

**Commodity Specification**  
**CHICKEN NUGGETS AND**  
**CHICKEN PATTIES**  
**SEPTEMBER 2007**



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## I. GENERAL

### A. Product Description

Frozen cooked breaded chicken nuggets and patties (commodity) produced under this Specification will be packaged and packed in the following forms as specified in the contract:

Chicken Nuggets (222330) - Frozen cooked breaded chicken nuggets, produced from ready-to-cook chicken and chicken parts, or boneless parts, meat, and skin. Chicken nuggets will be packaged 5 or 10 pounds (2.27 or 4.54 kg) per plastic-film bag to a net weight of 30 pounds (13.61 kg) in each fiberboard shipping container. A purchase unit will consist of 1,300 shipping containers totaling 39,000 pounds (17,690 kg).

Chicken Patties (223030) - Frozen cooked breaded chicken patties, produced from ready-to-cook chicken and chicken parts, or boneless parts, meat, and skin. Chicken patties will be packaged 5 or 10 pounds (2.27 or 4.54 kg) per plastic-film bag to a net weight of 30 pounds (13.61 kg) in each fiberboard shipping container. A purchase unit will consist of 1,300 shipping containers totaling 39,000 pounds (17,690 kg).

The names of the commodities are "chicken nuggets" and "chicken patties," and the descriptions of the commodities are "breaded nugget shaped patties made with ground chicken" and "breaded ground and formed chicken patties," respectively.

### B. Food Defense Requirements

Contractors and subcontractors participating in the commodity purchase program must have a documented and operational food defense plan that provides for the security of a plant's production processes and includes the storage and transportation of finished product after production. The plan shall address the following areas: (1) food defense plan management; (2) outside and inside security of the production and storage facilities; (3) slaughter and processing, including all raw material sources; (4) shipping and receiving; (5) storage; (6) water and ice supply; (7) mail handling; (8) personnel security; and (9) controlled access to production and storage areas. The food defense plan shall be made available to the United States Department of Agriculture's (USDA)/Agricultural Marketing Service (AMS) Auditor immediately upon request. Verification of the Food Defense Program at the processing, storage, and distribution facility will be conducted by the USDA/AMS Auditor.

### C. Commodity Complaints

The contractor/producer must immediately report all complaints received on the commodity to the Contracting Officer.

### D. Humane Handling

All poultry shall be humanely handled in accordance with all applicable Food Safety and Inspection Service (FSIS) regulations, directives, and notices.

## II. COMMODITY SPECIFICATIONS

### A. Basic Requirements

1. Date Processed. The commodity must not be processed or packaged more than 30 days prior to the first day of the delivery period.

2. Class. The commodity must be prepared from freshly slaughtered chickens (broiler/fryers, AMS § 70.201(c)).

3. Origin of Chickens. The commodity must be produced and processed from chickens that were produced, raised, and processed in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands. If the contractor processes or handles chicken carcasses and parts originating from sources other than the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands, the contractor must have an acceptable identification and segregation plan for those chicken carcasses and parts to ensure they are not used in the commodity produced under this Specification. This plan must be made available to a representative of the Grading Branch, Poultry Programs, AMS, USDA (Grader), and the Contracting Officer or agent thereof upon request. The contractor must ensure that both the contractor and subcontractor(s) maintain records such as invoices, or production and inventory records evidencing product origin, and make such records available for review by the Grader or other Government official(s) in accordance with Article 76 of USDA-1.

4. Inspection. Processing operations must comply with Poultry Products Inspection Regulations (9 CFR part 381) under the supervision of a representative of the USDA/FSIS (Inspector). Inspection for contract and specification compliance will be in accordance with the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products (7 CFR part 70) and the U.S. Classes, Standards, and Grades for Poultry (AMS 70.200 et seq.) under the supervision of a Grader. The Grader will be responsible for certification of compliance with the requirements of this Specification for chilled chicken carcasses and parts; preparation, formulation, batter/breading, and cooking of the commodity; cooked commodity; freezing; packaging and packing; labeling and marking; net weight; and checkloading.

5. FSIS Requirements. The commodity must be produced and processed in an establishment inspected by FSIS, be accurately marked and/or labeled, and meet all FSIS regulatory requirements, including all microbiological testing requirements, currently in place.

6. USDA Sampling Option. USDA may select additional commodity for further inspection or may draw samples for laboratory analyses.

7. Chicken from Other Plants. Chilled chicken and chicken parts may be transferred or obtained from other processing plants, provided they: (1) have been processed, handled, and identified in accordance with this Specification, and (2) comply with the freshly slaughtered, organoleptic, temperature, and other applicable requirements of this Specification as evidenced by USDA certification.

a. Type, class, and specific name of the product; date slaughtered; and the USDA-assigned plant number must be shown on each shipping container.

b. The chilled chicken and chicken parts must be at an internal temperature not higher than 40 °F (4.4 °C) and not lower than 26 °F (-3.3 °C) when shipped from the origin plant and when received at the destination plant.

## B. Requirements for Meat and Skin

1. Time Requirements. The chilled ready-to-cook chicken and bone-in, skin-on chicken parts must be fabricated into cooked commodity within 7 calendar days after the date of slaughter. Within this 7-day timeframe, deboned meat and skin from the chicken and chicken parts must be fabricated into cooked commodity within 4 days after deboning.

2. Maximum Temperature. The temperature of the carcasses or boneless parts, meat, and skin must not exceed 55 °F (12.8 °C) at any time during the preparation and processing of these chicken carcasses and parts for use in the commodity.

3. Cooling Requirements. The meat and skin which are not used in the commodity on a continuous basis after deboning, must be cooled by cooling methods or media that ensure that the internal product temperature is continuously lowered not higher than 40 °F (4.4 °C) and not lower than 26 °F (-3.3 °C).

### 4. Cooling Medium.

a. Cooling methods and media (e.g., use of liquid carbon dioxide (CO<sub>2</sub>), dry ice or liquid nitrogen (N<sub>2</sub>)) may be used to maintain the temperature of meat and skin.

b. Water, refrigerated water, slush ice and water, or ice used to cool or maintain the temperature of meat and skin must not be incorporated into the commodity. Liquid associated with normal product purge is acceptable.

5. Meat. The following kinds of boneless, skinless meat, in the amounts specified, must be used to prepare the raw chicken portion of the commodity.

a. White meat. The minimum amount of ground white meat used in the formula must be 51 percent of the total weight of the formula.

