

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

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| FSIS DIRECTIVE | 9500.3 | 2/2/10 |
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LABEL VERIFICATION PROCEDURE OF IMPORTED PRODUCTS

I. PURPOSE

This directive is addressed to Import Inspection Personnel. It provides instructions on performing label verification procedures (LVP) when reinspecting imported meat and poultry products.

II. [RESERVED]

III. [RESERVED]

IV. REFERENCES

9 CFR 301.2
9 CFR 317.2
9 CFR 317.5
9 CFR 327.6
9 CFR 327.14
9 CFR 381.133

V. BACKGROUND

Foreign establishments exporting to the United States must adhere to the labeling requirements incorporated in the Federal meat and poultry regulations. Import Inspection Personnel verify label compliance by conducting LVP on all lots of imported product presented for import reinspection.

VI. LABEL VERIFICATION PROCEDURES

A. Import Inspection Personnel are to verify that the labels on shipping containers, immediate containers, protective coverings, primal parts, and carcasses meet FSIS labeling requirements.

B. Import Inspection Personnel are to select sample units for the LVP for staged lots (pallet, tote, carcasses) using Table A below. Based on the number of pallets in the presented lot, Import Inspection Personnel are to examine the designated sample units (e.g. 15 pallets in presented lot = 2 sample units or LVP pallets) after the lot is staged for general condition examination.

C. Import Inspection Personnel are to verify labeling requirements on shipments from Canada from the rear of the conveyance when no Type of Inspections (TOIs) are assigned. Import Inspection Personnel are not to require these shipments to be off loaded and staged unless they observe or suspect problems. Import establishment management will present skipped lots to Import Inspection Personnel with the conveyance backed up to an unloading dock, doors opened, and shipping container labels facing out so that the shipments labeling requirements can be verified. Shipments to which TOIs are assigned or that are suspected of having a problem will be staged and reinspected according to appropriate procedures

D. Import Inspection Personnel are to generate random numbers in order to determine which pallets in the presented lot are to be identified as the LVP sample units.

E. In some instances, the sample units may need to be moved into the import establishment inspection room, and the shipping container opened, in order to determine which label requirements, if any, need to be verified on the interior product or containers (protective coverings, immediate containers, etc).

| TABLE A - LVP Sample Size | |
|---|---|
| Number of Pallets (Presented Lot Size) | Sample Units (Number of LVP Pallets) |
| 1-10 | 1 |
| 11-20 | 2 |
| 21-30 | 3 |
| 31-40 | 4 |
| 41-50 | 5 |
| 51 or more | 5 plus 1 additional sample unit for every increase in lot size by 10 units or parts thereof. |

VII. VERIFICATION PROCEDURE

A. When conducting the LVP, Import Inspection Personnel are to make sure that labels are:

1. Mechanically printed, stenciled, or stamped directly on the shipping container or on a self-adhesive label affixed to the shipping container. Hand written labels or label information are not acceptable; and
2. In the English language. However, products distributed solely in Puerto Rico may be labeled in Spanish only.

B. **Shipping Containers** - Import Inspection Personnel are to verify that the shipping container (the outside container such as a box, bag, barrel, crate, or other receptacle or covering that contains fully labeled immediate containers) of the selected sample meets the following requirements:

1. The name of the country of origin preceded by "Product of;"

NOTE: If the name of the country appears in its mark of inspection, or if the shipping container contains fully labeled immediate containers, the phrase "Product of" need not appear.

2. The establishment number assigned by the foreign meat inspection system and certified to FSIS;
3. A shipping mark. This unique mark is used to link the product to the foreign health certificate;
4. A special handling statement, where applicable, such as "keep refrigerated," "keep frozen," "perishable, keep under refrigeration," or such other statement as FSIS's Labeling and Program Delivery Division (LPDD) may approve in specific cases (9 CFR 317.2); and

NOTE: The term "keep chilled" is not acceptable terminology. Handling statements need to be accurate for the product being presented for reinspection, or they need to be corrected.

5. Sufficient space on the main and end panel for the U.S. mark of inspection.

NOTE: This requirement is not applicable to product from Canada since the U.S. mark of inspection is applied to the health certificate and import application (FSIS Form 9540-1).

C. Immediate Containers - If the shipping containers hold product packaged in immediate containers, Import Inspection Personnel are to verify that the immediate containers bear all of the mandatory label features, as required by 9 CFR 317.2 and 381.116. The mandatory features to be examined on the immediate labels include:

1. Name of product or descriptive designation of product;
2. Ingredients statement, if needed;
3. Foreign establishment number (canned products must comply with 9 CFR 329.14 (b) (2));
4. Handling statements, such as "keep frozen" or "keep refrigerated", if needed;
5. Net quantity of contents, if needed;
6. Manufacturer's or distributor's name and address;
7. Nutrition labeling, if needed;
8. Name of the country of origin, preceded by the words "Product of." The phrase "Product of" is required on all immediate containers of meat and poultry products; and
9. Safe handling instructions for raw and partially cooked meat and poultry products that have not undergone further processing that would render them ready-to-eat and are destined for the consuming public.

