

USDA Agricultural Marketing Service

# Country of Origin Labeling (COOL)



New Reviewer Training  
May X, 2015

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USDA Agricultural Marketing Service



## COOL Regulatory Requirements

### Day 1

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## New Reviewer Training Overview

- **Day 1**
  - COOL Final Rule
  - Amended Whole Muscle Cut Labeling Requirements
  - Activities
- **Day 2**
  - Retail Surveillance Procedures
  - Activities
  - Exam

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## Notebook

- Agenda
- Tab 1: Final Rule 2009
- Tab 2: Final Rule 2013
- Tab 3: Day 1 Presentation
- Tab 4: Day 1 Activities
- Tab 5: Day 2 Presentation
- Tab 6: Day 2 Activities
- Tab 7: Retail Review Procedures
- Tab 8: Workbook



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## COOL Training Objective

Certify state personnel to conduct COOL retail reviews.



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## Legislative History

- 2002**
  - Farm Bill enacted mandatory COOL
- 2004**
  - Interim Final Rule (IFR) for fish and shellfish only: 7 Code Federal Regulations (CFR) Part 60
  - Remaining covered commodities delayed
- 2008**
  - Farm Bill amended COOL; additional covered commodities.
  - IFR for remaining covered commodities: 7 CFR Part 65
- 2009**
  - Final Rule combining Part 60 and Part 65
  - Effective March 16, 2009
- 2013**
  - New Final Rule amending definition of retailers and labeling provisions for meat muscle cuts
  - Effective May 23, 2013



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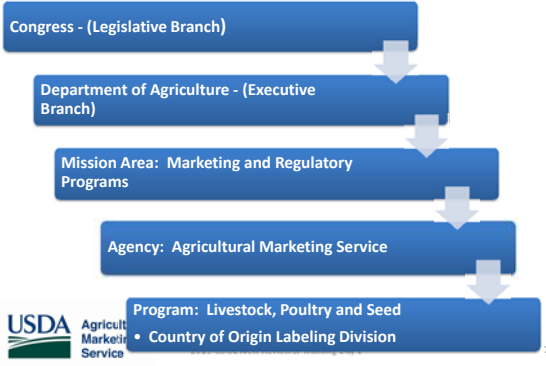
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## Delegation of Authority




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## Elements of the Law

- **Definition § 65.135 Covered Commodities**
- **Notice of Country of Origin**
  - Retailers shall inform consumers at the point of sale of the country of origin of the covered commodity.
- **Enforcement**
  - USDA determines if a retailer or supplier is in violation of the law.
- **Regulations**
  - USDA issues regulations and administers the law.
- **Applicability**
  - The law applies to the retail sale of a covered commodity.

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## Other Regulatory Agencies

Other federal agencies have regulatory authority for food labeling outside of COOL:

- U.S. Customs and Border Protection (CBP)
  - Imported foods
- USDA, Food Safety and Inspection Service (FSIS)
  - Label approval for all meat, poultry, and egg products
- Food and Drug Administration (FDA)
  - Labeling authority for fruits, vegetables, nuts, fish and shellfish

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## The COOL Program




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## Compliance & Enforcement

Only USDA can initiate enforcement actions.

- New Retail Reviews
- Follow-up Retail Reviews
- Supplier Traceback Audits

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## Scope of COOL

The intent of the law is to provide consumers with additional information on which they can base their purchasing decisions.




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## Components of the Final Rule

- Who Must Label
- What Must Be Labeled
- Determining Origin and Method of Production
- Notification and Labeling
- Recordkeeping
- Compliance and Enforcement



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## Who Must Label?

### Retailers

“Any person” subject to be licensed as a retailer under the Perishable Agricultural Commodities Act (PACA) of 1930.

- PACA defines “Retailer” as a firm with an invoice cost of fresh and frozen fruits and vegetables that exceeds \$230,000 annually.



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## Exemptions from Labeling

### ➤ Food Service Establishments

- Restaurants
- Cafeterias
- Lunch Rooms
- Food Stands
- Farmer’s Markets
- Salad Bars
- Delicatessens
- Other food enterprises including those located within retail establishments that provide ready-to-eat foods.



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## What must be labeled?