(1) Breast meat and tenderloins. The white meat must be from boneless and skinless breasts and tenderloins. No more than one-half of a breast half (1/4 of a whole breast) or one-half of tenderloins may be missing. Rib meat may be used when attached to the breast portions described in this paragraph.

(2) Wing meat. Boneless, skinless wing meat from the first portion of the wing may be used when attached to the breast portions.

b. Dark meat. The maximum amount of dark meat used in the formula must not be more than 41.65 percent of the total weight of the formula. Dark meat may consist of thigh

meat, combination of drumstick and thigh meat in natural proportion as it is removed from the carcass, or when formulated, drumstick meat may replace a maximum of 45 percent of the thigh meat used in the formula. This is equivalent to a maximum of 18.74 percent of total weight of the formula which could be drumstick meat.

(1) Thigh meat. The thigh meat must be boneless and skinless with no more than one-half of the thigh meat missing.

(2) Drumstick meat. Drumstick meat may be used. The drumstick meat must be boneless and skinless with no more than one-half of the drumstick meat missing.

6. Unacceptable Meat. No frozen or previously frozen chicken or chicken parts may be used. Mechanically separated, comminuted, flaked, or finely chopped chicken meat cannot be used.

7. Skin. The skin must be removed from the meat before size reduction. The layers of fat and any fatty tissue or membranes must be removed from the neck skin and skin covering the crop area before it can be used.

#### 8. Organoleptic Requirements and Defects.

a. Organoleptic requirements. The skin and boneless, skinless white meat, thigh meat, and drumstick meat will be examined on a continuous basis for organoleptic requirements shown in Table 1. Any meat or skin that does not comply with the organoleptic requirements will be rejected for use under this Specification.

b. Defects criteria. Prior to size reduction, 30 pieces of each meat component and 30 pieces of skin will be sampled and examined separately for the defects shown in Table 1. The frequency of sampling and the number of defects allowed will be those outlined in Poultry Programs' Sample Plan Level 1 (SPL-1). The examination for bone will be made separately from the examination for other defects.

(1) Regardless of the kind and number of defects (within Table 1) found, any sample with bone or hard bone-like material greater than 0.40 inch (1.02 cm) will be cause for the rejection of the product the sample represents.

(2) If the number of bone defects exceed the maximum for the "target" level, or results in a rejection, the frequency of sampling for bone defects will be increased to 30 pieces of meat and/or skin drawn twice each sampling interval until the cumulative number of bone defects reverts back to the "target" level.

(3) If the sample of meat or skin has more defects than the maximum tolerance for the sample plan, the meat or skin the sample represents will be rejected.

**Table 1. Organoleptic Requirements and Defects for Meat and Skin**

<b>Organoleptic Requirements:</b>	<b>Criteria: The meat and skin must</b> be free of rancidity; free of fruity, sulfide-like, cardboardy, tallowy, oily, metallic, chlorine, other foreign or off-odors; free of foreign materials (e.g., glass, paper, rubber, plastic, metal); show no evidence of mishandling or deterioration; and have a bright color and show no evidence of dehydration or freezing and thawing.
<b>Breast Meat:</b>	<b>Defects</b>
	Boneless, skinless breast that has more than one-half of a breast half (1/4 of a whole breast) meat missing.
<b>Tenderloin, Thigh, and Drumstick Meat:</b>	Tenderloin or a boneless, skinless thigh or drumstick with more than one-half of the meat missing.
<b>Bone:</b>	<b>The presence of:</b>  Bone or hard bone-like material greater than or equal to 0.40 inch (1.02 cm). (See II.B.8.b.(1).)
	<b>Other:</b>  Cartilage (gristle), tendon or tendinous material that is soft in texture and extends more than 0.50 inch (1.27 cm) beyond the meat tissue.  Dark colored (due to blood) artery or vein more than 1 inch (2.54 cm) in length.  Bruises or blood clots which exceed an area equivalent to a circle with a diameter of 0.25 inch (0.64 cm).  An aggregate area of all discolorations with moderate intensity that exceeds an area equivalent to a circle with a diameter of 1 inch (2.54 cm).
<b>Skin:</b>	Presence of feathers, hair, or the presence of layers of fat, fatty tissue, and membranes on the neck skin or the skin covering the crop area.  When the aggregate area of all discolorations of moderate intensity exceeds an area equivalent to a circle with a diameter of 1 inch (2.54 cm).

## C. Formulation and Processing for Raw Chicken Portion of the Commodity

### 1. Size Reduction of Meat and Skin.

#### a. Meat.

(1) All boneless, skinless meat must be ground through a single plate with openings that are 0.375 inch (3/8 inch) (9.53 mm) in diameter. The grinding plate must be designed to extract and discharge incidental bone and bone-like material simultaneously during the grinding process. The bone collection system must provide a continuous flow of discharged material during grinding. The discharge material must not be used in the commodity produced under this Specification.

(2) The Grader will verify compliance with the 0.375 inch (9.53 mm) diameter requirement for grinding plate, at the start of each production run, by measuring the grinding plate openings. Additionally, the Grader will continuously monitor the equipment to ensure that the bone collection system is functioning properly.

(3) Other methods for bone collection/removal may be used when the methods are reviewed and found acceptable by supervisory personnel of the Grading Branch, Poultry Programs.

b. Skin. Skin must be emulsified or may be ground through a plate with holes that are 0.125 inch (1/8 inch) (3.175 mm) in diameter. A proportional amount of salt and sodium phosphate solution may be added to the skin during emulsification.

c. Temperature. Ground meat and skin which are not used in the commodity on a continuous basis, must be cooled by cooling methods or media (e.g., use of liquid CO<sub>2</sub> or N<sub>2</sub>) that ensure that the internal product temperature is lowered to not higher than 40 °F (4.4 °C) and not lower than 26 °F (-3.3 °C). Water, refrigerated water, slush ice and water, or ice used to cool or maintain the temperature of meat or skin must not be incorporated into the ground product. Liquid associated with normal product purge is acceptable. No frozen or previously frozen ground meat or skin may be used in the commodity.