NOTE: Exemptions to the safe handling instructions include imported products intended for further processing at an FSIS official establishment.

D. Protective Coverings - If shipping containers contain product wrapped in protective coverings, Import Inspection Personnel are to verify that the protective coverings (product packaged and intended for distribution at the retail level) meet the provisions of FSIS Labeling Policy Memo 090B.

1. Import Inspection Personnel are to verify that protective coverings on unprocessed red meat products:
 - a. Are packaged in transparent wrappings;
 - b. Bear the country of origin (the words "Product of" are not required); and

- c. Bear the foreign establishment number.

NOTE: Protective coverings do not need to be marked with an official mark of inspection if the inside product is marked, and the mark is clearly visible through the transparent protective covering.

2. Optional information is allowed on protective coverings, including:
 - a. Company brand names;
 - b. Trade marks; and
 - c. Code numbers
3. When any other mandatory labeling feature appears on a protective covering, Import Inspection Personnel are to consider the protective covering an immediate container.

NOTE: Import Inspection Personnel are not to verify protective coverings on products that are intended for further processing (e.g. boneless beef for manufacturing, boneless beef trimmings).

E. Marked Carcasses and Primal Parts - If shipping containers hold carcasses or primal parts, Import Inspection Personnel are to verify that the requirements of 9 CFR 316.9 (b), 327.14 (a) and 327.14(b) (1) are met by observing the carcass or primal part surfaces. The phrase "Product of" is not required on a carcass, primal, or sub primal cut that prominently displays the name of the foreign country within the marking itself (e.g., the Canadian mark of inspection is a circle surrounding the word Canada and the establishment number). Imported products susceptible of being marked include carcasses, each primal part of a carcass, beef liver, beef tongue, and beef hearts.

NOTE: When carcasses, sides, or quarters of livestock or ratites are presented for inspection on a pallet or in a tote, one unit from each pallet or tote comprises the sample unit for the pallet or tote. When carcasses, sides, or quarters of livestock are presented in a trailer as a "Hanging Carcass," one side will comprise a sample unit.

F. Un-Marked Carcasses and Primal Parts - If shipping containers hold unmarked carcasses or primal parts, Import Inspection Personnel are to allow the movement of the product to an inspected official establishment for further processing provided the shipping container is sealed to prevent tampering or substitution of product.

1. Import Inspection Personnel may allow an alternative to the sealing of the trailers, including tamper-proof sealing or shrink wrapping of shipping

containers of unmarked foreign products that bear the official inspection legend on the sealing or wrap.

2. Import Inspection Personnel are to verify that all trailers containing unmarked product have been resealed by the official import inspection establishment after the LVP or any other inspection.
3. If Import Inspection Personnel are unaware of the product's final destination, they are to ask the official import inspection establishment management to state (in writing) the final destination. Import Inspection Personnel are to reject the product if this information is not provided.
4. Import Inspection Personnel are to hold any shipments and contact the Regional Import Field Office (RIFO) if shipments arrive at the import establishment without any tamper proof sealing.

G. Qualifier, Claims, Grade, or Declaration Concerns - If Import Inspection Personnel have concerns regarding special nutrition claims, qualifiers, the use of grading terminology, or declarations ("For Cooking Only", "Not for Grinding", etc), they are to hold the shipment and contact the RIFO.

VIII. LOT DISPOSITION

A. When any sample unit fails to meet FSIS label requirements, Import Inspection Personnel are to reject the lot. Import Inspection Personnel are to notify the import establishment's management of the label defect identified during the LVP. If supporting documentation (e.g., label approval from LPDD) is not provided, the importer, broker, or applicant may: (1) request permission from Import Inspection Personnel to bring the label into compliance; (2) contact LPDD for a determination as to the acceptability of the label; or (3) request permission from Import Inspection Personnel to continue holding the shipment pending approval to remark the shipping containers as stated in C of this section.

B. Import Inspection Personnel are to allow labels to be brought into compliance as stated below.

1. **Sorting Non-Compliant Containers** - For rejected lots that can be sorted, the importer and applicant or representative may request that the shipment be allowed to be sorted by removing all non-complying containers. Non-compliant containers are to be refused entry.
2. **Re-stenciling Labels** - The importer and applicant may correct any label deficiency, except shipping marks, by re-labeling, stenciling, or obliterating the incorrect markings and labels on all non-complying containers.