COOL Covered Commodities:

- Fish and Shellfish
- Fresh and Frozen Fruits and Vegetables
- Meat Muscle Cuts and Ground Meats:  
Beef, Pork, Lamb, Chicken, and Goat
- Peanuts, Pecans, Macadamia Nuts
- Ginseng



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## Exclusions to Labeling

➤ **Processed Food Items include:**

1. Change of Character

- Cooking (frying, broiling, steaming, baking, roasting)
- Curing (salt curing, sugar curing, drying)
- Smoking (hot or cold)
- Restructuring (emulsifying and extruding)

2. Combined With Another Food Component



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## Processed Food Item

➤ Examples of excluded foods as a result of ***Change of Character***:

- Cooking: fried chicken, canned tuna, roasted peanuts, crab legs, cooked shrimp, canned vegetables
- Curing: ham, bacon, corned beef brisket
- Smoking: smoked trout, beef jerky
- Restructuring: fish sticks



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## Processed Food Item

➤ Examples of excluded foods as a result of being **Combined With Another Food Component**:

- Sausage
- Teriyaki flavored pork loin
- Barbeque beef
- Stuffed flounder
- Mixed fruit cups



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## Notification of Labeling




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## Notification of Labeling

Country of Origin Declarations can be made on...

- Placard
- Sign
- Label
- Sticker
- Band
- Twist Tie
- Pin Tag
- Checkboxes
- Or other display



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## Notification of Labeling

- Legible
- English
- Conspicuous location likely to be read and understood by customer under normal conditions of purchase
- Limited Acceptable Abbreviations



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## Notification of Labeling **Not Acceptable**

- Symbols and Flags Alone
- The disjunctive term **“OR”**
  - Example: “Product of Thailand or Vietnam”
- The term **“AND/OR”**
  - Example: “Product of U.S., Canada, and/or Mexico”
- The term **“MAY CONTAIN”**
  - Example: “May contain products from U.S. and Mexico”



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## Adjectival Form

- Adjectival Form of Country Name
  - Not allowed in relation to the name of a species
    - Example: “Chilean Sea Bass”
    - Example: “Japanese Eggplant”
  - Allowed when not related to the name of a species
    - Example: “Australian Lamb”
    - Example: “Scottish Salmon”



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## Abbreviations

- Acceptable Country Abbreviations
  - “U.S.” or “U.S.A.” for United States
  - “U.K.” for United Kingdom including Northern Ireland
  - “Luxemb.” for Luxembourg
  - “P.R. China” or “China” for Peoples’ Republic of China
  - “Micronesia” for Federal States of Micronesia
  - “Holland” for The Netherlands
  - “Philippines” for The Republic of the Philippines
  - “Saudi” for the Kingdom of Saudi Arabia



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## Acceptable Abbreviations

- Abbreviations are acceptable for fruits, vegetables, peanuts, pecans, macadamia nuts, and ginseng *ONLY*.
- U.S. Postal Service abbreviations may be used for state, regional, or locality designation.



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## State Marketing Programs

- State Marketing Programs **are acceptable** for fruits, vegetables, peanuts, pecans, macadamia nuts, and ginseng *as long as* they follow the U.S. origin criteria outlined in the federal COOL Final Rule.



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## Remotely Purchased Products

- Internet Sales
- Home Delivery Sales

Retailers must provide country of origin notification either on the sales vehicle or at the time the product is delivered to the consumer.



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## Recordkeeping

- Retailers and retailer's suppliers are responsible for maintaining records to verify origin information is conveyed accurately.
  - Records must be legible
  - Maintained in electronic or hard copy format
  - Various documents are acceptable
  - May be maintained in any location
  - Retained for 1 year from the date of the transaction



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## Definition: Pre-Labeled

- A covered commodity that has the commodity's country of origin and method of production and the name and place of business (city and state) of the manufacturer, packer, or distributor...
  - On the covered commodity itself,
  - On the package in which it is sold to the consumer, or
  - On the master shipping container.



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## Recordkeeping for Retailers

- Retailers must convey origin information provided by their suppliers;
- May initiate multiple country of origin claims when products are physically commingled;
- For pre-labeled products, the retailer may rely on the COOL information printed on the package; however, records verifying the immediate previous source must be provided.



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## Recordkeeping for Suppliers

- *Any person* engaged in the business of supplying a covered commodity to a retailer, directly or indirectly has recordkeeping responsibilities.
- Record must identify the commodity, immediate previous supplier and immediate subsequent recipient.
- Origin information can be provided...
  - On the product itself;
  - On the master shipping container or;
  - In a document associated with the transaction.