2. Formula. The portions of raw chicken carcasses and parts and other ingredients required in preparing the raw chicken portion of the commodity are as follows:

	<u>Percent of Total</u>
Ground White meat (minimum)	51.00
Ground Dark meat (maximum)	41.65
Skin (maximum)	3.50
Water (maximum)	3.00
Salt (maximum)	0.50
Sodium Phosphates (maximum)	<u>0.35</u>
	100.00

a. The sodium phosphates and salt must be dissolved in water and added as a solution to the ground meat and emulsified or ground skin during mechanical blending. The sodium

phosphates must be thoroughly mixed with the water prior to the addition of salt to the solution.

b. Formulated batches of meat, skin, water, salt, and sodium phosphates that do not comply with the formula (see II.C.2.) will be rejected for use in the commodity.

3. Blending. The ground meat and emulsified or ground skin must be mechanically blended uniformly with the solution of salt and sodium phosphates. The meat must not be additionally chopped and/or shredded, or in any manner further reduced in size (to a finely ground or comminuted state) during the blending/mixing process.

4. Processing Sequence. The forming, batter/breading, cooking/frying, and individual freezing of the commodity must be a continuous sequential process.

5. Forming. The blended, formulated mixture of meat, skin, water, salt, and sodium phosphates must be mechanically formed into nuggets or patties that are uniform in thickness. For patties, the blended and formulated mixture must be mechanically formed into patties that are approximately circular in shape.

6. Formed Weight. After forming, the commodity will be sampled and examined for weight. A sample of 10 raw, unbreaded, formed nuggets or patties will be used to determine the weight. The frequency of sampling will be on a sampling interval basis. If any sample does not comply with the formed weight requirements below, the raw, unbreaded nuggets or patties the sample represents will be rejected.

a. Nuggets: The 10 raw, unbreaded, formed nuggets in a sample must average no less than 0.595 oz (16.87 grams) each.

b. Patties: The 10 raw, unbreaded, formed patties in a sample must average no less than 2.98 oz (84.48 grams) each.

7. Reprocessing.

a. Product eligible for reprocessing. Uncooked chicken nuggets or patties may be reprocessed and incorporated into formulated batches of uncooked product, prior to forming into nuggets and patties.

b. Product ineligible for reprocessing. Battered, breaded, batter/breaded, or cooked batter/breaded chicken nuggets or patties cannot be reprocessed for use under this Specification.

D. Uncooked Batter/Breading Portion of the Commodity

1. Requirements for Dry Mixes.

a. Type. Batter/breading must be the type used to produce frozen precooked chicken nuggets or patties that will be reheated in ovens by institutional users.

b. Ingredients. The primary ingredient by weight of breading must be: (1) enriched wheat flour, corn flour, or whole wheat flour; or (2) a combination of two or three of these flours.

Other ingredients may be used to provide the needed adhesion and functional properties and to produce the desired appearance, color, texture, crispness, and flavor. Any spices or seasonings used must be mild. No artificial color, monosodium glutamate, or hydrolyzed vegetable proteins can be used.

c. Verification. The contractor must provide the Grader certification from the batter/breading manufacturer verifying the ingredients composition for dry batter/breading mixes of this specification (II.D.1.b).

## 2. Application of Uncooked Batter/Breading.

### a. Requirements.

(1) Uncooked batter/breading must be applied to raw chicken nuggets or patties so all surfaces are covered.

(2) To assure a bread credit in compliance with Child Nutrition (CN) labeling requirements, the amount of uncooked batter/breading must be less than 24 percent of the weight of the uncooked battered and breaded commodity. The amount will be determined after applying the uncooked batter/breading and prior to pre-browning or cooking/frying of the commodity covered with batter/breading. Coated nuggets or patties will be sampled in accordance with Poultry Programs' procedures and instructions. The amount of uncooked batter/breading on the commodity will be based on the average amount of uncooked batter/breading adhering to 10 nuggets or patties. Compliance shall be determined using the CN Method for determining batter/breading found in the Poultry Graders Handbook.

b. Other methods. Other procedures for determining the amount of uncooked batter/breading may be used when these methods and procedures have been reviewed and approved by a Federal-State supervisor, Grading Branch, Poultry Programs.

## E. Cooking/Frying and Freezing

### 1. Cooking/Frying.

a. Cooking. The commodity must reach an internal temperature of at least 160 °F (71.1 °C) during cooking. The time and temperature of cooking must provide cooked commodity that complies with II.F.1.

b. Frying medium. When frying is used in the cooking process, vegetable oil must be used as the frying medium. Any oil product used must be of domestic origin and contain no *trans* fatty acids and / or be rich in polyunsaturated and monounsaturated fatty acids, such as, but not limited to corn oil, cottonseed oil, soybean oil, rice oil, safflower oil, sunflower oil, or any mixture thereof. Use of saturated oils such as palm oil, coconut oil, and any other tropical oils is expressly prohibited. Vegetable oil must be the type used for heavy duty frying, must contain antioxidants, and may contain heavy metal scavengers and antifoaming agents which improve stability and extend use performance of the oil. Kind and amount of such additives must be in accordance with Food and Drug Administration (FDA) regulations.

(1) The vegetable oil must be filtered continuously during the frying process.

(2) Frying equipment must be cleaned daily.

(3) The vegetable oil in the frying system must be completely replaced with new vegetable oil when foaming becomes a problem or when off-flavors or off-odors (e.g., metallic, oxidized, beany, soapy, bitter, or rancid) develop.

(4) Vegetable oil used in cooking fish, shellfish, onions, or other foods that impart a flavor to chicken must not be used for cooking/frying the commodity.

## 2. Individual Freezing.

a. The cooked commodity must be chilled and individually frozen so the individual nuggets or patties do not stick together after they are packaged and packed in shipping containers.

b. Immediately after cooking/frying is completed, the internal product temperature of the cooked nuggets or patties must be lowered continuously by an in-line chilling/freezing system.

c. The 72-hour freezing verification will be determined as the commodity exits the in-line chilling/freezing system as follows:

(1) Individually frozen commodity exiting an in-line chilling/freezing system with internal product temperatures higher than 0 °F (-17.8 °C) must be packaged and placed in a freezer.

(2) Individually frozen commodity exiting an in-line chilling/freezing system with internal product temperatures 0 °F (-17.8 °C) or lower is in compliance with the 72-hour freezing requirement (in II.E.2.c.(1)).

(3) In all cases, the commodity must be placed in a freezer within 4 hours of packaging.

