

USDA Country of Origin Labeling (COOL)
 2016 State Reviewer Training



2016 COOL Retail Review Training 1

USDA 2016 COOL Training Overview

Day 1

- Activities
- COOL Final Rule
- Non-Compliance (NC) Codes

Day 2

- Retail Surveillance Procedures
- Store Recordkeeping Verification
- Certification Exam

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USDA Training Notebook

1. Agenda	11. Follow-Up RR Procedures
2. 2009 Regulation	12. Follow-Up RR Workbook
3. 2013 Regulation	13. COOL Survey Results
4. 2016 Regulation	14. Records Request Form
5. Regulation Training	15. Laminated Card with Commodity Categories and Records Information.
6. Workbook/NC Codes	16. COOL Training Evaluation
7. Retail Review Training	
8. Recordkeeping	
9. Initial RR Procedures	
10. Initial RR Workbook	

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USDA **COOL Training Objectives**

- Consistent understanding of COOL rules;
- Reliable performance of retail review procedures; and
- Certify state personnel to conduct COOL retail reviews.

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USDA **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
- 2016 • New Final Rule amended labeling provisions for meat muscle cuts.
• Final rule effective March 2, 2016

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USDA **Delegation of Authority**

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graph TD
    A[Congress - (Legislative Branch)] --> B[Department of Agriculture - (Executive Branch)]
    B --> C[Mission Area: Marketing and Regulatory Programs]
    C --> D[Agency: Agricultural Marketing Service]
    D --> E[Program: Livestock, Poultry and Seed Country of Origin Labeling Division]
  
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COOL Regulatory Requirements

2009 2013 2016

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Elements of the Law

- Definition § 65.135 Covered Commodities
- Notice of Country of Origin
- Enforcement
- Regulations
- Applicability

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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

Component	Percentage
Training	15%
Stakeholder Education & Outreach	15%
Retail Reviews	25%
Supplier Traceback Audits	25%
State Cooperative Agreements	20%

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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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2015 Retail Compliance

- 1,055,966 COOL covered commodities reviewed
- Approximately 96% of all covered commodities were COOL compliant

Rating	Percentage
No Findings	10%
Adequate	28%
Compliance Deficiency	45%
Critical Weakness	17%

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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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Modules 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
- Chicken, Lamb, and Goat meat
- 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
 - Smoking: smoked trout
 - 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
 - Stuffed flounder
 - Mixed fruit cups
 - Stuffed chicken
 - Chicken cordon bleu

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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
 - "**P.R. China**" or "**China**" for Peoples' Republic of China
 - "**Holland**" for The Netherlands

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State 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.

Label has to refer to the product, Not the farm or distributor.

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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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Remotely Purchased Products

- COOL has been studying growth in online ordering and delivery of groceries.
- The COOL Division is developing an enforcement plan to measure compliance of remote retailers in 2016.
- Will not affect assignments to states.

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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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Pre-Labeled Record

- 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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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 from which fish are harvested: either controlled or non-controlled environments.



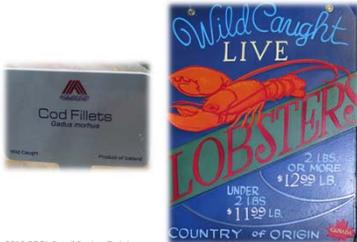
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Acceptable Method of Production

Acceptable:

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

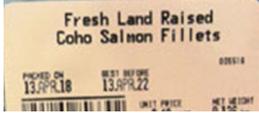


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USDA **NOT Acceptable Method of Production**

NOT Acceptable:

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

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USDA **What are Processed Food Items?**



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USDA **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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USDA **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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USDA **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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USDA **Crab Meat and Other Shellfish**

- Except when raw, frozen, most crab meat is cooked for pasteurization purposes.
- Most crab meat is sold in a cooked form.
- Several CBP rulings related to seafood products are located on the COOL website.

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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).”

- Harvested in U.S. waters or by a U.S. flagged vessel.
- *No need for production steps (hatched, raised, harvested) on seafood labels.*



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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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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.