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## Activity 1



Salmon Fillets



Stuffed Salmon Fillets

### Identifying A Covered Commodity

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## Fish and Shellfish



**Final Rule 7 CFR Part 60**

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## Final Rule Definitions

- Farm-Raised Fish and Shellfish - §60.106
- Wild Fish and Shellfish – §60.133
- Commingled Covered Commodities – §60.103
- Pre-Labeled – §60.118
- Processed Food Item - §60.119

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## What Must Be Labeled?

- Farm-Raised and Wild Caught Fish
- Farm-Raised and Wild Caught Shellfish



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## Farm-Raised Fish and Shellfish

- Harvested in controlled environments
  - Including ocean-ranched fish;
  - Including shellfish harvested from leased beds;
  - Subjected to production enhancements
    - ✓ Protection from predators
    - ✓ Addition of artificial structures, or
    - ✓ Providing nutrients
- Includes fillets, steaks, nuggets, and any other flesh from a farm-raised fish or shellfish



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## Wild Fish and Shellfish

- Naturally born or hatchery originated fish and shellfish released in the wild and caught, taken, or harvested from non-controlled waters or beds
- Includes fillets, steaks, nuggets, and any other flesh from wild fish and shellfish



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## Fish and Shellfish Notification

Labeling must convey...

- Country of Origin **-AND-** Method of Production



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## What Is Method of Production?

➤ Refers to the manner in which fish are raised in either controlled or non-controlled environments



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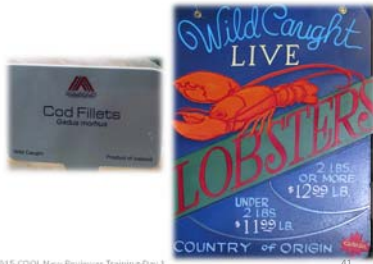
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## Acceptable Method of Production

Acceptable:

- Farm-Raised
- Farmed
- Wild-Caught
- Wild



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## **NOT** Acceptable Method of Production

NOT Acceptable:

- Ocean Caught
- Line Caught
- Farmed in the Wild
- Fresh Water Caught
- Fresh Land Raised



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## What are Processed Food Items?



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## Exclusions to Labeling

### ➤ Processed Food Items include:

#### 1. Change of Character

- Cooking (frying, broiling, steaming, baking, roasting)
- Curing (salt curing, sugar curing, drying)
- Smoking (hot or cold)
- Restructuring (emulsifying and extruding)

#### 2. Combined With Another Food Component



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## Processed Food Item

### ➤ Examples of excluded foods as a result of ***Change of Character***:

- Cooking: cooked shrimp, canned tuna, steamed mussels
- Curing: fish jerky, pickled herring
- Smoking: smoked trout, smoked salmon
- Restructuring: fish sticks, surimi



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## Processed Food Item

➤ Examples of excluded foods as a result of being ***Combined With Another Food Component***:

- Stuffed flounder
- Breaded tilapia
- Salmon burgers
- Clams in tomato sauce
- Cajun catfish



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## Determining Origin

- **U.S. Origin**
- **Multiple Countries of Origins**
- **Foreign Origin**



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## U.S. Country of Origin

- Farm-raised fish and shellfish hatched, raised, harvested, and processed in the United States;
- Wild fish and shellfish harvested in waters of the United States or by a U.S. flagged vessel and;
- Has **not** undergone substantial transformation outside the United States



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## Substantial Transformation

- Substantial transformation occurs when a new and different article of commerce emerges from a process with a new name, character, or use different from that possessed by the article prior to processing.
- **“Substantial transformation”** is used by CBP to determine country of origin. This usage is different and separate from COOL’s definition of a processed food item.



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## Commingling Fish & Shellfish

- Covered commodities of the same type presented for retail sale in a consumer package that have been prepared from raw material sources having different origins.
- Origin declaration shall indicate all the countries contained therein.

- “Product of Country X, Y, and Z”



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## Country of Origin Notification – USA

- **“Product of the U.S.(A).”**
  - Hatched, raised, and harvested in U.S. waters
  - HAS BEEN substantially transformed in the U.S.



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## Country of Origin Notifications – Imported

- **“Product of Country X”**
  - Imported
  - NOT substantially transformed in the U.S.



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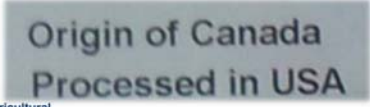
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## Country of Origin Notification – Substantially Transformed

- **“From Country X, Processed in U.S.” -or- “Country X, U.S.”**
  - Imported
  - HAS BEEN substantially transformed in the U.S.