## F. Requirements for Cooked Commodity

### 1. Organoleptic Requirements and Defects.

a. Organoleptic requirements. A sample of 10 cooked nuggets or patties will be examined for the organoleptic requirements, shown in Table 2. If any nugget or patty in the sample does not comply with the organoleptic requirements, the product the sample represents will be rejected.

b. Defects. Samples of 10 cooked nuggets or patties will be examined for color defects, batter/breading defects, and the presence of fractured commodity as shown in Table 2. The frequency of sampling and the number of defects allowed will be those outlined in Poultry Programs' SPL-2.

(1) Color defects. The color of the cooked commodity must be a uniform golden brown that is no lighter than the "light tolerance" or darker than the "dark tolerance" shown in the color control guidelines for breaded chicken examples prepared by Poultry Programs, dated May 1994 (provided by the Poultry Programs to plants with a contract).

(2) Tolerances. If any sample has more: (a) defects for color, (b) defects for batter/breading, or (c) fractured pieces than the maximum tolerance for the sample plan, the commodity the sample represents will be rejected.

**Table 2. Organoleptic Requirements and Defects for Cooked Commodity**

<p><b>Organoleptic Requirements:</b> Examined after cooking prior to freezing.</p>	<p><b>Criteria:</b></p> <ol style="list-style-type: none"> <li>1. The commodity must: (a) be free of rancidity; (b) be free of metallic, overcooked, burnt, scorched, bitter, oxidized, stale, fruity, beany, oily, soapy, or other flavors or odors foreign to properly prepared and cooked chicken nuggets or patties; (c) not have areas of scorched or burned breading; (d) not have soggy, excessively oily or greasy, or sticky breading; (e) not be brittle or have a shell-like texture; and (f) be free of foreign materials (e.g., glass, paper, rubber, plastic, metal).</li> <li>2. The chicken portion of the commodity must not be dry; that is, lack moistness or devoid of moisture.</li> <li>3. The commodity must not be undercooked; that is, the chicken portion of the nuggets or patties must be cooked until the juices (fluid and moisture) are clear in color.</li> </ol>
<p><b>Color:</b> Examined after cooking prior to freezing.</p>	<p style="text-align: center;"><b>Defects</b></p> <p>An individual nugget or patty that does not have a golden brown color, or one with a golden brown color lighter than or darker than the tolerance shown in Poultry Programs' color control guidelines for Breaded Chicken (May 1994).</p>
<p><b>Batter/Breading:</b> Examined after packaging and packing.</p>	<p>An individual area of missing or not completely cooked batter/breading on: (a) an individual patty which exceeds an area equivalent to the area of a circle approximately 1 inch (2.54 cm) in diameter; or (b) an individual nugget which exceeds an area equivalent to the area of a circle approximately 0.25 inch (0.64 cm) in diameter.</p> <p>An aggregate area of all areas with missing or not completely cooked batter/breading on: (a) an individual patty which exceeds an area equivalent to the area of a circle approximately 1.50 inch (3.81 cm) in diameter; or (b) an individual nugget which exceeds an area equivalent to the area of a circle approximately 0.50 inch (1.27 cm) in diameter.</p> <p>An outcropping of breading on the surface of an individual chicken nugget or patty greater than 0.25 inch (0.64 cm) in depth (lumps).</p> <p>Excess breading which projects from the surface of the individual chicken nugget or patty greater than 0.50 inch (1.27 cm) in any dimension (ridges).</p>
<p><b>Other:</b> Examined after packaging and packing.</p>	<p>The separation of individual nuggets or patties into two or more separate pieces (fractured).</p> <p>Two or more patties or nuggets are fused together.</p>

2. Metal Detection. The commodity must be examined by a metal detection device capable of detecting metallic contaminants including, but not limited to, stainless steel shavings, metal clips, metal fragments from cutting equipment, and pieces of wire. The commodity must be examined: (a) prior to packaging; or after it is (b) packaged; or (c) packed in shipping containers in accordance with AMS 910, Poultry Grader's Handbook. Commodity suspected of being contaminated with metal, or found to be contaminated with metal, will be handled in accordance with FSIS procedures. Other procedures for examination of the commodity must be approved by the Deputy Administrator of Poultry Programs, in writing.

G. Packaging and Packing.

1. Materials. All packaging and packing materials must be clean and in new condition, must not impart objectionable odors or flavors to the commodity, must be safe (cannot adulterate product or be injurious to health) for use in contact with food products, and must be tamper-evident. Tamper-evident is defined as packaging and packing materials with one or more indicators or barriers to entry, which, if breached or missing, can reasonably be expected to provide visible evidence that tampering has occurred.

a. Plastic-film bags. Bags for packaging the commodity must be a polyethylene film bag with a wall thickness of not less than 2 mil (0.002 inch); and must protect the commodity from dehydration, freezer burn, or quality deterioration during the conditions of use. Metal wire ties, paper-coated wire ties, or staples must not be used for sealing plastic-film bags.

b. Shipping containers. Shipping containers must: (a) be good commercial fiberboard containers that are acceptable by common or other carrier for safe transport to point of destination, (a) be of such size to pack the commodity without slack filling or bulging; (c) withstand the stresses of handling, shipping, stacking, and storage, and (d) be closed by commercially accepted methods and materials. Steel or wire straps must not be used for the final closure. Staples must not be used for the final closing of shipping containers. Adhesive or staples cannot be used to fasten the top portion of telescope-style containers to the bottom portion. Staples may be used to manufacture and to assemble the fiberboard shipping containers, provided the staples are fastened into the container and tightly clenched to eliminate sharp edges prior to packing the commodity into the shipping containers.

2. Packaging. Approximately 5 or 10 pounds (2.27 or 4.54 kg) of commodity must be packaged in a plastic-film bag. The bag must be of a length that can be readily and securely closed. The bag must be sealed or closed with a nonmetallic device (except for plastic coated wire ties) that will protect the commodity from contamination, dehydration, and freezer burn.

3. Packing. Six 5-pound (2.27-kg) or three 10-pound (4.54-kg) bags with 30 pounds (13.61 kg) net weight of commodity must be packed in a fiberboard shipping container.