3. Movement to an FSIS Inspected Official Establishment - For rejected lots of carcasses or primal parts that are not properly marked, or shipments rejected for label defects on protective coverings, the importer and applicant or representative may request permission from Import Inspection Personnel to divert the product to an FSIS-inspected official establishment for further processing. These requests are only to be considered if made in writing. They are to be considered on a case-by-case basis, and they need to be approved by the RIFO.
4. Space on End Panel for "US Inspected and Passed Stamp" - When there is insufficient space for the application for the mark of inspection, the lot is to be placed on hold. The lot is to remain on hold until written corrective action is received from the importer with assurance that future shipments will have sufficient space for the mark of inspection. Once written corrective action has been received by Import Inspection Personnel, the mark of inspection may be applied to the shipping container provided space is made available without obliterating any required features.
5. Immediate Containers – The sorting or re-labeling of immediate containers is approved on a case by case basis by the RIFO. The importer and the applicant are to furnish a written plan describing how the labels will be corrected.
6. Any other corrective action request on label deficiencies is to be brought to the attention of the RIFO for approval.

C. Procedures for Correcting Shipping Marks – During the LVP, Import Inspection Personnel are to verify that any shipping container on which a portion of the shipping mark is missing or illegible, or on which the entire shipping mark is missing, incorrect, or completely illegible (e.g., no character of the shipping mark is identifiable) is removed from the lot.

1. When a portion of a shipping mark is missing or illegible, and the remaining identifying characters are the same as the shipping mark of the other containers in the lot, Import Inspection Personnel are to notify the import inspection establishment management. Import establishment management has the option to re-apply (correct) the complete shipping mark by either re-labeling or by stenciling the complete shipping mark on all containers in which only part of the shipping mark is legible before release of the shipment.
2. Import Inspection Personnel are to refuse entry to any containers on which the shipping marks are missing, completely illegible, or incorrect. This product is to be sorted by the import establishment and removed from the lot. Import Inspection Personnel are to reject and to handle the sorted

product as per FSIS Directive 9020.1, Meat, Poultry, Egg Products, and Shell Eggs Refused Entry into the United States, unless the importer requests permission from Import Inspection Personnel to re-apply the shipping marks, as permitted below:

- a. An official representative of the foreign inspection system is to obtain approval from the RIFO to re-mark the product. The RIFO is to verify that the Automated Import Information System (AIIS) has been updated and notify Import Inspection Personnel at the import establishment that it has approved the remarking, and of where the remarking is to take place;
 - b. The official representative of the foreign inspection system is to re-apply a shipping mark to these containers. If a new certified shipping mark is applied, the foreign official is to provide a new health certificate;
 - c. The re-labeling of shipping containers is to be done in accordance with FSIS label requirements under the supervision of Import Inspection Personnel at an official import inspection establishment; and
 - d. Import Inspection Personnel are to maintain copies of all requests for re-marking in the case file.
3. Automated Import Information System (AIIS) Entry – Entire Lot on Hold- Import Inspection Personnel are to:
- a. Enter the rejected cartons as a partial rejection for labeling into the AIIS, pending re-marking by the foreign official; and
 - b. Add the cartons re-marked with the same shipping mark to the original lot, if available, and stamp all documents as appropriate.
4. AIIS Entry – Original Portion of the Lot Released- Import Inspection Personnel are to enter the remarked product into the AIIS as a new lot if the shipping containers for this product have been reinspected and released from the official import inspection establishment. Import Inspection Personnel are to:
- a. Verify that the management of the import establishment has modified the import application (FSIS Form 9540-1) by adding the re-marked containers as a new lot;
 - b. Enter the new lot into the AIIS using the "Add lot" feature to the original shipment;

- c. Obtain an inspection assignment; and
- d. Enter in the partial rejection comment section of the AIIS "shipping marks were re-applied by the foreign official."

IX. HANDLING OF REJECTIONS IN THE AIIS

A. Sorting Rejected Lots - AIIS Amendments

1. Import Inspection Personnel are to e-mail the following information to Import Inspection Division (IID) Headquarters (HQ) at ImportInspection@fsis.usda.gov when the importer elects to sort a lot:
 - a. The AIIS Lot ID number;
 - b. The name of the foreign country;
 - c. The producing establishment number; and
 - d. That the LVP "rejection" should be removed because the lot is being sorted.
2. Import Inspection Personnel are to verify that the specific lot that failed the LVP has the "rejection" removed. Import Inspection Personnel are to enter a "partial rejection" for the portion of the lot that was found to be non-compliant for mislabeling under "labeling defects." Import Inspection Personnel are to "accept" the remainder of the lot.

B. Lot Disposition - Entering Results in the AIIS

Import Inspection Personnel are to enter results as:

- a. Accept or reject if the LVP is assigned by the AIIS; and
- b. An unscheduled TOI if the label verification fails.

X. DATA ANALYSIS

The Office of Data Integration and Food Protection (ODIFP) will analyze import labeling procedure data entered into the AIIS on a quarterly basis. ODIFP will analyze the data for trends in rejected and/or partially rejected lots that could lead to improvements in import reinspection procedures or guidance to foreign countries. The analysis will also share results of these analyses with all agri-business stakeholders.

Refer questions through supervisory channels or submit questions through askFSIS at <http://askfsis.custhelp.com>.

A handwritten signature in black ink that reads "Philip S. Deuffer". The signature is written in a cursive style with a large, prominent initial "P".

Assistant Administrator
Office of Policy and Program Development