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## Unacceptable COOL



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## Activity 2



**Are the Fish & Shellfish Labels Acceptable?**

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## Meat



**Final Rule 7 CFR Part 65**

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## Final Rule Definitions

- Covered Commodities - §65.135
- Production Step – §65.230
- Born – §65.115
- Raised – §65.235
- Slaughter – §65.250
- Imported for Immediate Slaughter – §65.180
- Ground Beef – §65.155



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## What must be labeled?

- Muscle Cuts: Beef (& Veal), Pork, Lamb, Goat, and Chicken
- Ground Meat: Beef (& Veal), Pork, Lamb, Goat, and Chicken



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## IMPS

- Institutional Meat Purchasing Specifications (IMPS) are a series of meat specifications by AMS.
- Meat covered commodities

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateP&navID=IMPS&rightNav1=IMPS&topNav=&leftNav=&page=LivestockStandardizationIMPS&resultType=&acct=lststd>



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## IMPS

- Meats listed in the following series **ARE** covered commodities:
  - 100 Fresh Beef
  - 200 Fresh Lamb and Mutton
  - 300 Fresh Veal and Calf
  - 400 Fresh Pork
  - 11 Fresh Goat
  - Trade Description – Chicken



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## IMPS

- Meats listed in the following series are **NOT** covered commodities:
  - 500 Cured, Cured and Smoked, Cooked Pork Products
  - 600 Cured, Dried and Smoked Beef Products
  - 700 Variety Meats and Edible By-Products
  - 800 Sausage Products



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## Excluded Meats

- Cuts of meat removed during the conversion of an animal to a carcass are not COOL covered commodities;
- Items sold as bones practically free of meat (e.g., neck bones, femur bones, etc.) or fat (e.g., pork clear plate, chicken skin, etc.).



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## Excluded Meats

- Femur bones
- Neck bones
- Organs (i.e., beef heart, veal liver, lamb kidney)
- Chitterlings
- Pork Skins
- Tails (i.e., beef oxtail)
- Tongue
- Cheek or head meat
- Tripe



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## Exclusions to Labeling

### ➤ **Processed Food Items include:**

#### 1. Change of Character

- Cooking (frying, broiling, steaming, baking, roasting)
- Curing (salt curing, sugar curing, drying)
- Smoking (hot or cold)
- Restructuring (emulsifying and extruding)

#### 2. Combined With Another Food Component



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## **Processed Food Item**

### ➤ Examples of excluded foods as a result of ***Change of Character***:

- Cooking: roasted whole chicken
- Curing: corned beef, bacon
- Smoking: beef jerky
- Restructuring: Philly style shaved steak



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## **Processed Food Item**

### ➤ Examples of excluded foods as a result of being ***Combined With Another Food Component***:

- Chicken and lamb kabobs
- Sausage
- Chicken fried steak patties
- Mesquite flavored (rubbed) sirloin steak
- Barbeque pork



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## What Are Production Steps?



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## Production Steps

- In the case of beef, (& veal), pork, lamb, goat, and chicken, production steps mean
  - Born / Hatched
  - Raised
  - Slaughtered / Harvested



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## Raised

- In the case of beef, pork, chicken, goat, and lamb, raised refers to the period of time from birth until slaughter.
- In the case of animals imported for immediate slaughter, the period of time from birth until entry into the United States.



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## Slaughter

- The point in which a livestock animal (including chicken) is prepared into meat products (covered commodities) for human consumption.
- For purposes of labeling, the word “harvested” may be used in lieu of slaughtered.



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## Labeling Meat Muscle Cuts

### Limited Alternative Terms for Production Steps

- “Packaged” does not mean “slaughtered.”
  - Placing covered commodity items into a consumer-ready container is not the same thing as converting an animal into a muscle cut.
- “Processed” does not mean “slaughtered”
  - Converting a live animal into muscle cuts is not the same as processing a chicken breast into chicken nuggets.



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## Labeling Meat Muscle Cuts

Meat Muscle Cuts require:

- Country of Origin and
- Production Steps

**\*\* Production step designations are not required on imported meat. \*\***



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## Determining Origin

- The statute defines 4 categories for labeling meat:
  - A = U.S. origin
  - B = Multiple countries of origin
  - C = Imported for immediate slaughter
  - D = Imported



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## A - U.S. Origin

- Exclusively born, raised, and slaughtered in the U.S.
- Born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the U.S. for slaughter in the U.S.