4. Case Count Requirement. A sample of 10 cooked nuggets or patties (average by weight) and the shipping container (net weight) will be used to determine the number of nuggets or patties per case. The frequency of sampling will be in accordance with Poultry Programs' instructions.

a. To calculate case count compliance, the Grader will average the weight of 10 nuggets or patties and convert the amount into pounds. The net weight of the shipping container will then be divided by the average weight of the nuggets/patties. The sample shipping container drawn must comply with the following:

(1) Nuggets. A minimum of 651 chicken nuggets must be packed in each 30-pounds (13.61 kg) shipping container.

(2) Patties. A minimum of 130 chicken patties must be packed in each 30-pounds (13.61 kg) shipping container.

b. If any sample does not comply with the case count requirement, the product the sample represents will be rejected.

### **III. LABELING**

Either commercial labeling (III.A. and III.D.-E.) or USDA labeling (III.B.-E.) may be used provided the packages and shipping containers within a purchase unit are consistently labeled. **THE CONTRACTOR MUST USE THE SAME LABEL FORMAT (EITHER COMMERCIAL OR USDA) WITHIN A PURCHASE UNIT.**

#### **A. Commercial Labeling Requirements**

Commercially labeled packages and shipping containers must be labeled in accordance with FSIS requirements. Labeling must be approved by FSIS prior to acceptance for use under this Specification. Commercial labels must be the processor's own commercial label.

1. Distributor Labels. Distributors' labels will not be allowed.

2. Traceable Product. The processor must establish a product identification and record system that clearly links product by place and time of manufacture to specific USDA contracts and destinations. When the company uses the same commercial label for the product certified as complying with this Specification and commercial product, the identification system must differentiate between USDA and non-USDA products. An alpha numeric code may be used for information that is in addition to FSIS labeling requirements. The required product identification and record system, including codes, must be reviewed by USDA before production begins for the contract(s).

#### **B. USDA Labeling Requirements**

When USDA labeling is used, any deviations from the USDA labeling requirements in this Specification must be approved by the Contracting Officer, in writing, prior to start of production. A copy of the approval shall be provided to the Grader prior to production. Labeling and marking of the product must be in accordance with this Specification. Labeling and marking information must be water-fast, non-smearing, of a contrasting color, clear, and readable.

## 1. USDA Labeled Packages

No labeling information is required on the packaging materials.

## 2. USDA Labeled Shipping Containers

### a. Labeling and Marking Information.

(1) Requirements. Labeling and marking information must be: (1) preprinted, stamped, or stenciled on each shipping container; or (2) printed on a self-adhesive label and applied to each shipping container. This information, in essentially the same layout, is provided in EXHIBITS 1 - 3.

(2) Nutritional labeling. A nutritional label, indicating the nutrient content of the commodity, is required on the principal display panel of each shipping container. The nutritional facts information or "nutrition facts label" must comply with all labeling requirements of FSIS including the declaration of trans fat consistent with FSIS policy. The nutrition facts information must be preprinted on the principal display panel of each shipping container; or printed on a self-adhesive label and applied to the principal display panel of each shipping container. The pressure-sensitive label must not cover or conflict with the labeling requirements of this Specification.

(3) Ingredient labeling. Ingredient labeling must comply with all labeling requirements of FSIS including food allergen information.

### b. Universal product bar code.

(1) A Universal Product Code (UPC), symbol and code, called Interleaved 2 of 5 (I 2/5), must appear on each shipping container. The complete code, including the check digit, must be printed in machine-readable and human-readable form. The start and stop indicators will be included in the bar codes. Printing, readability, and scanability of the bar code must be in accordance with UPC guidelines published by Uniform Code Council, Inc., Princeton Pike Corporate Center, 1009 Lenox Drive, Suite 202, Lawrenceville, NJ 08648.

(2) The contractor will use the code furnished by USDA. USDA has acquired a unique manufacturer's identification number for the commodity purchase programs and will use a unique item code number for the commodities purchased under this Specification. The contractors need not join Uniform Code Council, Inc.

(a) The 14-digit UPC code for shipping containers of chicken nuggets is:  
1 07 15001 01519 5

(b) The 14-digit UPC code for shipping containers of chicken patties is:  
1 07 15001 01561 4

(3) The UPC code must be placed in the lower right-hand corner of the principal display panels of each shipping container.

c. Recycle Symbol and Statement. The contractor shall place somewhere on the surface of each recyclable shipping container the recycle symbol shown in EXHIBIT 4. The statement "PLEASE RECYCLE" is to be placed under the symbol. The recycle symbol and statement must be legibly printed in permanent ink.

d. Inventory Control Label. The processor may use a self-adhesive label to place any additional information (including bar codes) for processor inventory control purposes. This label may be applied somewhere on the surface of the shipping container. The label must not cover or conflict with the labeling requirements of this Specification.

#### C. Use of Previously Printed USDA Labeling Materials

Carryover inventories of existing supplies of printed packing materials (USDA labeling) from the Commodity Specification for Chicken Nuggets and Chicken Patties dated October 2006 may be used. Shipping containers and labels with incorrect commodity fanciful and/or descriptive names must be: (1) printed in permanent ink on a self-adhesive label and applied over the incorrect information, or (2) blocked out and the correct information legibly printed, stenciled, or stamped in permanent ink. If the ingredients statement or nutrition facts information or panel changes from that printed on existing supplies, the contractor/processor must request temporary approval for use of carryover inventories from FSIS.

Shipping containers and labels with incorrect: (1) contract number, (2) plant number, (3) date packed, (4) ingredients statement, or (5) nutrition facts information or panel must be corrected before they are used. The incorrect information must be blocked out and the correct information legibly printed, stenciled, or stamped in permanent ink. Additionally, the name, address, and phone number of the processor must appear on each shipping container.

#### D. Additional Labeling Issues

The following are not acceptable for use under this Specification:

- Commercial labels that do not have a processor traceability system and code.
- Commercial labeling traceability coding and systems that have not been reviewed by a representative of Poultry Programs, Grading Branch (the Grader).
- Distributor commercial labels.
- Two or more different commercial labels in the same purchase unit.
- Commercial labels and USDA labels in the same purchase unit.

#### E. F.A.S. Vessel Deliveries

F.A.S. vessel deliveries that are not source loaded in a seavan are required to show the final destination's overseas address as provided in the Notice to Deliver. The address must be clearly printed on at least two sides of each pallet.

