red meat with a different grade (e.g., graded Prime, labeled as Choice).
- Using improper grade terminology on other species (e.g., Choice pork, Select lamb).
- Advertising a particular grade and not having that grade available (e.g., restaurant menu states Choice T-Bone steak and Choice is not available).
- Linking of official USDA grade terminology with private name on ungraded red meat (e.g., Frank's Choice).
- When advertising one grade exclusively and having additional grades and/or ungraded

available (e.g., "We sell only USDA Choice").

- Use of "USDA Certified" when the red meat has not been officially certified by an AMS agent.

Examples of Official USDA Shields



EXHIBIT B

6810.1 Grademark Labeling On M&P Prods 9/22/89

REVISION 02 09/22/89

OPI: RP/SLD

GRADEMARK LABELING ON MEAT AND POULTRY PRODUCTS

I. PURPOSE

This directive provides procedures for use by inspectors to ensure accuracy of grade labeling on meat and poultry products.

II. CANCELLATION

This directive cancels FSIS Directive 6810.1, Revision 1, dated 4/15/86.

III. REASON FOR REISSUANCE

This directive has been revised to update Section VI. A. 2, page 2, to conform with recent regulation changes; and to provide more detailed instructions in Section VI. B, page 5, regarding poultry grading at non-resident grading locations.

IV. REFERENCES

MPI Regulations, Sections 317.8 and 381.129.

Subchapter C - Regulations and Standards under the Agricultural Marketing Act of 1946.

7 CFR Sections 54.11, 54.16, 54.104 - 54.107, 54.115 - 54.117, 54.123, 54.125, 54.126, 54.134, 54.135, and 70.80.

SLD Policy Memos 101 and 101A.

V. ABBREVIATIONS

The following will appear as abbreviated in this directive:

IIC	Inspector In Charge
MGC	Meat Grading and Certification Branch, AMS
MPIO	Meat and Poultry Inspection Operations
PGB	Poultry Grading Branch, AMS

VI. PROCEDURES

A. Labeling Meat Quality and Yield Grade.

1. Certified Product. Labels or container markings which refer to Federal specifications (by number and/or words) shall only be approved for use with the understanding that the appropriate meat products are certified by MGC as meeting the required specification. For example, "Ground Beef - PP-B-2120," "Schedule SL-Sliced Bacon," and "IMPS Item No. 114 - Beef Shoulder Clod" are acceptable labels or container markings only if such products are certified by MGC. However, product

identified as "Ground Beef," "Sliced Bacon," or "Item No. 114, Beef Shoulder Clod" will not require certification by the MGC.

2. Official USDA Grademarks for Meat.

a. Quality. The following USDA quality grademarks may be applied to carcasses by MGC personnel:

(1). Beef Prime, Choice, *** Select, Standard, Commercial, Utility, Cutter, Canner.

(2). Veal/Calves--prime, Choice, Good, Standard, Utility.

(3). Lamb/Yearling Mutton--Prime, Choice, Good, Utility.

(4). Mutton--Prime, Choice, Good, Utility, Cull.

(5). Pork (except sows) U.S. 1, U.S. 2, U.S. 3, U.S. 4, U.S. Utility.

(6). Sows--U.S. 1, U.S. 2, U.S. 3, Medium, Cull.

b. Yield. The following USDA yield grademarks may be applied to carcasses by MGC personnel: Beef/Ovine 1, 2, 3, 4, 5 .

c. Official USDA Grademarks on Carcasses and Cuts.

(1). When steer, heifer, cow, or bullock beef and ovine are officially graded, the grade may consist of a quality designation, a yield designation, or both a quality and yield designation. Slaughter bulls are yield graded only. Veal and calves are quality graded only. ***

(2). When Official U.S. Standards for Grades of Carcass Beef specifically prohibits the unnecessary trimming or alteration of external fat on beef carcasses to be presented for grade determination. Inspection personnel observing such actions shall report the matter to his/her supervisor and the local meat grading personnel.