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## B - Multiple Countries

- Not exclusively born or raised in the U.S.
- Not imported for immediate slaughter.
  - Example: Born in Mexico, Raised and Slaughtered in the U.S.
  - Example: Born in Canada, Raised and Slaughtered in the U.S.



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## C – Imported for Immediate Slaughter

- Meat from animals born and raised in Country X and slaughtered in the United States.
- Consignment directly from the port of entry to a recognized slaughtering establishment and slaughtered within two weeks from the date of entry.
  - 9 CFR 93.400
  - Example: Born and Raised in Canada, Slaughtered in the U.S.



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## D: Imported

- Meat derived from animals born, raised, and harvested outside of the United States.
- Origin is declared by CBP upon import into the U.S.
- Imported meat does not require production steps



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## Commingling Meat – Different Origin

- Commingled meat from different origins is **not acceptable**.
  - Example: beef muscle cuts from cattle born in Canada and cattle born in Mexico all raised and harvested in the U.S. cannot be commingled



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## Commingling Meat – Same Origin

➤ Meat of the same origin is not commingling as defined by COOL and **is acceptable**.

- Example: Beef muscle cuts from cattle imported from Canada for immediate slaughter (born and raised in Canada, harvested in U.S.) on November 1, 2013 may be commingled with meat from cattle imported from Canada for immediate slaughter on November 15, 2013



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## Labeling Meat Muscle Cuts

**Unacceptable**



“Born in Canada, United States, Raised in Canada, United States, Harvested in Canada, United States”



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## Labeling Meat Muscle Cuts

- The term “Harvested” may be used instead of “Slaughtered” for meat muscle cuts.
- The term “Hatched” may be used instead of “Born” for chicken.



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## Labeling Meat Muscle Cuts

- The animal production steps may be listed in any order.
  - Example: Slaughtered in X, Born and Raised in Y.
- Abbreviations of animal production steps may be used as long as consumers understand what the abbreviation means.
  - Example: BRN, RAISD, HRVSTD



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## Labeling Meat Muscle Cuts

- COOL designations may be listed on signs over a display case.
  - Must be accurate information;
  - Recommended to include “unless otherwise labeled” on the sign when individual packages within the display are of a different origin.
    - Example: “All Beef is BRN, RAISD, HRVSTD in U.S. Unless Otherwise Labeled.”
  - For accuracy, each sign should be species-specific. We do not recommend, “All Meat...”



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## Ground Beef

- Chopped Fresh and Frozen Beef:
  - With or without seasoning, and
  - Without the addition of beef fat, and
  - Not more than 30% fat, and
  - No added water, phosphates, binders, or extenders, and
  - Includes the term “hamburger” (with added beef fat).
  - Marketed in bulk form or patties.
    - 9 CFR 319.15(a) ground beef
    - 9 CFR 319.15(b) hamburger



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## Ground Beef Patties

- Ground Beef Patties (100% beef) and Hamburger are covered commodities.



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## Beef Patties

- Beef Patties are **NOT** a covered commodities.
- May contain seasoning, binders and extenders.



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## Labeling Ground Meats

- The origin declaration for ground beef, ground pork, ground lamb, ground goat, and ground chicken shall list all of the countries of origin contained therein or that may be reasonably contained therein.
- When raw material from a specific origin is in a processor's inventory for more than 60 days, that country shall no longer be included as a possible country of origin.



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## Labeling Ground Meats

- 60-day inventory allowance refers only to when countries may no longer be listed.
- If a country is used as a raw material source, it must be listed on the label.



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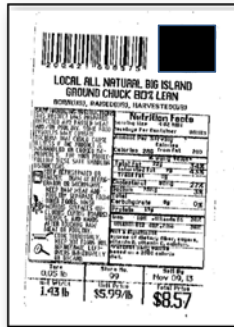
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## Labeling Ground Beef

- Production steps on ground meat are acceptable but not required.



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## Activity 3



**Are the Meat Labels Acceptable?**

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USDA Agricultural Marketing Service

## Fruits, Vegetables, Nuts & Ginseng



**Final Rule 7 CFR Part 65**

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## Final Rule Definitions

- Covered Commodity - §65.135
- Perishable Agricultural Commodity – §65.205
- Produced – §65.225
- Pre-labeled – §65.218
- Processed food item - §65.220

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## What Must Be Labeled?