#### IV. FINAL EXAMINATION OF PACKAGED AND PACKED COMMODITY

##### A. Material and Net Weight Compliance

##### 1. Verification of Materials and Defects.

a. Verification of packaging and packing materials. The contractor must verify compliance with packaging, packing, and marking material requirements by furnishing the Grader the following certification on company stationery signed by a person authorized to do so by the contractor:

"(I) (We) certify that the packaging, packing, and marking materials used for any commodity presented for acceptance under the terms of the Commodity Specification for Chicken Nuggets and Chicken Patties dated September 2007, comply or will comply with the terms of this Commodity Specification.

Name \_\_\_\_\_

Title \_\_\_\_\_ "

One certification is adequate for all production under this Specification.

b. Packaging defects. Packages in a delivery unit will be examined for defects that affect protection, expose product, or permit dehydration or freezer burn, or quality deterioration during storage, such as tears, holes, or improperly sealed or closed packages.

c. Packing defects. Shipping containers in a delivery unit will be examined for condition, labeling, and marking defects according to the United States Standards for Condition of Food Containers.

d. Tolerance for defects. If samples of packaged commodity or the shipping containers in a delivery unit have more defects than the maximum tolerance for the applicable Poultry Programs' sample plan, the delivery unit will be rejected.

##### 2. Net Weight.

a. A purchase unit or delivery unit will total 39,000 pounds (17,690 kg) net, or multiples thereof.

b. Each delivery unit, except as provided in IV.A.2.g., will be examined for compliance with the net weight requirements at time of checkloading.

c. The tare weight of all packing materials will be determined by weighing a representative sample of all packaging components such as plastic-film bags, clips, and fiberboard containers.

d. Fifteen (15) shipping containers will be selected at random from a delivery unit to determine net weight must be equal to or greater than 450 pounds (204.12 kg).

e. If the total net weight is less than 450 pounds (204.12 kg), the delivery unit will be rejected.

f. A rejected delivery unit may be reworked and reoffered one time only. However, if an individual shipping container in the sample of the reworked delivery unit has a net weight less than 30 pounds (13.61 kg) the delivery unit will be rejected.

g. As an alternative to test weighing at time of checkloading, the contractor may request on-line verification of net weights. Upon receiving the request, a Federal-State supervisor (or their designee) will determine that the facilities and procedures are in accordance with the applicable Poultry Programs' instructions for this Specification.

#### B. Prerequisites for Loading and Shipping Frozen Commodity

1. Visual Inspection. Frozen cooked commodity showing any evidence of defrosting, refreezing, or freezer deterioration will be rejected for use under this Specification.

##### 2. Internal Product Temperature.

a. Requirements. The internal product temperature of the frozen cooked commodity must be 2 °F (-16.7 °C) or lower at the time of loading. Delivery units with internal product temperatures exceeding 2 °F (-16.7 °C) and up to 5 °F (-15 °C) will be tentatively rejected. Tentatively rejected delivery units may be returned to the freezer and the temperature reduced to 2 °F (-16.7 °C) or lower and reoffered one time only. Delivery units exceeding 5 °F (-15 °C) or delivery units that have been tentatively rejected and exceed 2 °F (-16.7 °C) when reoffered will be rejected for use under this Specification.

b. Optional temperature verification. As an option to verifying internal product temperature at time of loading, the contractor may request an alternate method utilizing product temperature sensing devices. If this option is selected, a Federal-State supervisor will determine that the facilities, equipment, procedures, and the Contractors' current level of freezing compliance are in accordance with the established guidelines outlined in the applicable Poultry Programs' instructions for this Specification.

#### C. Inspection and Checkloading

1. Requirements. Inspection for contract compliance will be made by a representative of USDA, in accordance with 7 CFR part 70, FSIS regulations, and this Specification, at the site of processing, both during and after processing and packaging. The USDA representative may select samples for laboratory analyses or inspect the commodity at any point in transit and after delivery to point of destination. Inspection records must be complete and made available to USDA, as requested, to assure contract compliance.

2. Procedures. Inspection and checkloading required by Articles 54 and 55 of USDA-1 must be performed by a Grader. Procedures to be followed and a schedule of fees for these services may be obtained by contacting the nearest Grading Branch field office or the Chief of the Grading Branch, Poultry Programs, AMS, USDA, Room 3938-S, STOP 0258, 1400 Independence Avenue, SW, Washington, D.C. 20250-0258, telephone (202) 720-3271.

The quality, quantity, weight, packaging, packing, and checkloading of the commodity must be evidenced by USDA certificates issued by the Grader. The contractor must not ship the commodity unless informed by the Grader that the designated commodity to be shipped meets contract specifications.

## V. UNITIZATION

Each delivery unit must be unitized (palletized and stretch-wrapped) and comply with the following:

### A. Pallets

Pallets must be good quality, wood, 48 inches x 40 inches, non-reversible, flush stringer, and partial four-way entry. Each pallet of shipping containers must be stretch-wrapped with plastic film in a manner that will secure each container and layer of containers on the pallet. Palletized product must be loaded in a way that will prevent shifting and damage to the containers of product. Pallet loads shall be stacked in a manner that minimizes the overhang of the shipping containers over the edges of the pallets and exposes the principle shipping container display panels to facilitate certification examinations.

### B. Pallet Exchange

Contractors may arrange for pallet exchange with consignees; however, USDA is in no way responsible for such arrangements.

## VI. SHIPMENT AND DELIVERY

Shipment and delivery must be made in accordance with this Specification, the applicable Announcement and Invitation, and Articles 56, 57, and 64 of USDA-1, as amended by the Announcement. In addition, the contractor must adhere to the following provisions:

### A. Contract Compliance Stamp

Each shipping container must be identified with a USDA Contract Compliance stamp with the applicable certificate number. A Grader, or other authorized personnel under the supervision of the Grader, will stamp one end of each shipping container prior to shipment. If there is inadequate space available on either end of the shipping container, the stamp may be applied to a side of the container.

### B. Grading Certificate

A copy of the original USDA Poultry Products Grading Certificate issued at time of checkloading must accompany each shipment.

1. Railcar or Piggyback. If shipment is by rail or piggyback, the certificate must be placed in the railcar or trailer for easy access to the Grader, warehouseman, or consignee, as applicable.

2. Trucks. If shipment is by truck, the driver must, upon delivery, give the certificate to the Grader, warehouseman, or consignee, as applicable.