(3). When wholesale or retail cuts from officially graded carcasses are to be labeled or identified with official grade names, such cuts or their containers must bear the official USDA grademark--Prime, Choice, Select, etc.--as applied by a USDA grader. Containers of USDA graded beef cuts may be labeled in the following manner, provided control procedures outlined in this directive are followed.

(a). If containers of cuts of mixed quality and yield grades are grade labeled, they may be labeled with the lowest quality grade included in the container and the words "or higher" (e.g.,

USDA Choice or Higher). This may include all Choice or all Prime or any mixture of the two grades.

(b). If containers of cuts are to be labeled for yield grade, the labeling must include all yield grades of beef in the containers (e.g., Yield Grade 1, 2, 3). *** Other grade labeling terminology which is more specific than the above guidelines (e.g., USDA Select or Choice Yield Grade 2 or 3) is permitted.

(c). Abbreviations for the quality and yield grademarks are not acceptable as labeling for USDA grades. Markings as Ch, Cho, C, or Y, etc., shall not be permitted.

(d). USDA grade designations may be preceded by the name of the firm provided the product is prepared from USDA graded meat. For example, labeling meat or containers "Troyer's Choice" is permissible provided it is USDA graded Choice meat.

(4). Quality grade or yield grade identification labeling shall be printed on the containers or on pressure sensitive labels which shall be applied to containers and shall not be handwritten. These labels shall bear the USDA grade designation and the inspection legend if the legend is not printed on or applied to the container.

(5). If official USDA grademarks are removed during cutting or trimming, one of the following procedures must be implemented.

(a). All cutting, trimming, packaging, and labeling must be done under continuous USDA grader's supervision.

(b). At a plant's request, cuts may be rebranded according to procedures acceptable to MGC.

(c). Any other procedure developed by the plant which ensures control over grademark and labeling of products may be submitted. This procedure shall be submitted through the IIC to the MPIO regional office for final approval. These approved procedures will be monitored by MPIO inspectors. A copy of the MPIO approval letter should be sent to the appropriate MGC Regional Director, Agricultural Marketing Service, listed below.

Eastern Region:

Regional Director
USDA, AMS, LS
Meat Grading and Certification Branch

800 Roosevelt Road
Building A - Suite 330
Glen Ellyn, IL 60137

Area of responsibility: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, Kentucky, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, and Missouri.

Southern Region: Regional Director
USDA, AMS, LS
Meat Grading and Certification Branch
Earl Cabell Federal Building
1100 Commerce Street
Room 7C59
Dallas, TX 75242

Area of responsibility: The States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and New Mexico.

Western Region: Regional Director
USDA, AMS, LS
Meat Grading and Certification Branch
400 Livestock Exchange Building
Denver, CO 80216-2139

Area of responsibility: The States of Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Nevada, Arizona, Washington, Oregon, California, Hawaii, and Alaska.

(7). If under an approved grade labeling program, an official grademark does not comply with the labeling requirements or is otherwise misused, the MPIO inspector shall:

(a). Retain all product packaged and labeled with such grade name and produced during the shift in which the deviation is discovered until the grade name is removed or obliterated.

(b). Through IIC, inform MPIO Area Supervisor and, if plant has Federal grading service, MGC Branch Regional Director.

(c). Discontinue product labeling until plant management provides both the MGC Branch Regional Director and the MPIO Area Supervisor with a written explanation of the incident and action taken to preclude a recurrence. Upon the concurrence of the MGC Branch Regional Director and the approval of the MPIO Area Supervisor, product labeling may be reinstated.

(d). If requirements are not met, the IIC, in cooperation with plant management, shall initiate

action to rescind approved labels or other plant-owned marking devices bearing official grade names.

B. Poultry Grade Labeling at Non-resident Grading locations. When previously graded and officially identified poultry products are repackaged and identified with official grade identification at non-resident grading locations, the control procedures outlined in this directive should be followed.

1. Product must have been officially identified with the grademark when received at the repackaging location.

2. Parts may not be cut from Grade A whole carcasses at the repackaging location and subsequently identified with the grademark. Parts cut from U.S. Grade A identified whole birds may be labeled as "cut from U.S. Grade A."