- Perishable Agricultural Commodities (PAC)
- Peanuts
- Pecans
- Macadamia Nuts
- Ginseng



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## Perishable Agricultural Commodity

- Fresh and frozen fruits and vegetables of every kind and character that have not been manufactured into articles of a different kind or character.
- “Produced” – means “Harvested”



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## What are Processed Food Items?



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## Exclusions to Labeling

### ➤ Processed Food Items include:

#### 1. Change of Character

- Cooking (frying, broiling, steaming, baking, roasting)
- Curing (salt curing, sugar curing, drying)
- Smoking (hot or cold)
- Restructuring (emulsifying and extruding)

#### 2. Combined With Another Food Component



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## Processed Food Item

➤ Examples of excluded foods as a result of ***Change of Character***:

- Cooking: canned corn, French fries
- Curing: pickled cucumbers, sauerkraut
- Smoking: smoked peppers
- Restructuring: hash browns, juice



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## Processed Food Item

➤ Examples of excluded foods as a result of being ***Combined With Another Food Component***:

- Frozen peas and carrots
- Mixed fruit cups (such as watermelon, combined with honeydew and cantaloupe)
- Salad Mix



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## Activities that **Do Not** Change Character

- |  |  |
|--|--|
| • Blanching (steam or oil)   | • Polishing                                  |
| • Chopping   | • Slicing                                    |
| • Cutting  | • Trimming                                   |
| • Dicing   | • Waxing                                     |
| • Removal of Seed (pit, stem, calyx, husk, pods, rind, skin, peel, etc.) | • Adding Sugar                               |
|  | • Adding Ascorbic Acid (to retard oxidation) |



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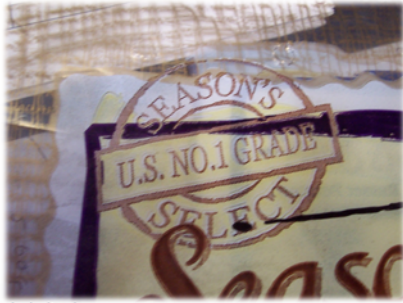
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# What are U.S. Grade Standards?



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# Grade Standards

- When covered commodities are combined in a retail package that have the same grade standard, the item **IS** a covered commodity and required to be labeled with country of origin.



- Grade standards cannot be used as a country of origin declaration.
  - For example "U.S. No. 1"



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# Grade Standards

- Examples of combined produce that **ARE** covered commodities
  - "Stoplight Peppers" (red, green, and yellow bell peppers)
  - Mixed varieties of Apples (e.g., fuji, pink lady, and rome)
- Examples of combined produce that **ARE NOT** covered commodities
  - Salad mix containing iceberg lettuce and romaine lettuce
  - Container of strawberries, blueberries, and raspberries



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## Determining Origin

- State and regional designations
- U.S. Origin
- Multiple Country of Origins
- Foreign Origin



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## State and Regional Designations

- Domestic and imported state, region, and locality labeling **IS** acceptable in lieu of country of origin labeling.
- U.S. Post Office abbreviations are acceptable for state origin declarations.



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## State and Regional Designations

- Acceptable:
- CA Grown
  - Florida Oranges

- Unacceptable:
- Island Fresh
  - Great Lakes Cherries



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## U.S. Country of Origin

➤ From products produced in the United States. Produced is defined as harvested. (§65.225)

- “Product of the U.S. (A)”
- “Produce of the U.S.”
- “U.S. Grown”
- “U.S.”
- “USA”



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## Commingling

➤ In the case of commingling perishable agricultural commodities, peanuts, pecans, macadamia nuts, and ginseng, the declaration shall include all of the origins contained therein.

- Example: A display of Hot House tomatoes can contain a sign stating “Product of U.S. and Mexico”
- Example: Red Delicious apples may contain some PLU stickers with “USA” and some PLU stickers with “Canada”



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## Imported

➤ In the case of imported perishable agricultural commodities, peanuts, pecans, macadamia nuts, and ginseng, the declaration shall include the country of origin approved by CBP when imported.



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### Acceptable F&V Labeling



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### Acceptable F&V Labeling



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### Unacceptable F&V Labeling



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## Produce Availability

- Produce is affected by a wide range of factors:
- Seasonality
  - Ethnicity of consumers
  - Location
  - Weather



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## Activity 4



**Are the Labels Acceptable?**

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