C. Loading and Sealing of Vehicles

Loading must be in accordance with good commercial practices and the initial sealing must be done at origin under the supervision of a Grader. Thereafter, all delivery units--truck lot and less-than-truck lot (LTL) quantities—must be secured at all times prior to unloading with tamper proof, tamper resistant, serially numbered, high security seals. Suppliers of commodities, products, and/or services shall be responsible for placing a seal (seals) on all doors of each transportation conveyance upon completion of loading or servicing. Seal shall be serially numbered, barrier-type and meet the American Society for Testing and Materials (ASTM) standards (F-1157-04). Seals shall be 1/8<sup>th</sup> inch in diameter cable, high security bolt, or equivalent. The contractor must maintain a record of each seal number used for truck lot and LTL delivery units. Additionally, the contractor must ensure that the applicable seal identification number is on each bill of lading, shipment manifest, or other delivery documents for each delivery destination.

When LTL delivery units are transported on the same trailer or railcar and destined for multiple recipients, the trailer or railcar must be sealed after each delivery. The seal number must be recorded on the appropriate delivery documents and correspond with the applied seal at the time of arrival at the next destination. It will be the responsibility of the contractor to provide a sufficient number of seals and ensure that the carrier service (truck or rail) secures the trailer or railcar after each delivery destination. Failure to seal the trailer or railcar after each stop may result in rejection of the shipment by the recipient agency at the next scheduled stop and rejection of any subsequent deliveries on the trailer or railcar.

1. Railcar. Each railcar must be sealed. The contractor is responsible for arranging for railcar deliveries of more than one delivery unit so that each delivery unit contained in the same railcar can be completely separated and sealed.

2. Truck or Piggyback. Truck or piggyback shipments must be sealed at origin. A delivery unit shipped by truck or piggyback which includes split deliveries to multiple destinations will require sealing after each drop in accordance with Section VI.C of this Specification.

D. Delivery Notification

Notwithstanding the provisions of Article 56(c) of USDA-1, as amended by the applicable Announcement, the contractor must follow the instructions in the Notice to Deliver issued by the Kansas City Commodity Office (KCCO) concerning delivery notification. Such notification and information of impending delivery are vital in proper execution of delivery. The contractor must notify the State distributing agency and the consignee of shipment per instructions in the Notice to Deliver. For rail or piggyback shipments, notification shall be made on the day of shipment. For truck shipments, notification of the estimated arrival time should be made as far in advance of delivery as possible. In addition, for truck or piggyback shipments, the contractor must

request and keep scheduled appointment(s). Unloading appointments for truck or piggyback shipments must be requested from the consignee contact party(ies) at least 24 hours ahead of delivery.

1. In-Plant Deliveries. When in-plant delivery is made, the contractor must notify the appropriate resident Grader and furnish applicable information.

2. Delivery In Storage. Delivery may be made provided the destination in the Notice to Deliver and the place the contractor has the commodity in storage are the same. Inspection and certification by a Grader are also required for transfers in storage.

#### E. Split Deliveries

The contractor is responsible to deliver the quantity stated on each Notice to Deliver to each destination. Contractors must provide to the Grader, at time of shipment, the number of boxes and pounds for each destination. At the option of the contractor, a purchase unit with two or more Notices to Deliver (split deliveries) for multiple destinations may be delivered on separate trucks provided each truck ships the total quantity stated on the Notice to Deliver. Any additional costs will accrue to the contractor's account.

### VII. DESTINATION EXAMINATION

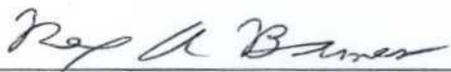
The cost of a destination examination, before or after delivery, by a Grader on accepted product will be for the account of USDA. Costs for destination examinations of rejected delivery units will be for the account of the contractor. The origin Grader will make arrangements for destination examination prior to delivery.

#### A. Commodity Requirements

Before acceptance by consignee, the commodity may be examined by a Grader on a spot-check basis for temperature, condition, identity, and when applicable, count. The commodity may be examined for conformance to contract provisions at any time required by the Contracting Officer.

#### B. Temperature

The commodity must arrive at destination at an average internal product temperature not to exceed 10 °F (-12.2 °C), with no individual temperature exceeding 15 °F (-9.4 °C). Commodity not meeting these requirements will be rejected for use under this Specification.