3. Repackaging plants must submit through the IIC to the MPIO regional office for final approval a copy of the procedures developed to ensure control over grademark and labeling of products. These approved procedures will be monitored by MPIO inspectors. A copy of the MPIO approval letter shall be sent to the appropriate Poultry Regional Director, Agricultural Marketing Service, listed below.

Gastonia Region: Regional Director
USDA, AMS, PY
635 Cox Road, Suite F
Gastonia, NC 28054

Area of responsibility: The States of Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, Virginia, Virgin Islands, West Virginia.

Little Rock Region: Regional Director
USDA, AMS, PY
#1 Natural Resources Drive
P.O. Box 5674
Little Rock, AR 72215

Area of responsibility: The States of Alabama, Arkansas, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio,

Des Moines Region: Regional Director
USDA, AMS, PY
Room 777
210 Walnut Street
Des Moines, IA 50309

Area of responsibility: The States of Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin.

Modesto Region: Regional Director
USDA, AMS, PY
World Plaza Building

1508 Coffee Road
Suite D
Modesto, CA 95355

Area of responsibility: The States of Alaska, Arizona, Colorado, California, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming.

4. If under the approved grade labeling program an official grademark does not comply with FSIS labeling requirements or is otherwise misused, the MPIO inspector shall:
 - a. Retain all product packaged and labeled with official grade identification and produced during the shift in which the deviation is discovered until the grade identification is removed or obliterated.
 - b. Through the IIC, inform MPIO Area Supervisor, and the PGB Regional Director.
 - c. Discontinue product labeling until plant management provides both the PGB Regional Director and the MPIO Area Supervisor with a written explanation of the incident and action taken to preclude a recurrence. Upon the concurrence of the PGB Regional Director and the approval of the MPIO Area Supervisor, product labeling may be reinstated.
 - d. If requirements are not met, the IIC, in cooperation with plant management, shall initiate action to rescind approval of labels bearing official grade identification.

W.S. Horne
Deputy Administrator
Meat and Poultry Inspection Operations

EXHIBIT C

GUIDELINES FOR REVIEWING RETAIL OUTLETS FOR PUB. L. 272 VIOLATIONS

When reviewing retail outlets, U.S. Department of Agriculture (USDA) employees are expected to do so with proper decorum to encourage an atmosphere of mutual cooperation. Such employees are required to properly identify themselves and be courteous, tactful, and diplomatic in their approach.

I. MATERIAL

In performing Pub. L. 272 reviews, graders have the following material:

- A. Government ID.
- B. Pub. L. 272 Instruction.
- C. Copies of Pub. L. 272 law and explanation of grade terms.
- D. Pub. L. 272 report forms.
- E. Previous report(s) for follow-up reviews.

II. BACKGROUND INFORMATION

The Meat Grading and Certification (MGC) Branch uses specific grade terminology, shield marks, etc., in identifying meat and meat products for official USDA quality and yield grade factors. It is the policy of the MGC Branch to prohibit the unofficial use of grade names, shield marks, etc., on any items/commodities not officially graded/certified by qualified Agricultural Marketing Service (AMS) agents. In conducting reviews of retail outlets for compliance with Pub. L. 272, the graders shall keep the following examples in mind.

NOTE: These examples are not all inclusive.

A. NONCOMPLYING REPRESENTATION

1. Representing, verbally or written, red meat as being graded when it has not been graded.
2. Misuse of official USDA shields or facsimiles thereof. (See Exhibit A.)
3. Advertising "USDA" with unofficial grade terminology (e.g., "USDA" Heavy Western Beef).
4. Labeling red meat by-products (oxtails, liver, hearts, etc.) with official USDA grade terminology.
5. Advertising or labeling of ground or diced products with official USDA grade terminology, unless the establishment exclusively sells that specific grade or has a written quality control program in place to ensure correct grade usage.
6. Labeling any graded red meat with a different grade (e.g., graded Prime labeled as Choice).
7. Using improper grade terminology on other species (e.g., Choice pork, Select lamb).
8. Advertising a particular grade and not having that grade available (e.g., restaurant menu states Choice T-Bone steak and Choice is not available).
9. Linking of official USDA grade terminology with private name on ungraded red meat (e.g. Frank's Choice).
10. When advertising one grade exclusively and having additional grades and/or ungraded available, (e.g. "We sell only USDA Choice").
11. Use of "USDA Certified" when the red meat has not been officially certified by an AMS agent.