Origin of Canada
Processed in USA

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Unacceptable COOL

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Repeal of Beef and Pork

Why it happened:

- WTO ruled against U.S. in dispute with Canada and Mexico.
- To comply, Congress amended the Agricultural Marketing Act with the Omnibus Spending Act of 2016 (12/18/2015)
- USDA issued a Final Rule on 3/2/2016 to conform with the statutory change.

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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

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 **What must be labeled?**

- Muscle Cuts: Chicken, Lamb and Goat
- Ground Meat: Chicken, Lamb and Goat

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 **IMPS**

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

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IMPS

Institutional Meat Purchase Specifications

IMPS are a series of meat product specifications maintained by AMS. They are developed as voluntary consensus specifications. Large volume purchasers such as Federal, State and Local Government agencies, schools, restaurants, hotels, and other food service users reference the IMPS for procuring meat products.

The IMPS are composed of the following series:

- General Requirements (pdf)
- Quality Assurance Provisions (pdf)
- 100 Fresh Beef (pdf)
- 200 Fresh Lamb and Mutton (pdf)
- 300 Fresh Veal and Calf (pdf)
- 400 Fresh Pork (pdf)
- 500 Cured, Cured and Smoked, Cooked Pork Products (pdf)
- 600 Cured, Dried and Smoked Beef Products (pdf)
- 700 Variety Meats and Edible By-Products (pdf)
- 800 Sausage Products (pdf)
- 11 Fresh Goat (pdf)

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- Meats listed in the following series **ARE** covered commodities:
 - 200 Fresh Lamb and Mutton
 - 11 Fresh Goat
 - Trade Description – Chicken



IMPS

Meats listed in the following series are **NOT** covered commodities:

- 100
- 300
- 400
- 500
- 600
- 700
- 800

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- Meats listed in the following series are **NOT** covered commodities:
 - 100
 - 300
 - 400
 - 500
 - 600
 - 700
 - 800



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., chicken skin, etc.).

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- 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., chicken skin, etc.).



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 chicken
 - Curing: salted cod
 - Smoking: smoked trout
 - Restructuring: salmon burger

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Processed Food Item

- Examples of excluded foods as a result of being **Combined With Another Food Component:**
 - Lamb kabobs
 - Chicken cordon bleu

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What Are Production Steps?

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Production Steps

- In the case of lamb, goat, and chicken, production steps mean
 - Born / Hatched
 - Raised
 - Slaughtered / Harvested

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Raised

- In the case of 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 at 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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USDA Labeling Meat Muscle Cuts

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

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USDA 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.
 - BRN, HTCHD, RAISD, SLGHTRD, HRVSTD

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USDA 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.
- For accuracy, each sign should be species-specific. We do not recommend, “All Meat...”

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Labeling Ground Meats

- The origin declaration for 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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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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USDA **What are Processed Food Items?**



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USDA **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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USDA **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)
- Chopping
- Cutting
- Dicing
- Removal of Seed (pit, stem, calyx, husk, pods, rind, skin, peel, etc.)
- Polishing
- Slicing
- Trimming
- Waxing
- Adding Sugar
- Adding Ascorbic Acid (to retard oxidation)

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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.”
 - “Grown in 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 at the time the product was imported.

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Acceptable Fruit and Vegetable Labeling



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USDA **Acceptable Fruit and Vegetable Labeling**

ARTICHOKES
99¢
YOU SAVE 26¢ EA

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USDA **Unacceptable Fruit and Vegetable Labeling**

and keep the balance frozen.
Enjoy fresh frozen vegetables
grown in the Pacific
Northwest.

LOCALLY GROWN
A TASTE OF HOME

Made in the USA

ISLAND FRESH

BAJA STAR
Cherry Tomatoes
NET WT. 7 OZ. (198g)
Distributed by Riverside Farms
San Juan Bautista, CA 95045

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USDA **Produce Availability**

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

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Training Day 2

- Day 2 will include two break out periods.
- Two separate sessions will run concurrently.
- During each period you will be assigned to participate in one of the sessions.
- Recordkeeping Procedures and Retail Review Procedures.

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USDA **Country of Origin Labeling**



Recordkeeping Procedures

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USDA Country of Origin Labeling



Retail Review Procedures

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