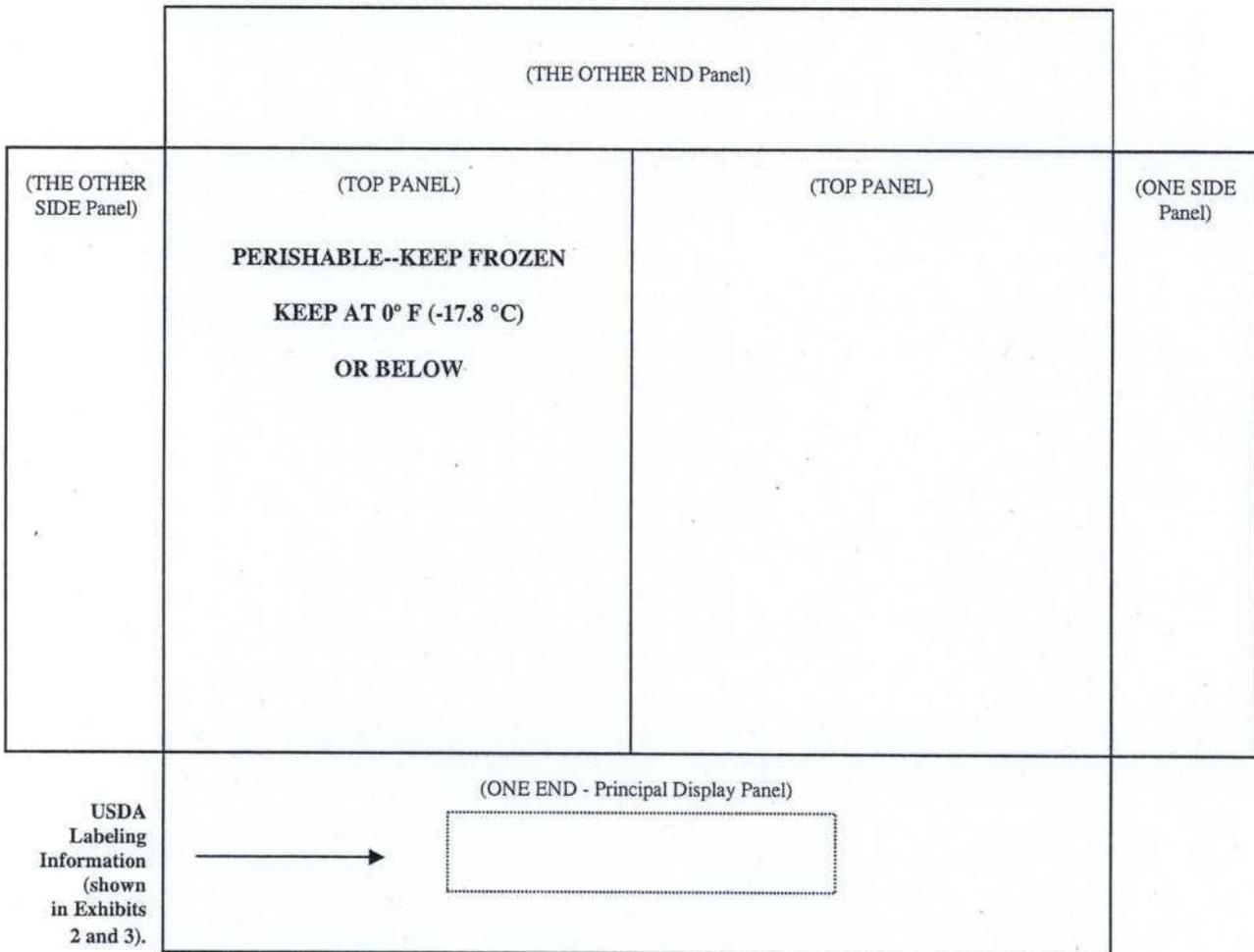


Rex A. Barnes  
Deputy Administrator  
Poultry Programs

Attachments

**EXHIBIT 1**  
**USDA Labeled Shipping Containers**

**Marking Information:** Shipping containers may be marked substantially as shown below. Detailed USDA labeling information is provided in Exhibits 2 and 3. Markings must be legibly preprinted, stamped, stenciled on containers, or printed on a separate pressure-sensitive label applied to containers. The USDA symbol, copy on back of Specification, is to be a minimum of 2.25 inches (5.72 cm) in height and may be printed on the “TOP PANEL” or principal display panel. The processor’s name, address, and phone number may be printed on the “TOP PANEL” or principal display panel. The processor name and address may indicate the individual processing plant, the company headquarters, or the company address and phone number that handles product complaints.



**EXHIBIT 2**  
**USDA Label Information for Chicken Nuggets**

**Marking Information:** USDA labeling information must be printed on the principal display panel of each shipping container as provided in Exhibit 1. Markings must be legibly preprinted, stamped, stenciled on containers, or printed on a separate pressure-sensitive label applied to containers. The UPC 14-digit I 2/5 code (1 07 15001 01519 5), symbol and code, must be shown in the lower right-hand corner of the principal display panel. The USDA symbol, copy on back of Specification, must be a minimum of 2.25 inches (5.72 cm) in height and may be printed on the "TOP PANEL" or principal display panel. The processor's name, address, and phone number may be printed on the "TOP PANEL" or principal display panel. The processor name and address may indicate the individual processing plant, the company headquarters, or the company address and phone number that handles product complaints.



**FROZEN COOKED  
CHICKEN NUGGETS**

Breaded Nugget Shaped Patties Made From Ground Chicken

Ingredients:

(Food Allergen Statement May  
Be Placed Here)

Nutrition Fact Label  
May Be Placed Here

Processor's  
Name, Address, and Phone

**KEEP FROZEN**

\_\_\_ Bags Net Weight  
30 LBS. (13.61 KG)

CONTRACT NO. \_\_\_\_\_  
DATE PACKED Month, Day, and Year

UPC Symbol and Code

**EXHIBIT 3**  
**USDA Label Information for Chicken Patties**

**Marking Information:** USDA labeling information must be printed on the principal display panel of each shipping container as provided in Exhibit 1. Markings must be legibly preprinted, stamped, stenciled on containers, or printed on a separate pressure-sensitive label applied to containers. The UPC 14-digit I 2/5 code (1 07 15001 01561 4), symbol and code, must be shown in the lower right-hand corner of the principal display panel. The USDA symbol, copy on back of Specification, must be a minimum of 2.25 inches (5.72 cm) in height and may be printed on the "TOP PANEL" or principal display panel. The processor's name, address, and phone number may be printed on the "TOP PANEL" or principal display panel. The processor name and address may indicate the individual processing plant, the company headquarters, or the company address and phone number that handles product complaints.



**FROZEN COOKED**  
**CHICKEN PATTIES**

Breaded Ground and Formed Chicken Patties

Ingredients:  
(Food Allergen Statement  
May Be Placed Here)

Nutrition Fact Label  
May Be Placed Here

Processor's  
Name, Address, and Phone

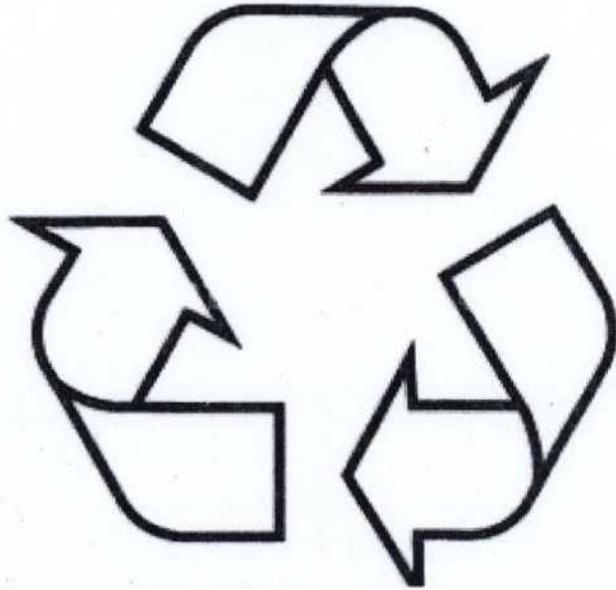
**KEEP FROZEN**

\_\_ Bags Net Weight  
30 LBS. (13.61 KG)

CONTRACT NO. \_\_\_\_\_  
DATE PACKED Month, Day, and Year

UPC Symbol and Code

EXHIBIT 4  
"Please Recycle" Symbol and Statement



**PLEASE  
RECYCLE**

# USDA SYMBOL