B. COMPLYING REPRESENTATION

1. Use of official grade terminology in a company name (e.g., Prime Meat Company).
2. Commingling of properly labeled meat packages of different grades in the meat counter.
3. Graded and ungraded meat may be offered together in an establishment with a "Choice" sign behind the meat counter, as long as USDA Choice is available and is identified on the package.
4. Use of shields or symbols not closely resembling official USDA shields or symbols.
5. Use of official USDA grade terminology for red meats on nonmeat products (e.g., Choice oranges, Choice stuffed green peppers).
6. Use of official USDA grade terminology on items such as beef kabobs, when the beef being used is of that grade.
7. Use of the term "Prime Rib" to describe a cut of beef and the term "Chef's Prime" to describe a cut of pork.
8. Use of the term "Select" on USDA, Food Safety Inspection Service (FSIS) labels that were approved prior to the grade name change of "Good" to "Select."

C. IN-STORE PROCEDURES

1. Observe if there are any signs, ads, or banners on display designating a specific grade or grades.
2. Make a preliminary scan of the meat counter, noting which meat items are graded, ungraded, or a combination thereof.
 - a. If all meat items are ungraded in the counter and there are **NO** graded meat items advertised, it is not

necessary to review the cooler. Report that all meat in the counter is ungraded. Introduce yourself to the meat manager, store manager, etc., and explain the purpose of your review, provide a copy of the Pub. L. 272, and inform them that they were in compliance.

- b. If any graded meat items are advertised and are not displayed in the counter, or if any graded meat items are identified in the counter, it will be necessary to review the cooler. Introduce yourself to the meat manager, store manager, etc., and explain the purpose of your review, provide a copy of the Pub. L. 272, and ask to review the cooler. Make a note of graded and ungraded meat items in the cooler and compare with what is advertised and/or available in the counter to determine compliance with Pub. L. 272.
- c. If no obvious noncompliance is observed, complete "Public Law 272 Review" form (Exhibit D) and forward to the MGC Branch Office.
- d. If noncompliance is observed, record all meat items found in the cooler and in the meat counter that are in discrepancy. Explain your findings to the meat manager/store representative and request his/her comments on your findings. Make note of his/her comments. Request and/or obtain additional documentation, e.g., delivery invoices, labels, advertisements, flyers, and information on distributors, etc. Complete "Public Law 272 Review" form, obtain a signed "Acknowledgment of Public Law 272 Review" form (Exhibit E), and include any written comments from the store representative. Forward all information and documents to the MGC Branch Office.

NOTE: If store representative refuses to sign the acknowledgment, so indicate on the form.

- e. For blatant noncompliance, e.g., when all meat items in

the counter are labeled Choice and no Choice graded meat is available, or when the grader was denied access to review the cooler, the grader shall telephone his/her findings to the MGC Branch Office.

FILL OUT WHEN YOU DETERMINE SUSPECTED NONCOMPLIANCE

(Use additional sheets as necessary)

1. What USDA GRADED meat was advertised? Please explain.

(Obtain a copy of advertisement and attach to this report).

2. What USDA GRADED meat was in the counter?

3. What USDA GRADED meat was in the holding cooler?

4. What UNGRADED meat was in the counter?

5. What UNGRADED meat was in the holding cooler?

6. What did the store representative say when you told him about the suspected noncompliance?

7. Did you obtain a signed acknowledgment FORM from the store representative?

YES

NO

If no, include a narrative as to why an acknowledgement was not signed.
