

QUESTIONS & ANSWERS

Q Can a packer or intermediary supplier that processes whole muscle meat products derived from both mixed origin animals and U.S. origin animals commingle and label these products with a mixed origin label?

A If meat covered commodities derived from United States and mixed origin animals are commingled during the production day, the resulting product may carry the mixed origin claim.

Q Is it permissible to label meat derived from livestock of U.S. origin with a mixed origin label if solely U.S. origin meat was produced during that production day?

A No. The label must state “Product of the U.S.”

Q Can a country of origin declaration on commingled commodities use “or”, “and/or”, or “may contain”?

A No. Only “and” or a comma (“,”) may be used to label covered commodities from multiple origins.

Q What information must be on an affidavit for it to be acceptable for origin verification purposes for livestock?

A A producer affidavit is an acceptable record for a slaughter facility provided it is made by someone having firsthand knowledge of the animal(s) and identifies the animal(s) unique to the transaction such as tag ID system, number of head involved, date of the transaction, and the name of the buyer.

RECORDKEEPING

Retailers and their suppliers have recordkeeping responsibilities. Upon request by USDA representatives, records shall be provided to substantiate claims.

Responsibility of Suppliers

Any person engaged in the business of supplying a covered commodity to a retailer, whether directly or indirectly (i.e., including but not limited to growers, distributors, packers, and processors), must make information available to the buyer about the country(ies) of origin of the covered commodities. Records that identify the immediate previous source (if applicable) and immediate subsequent recipient must be maintained for 1 year from the date of the transaction.

National Animal Identification System (NAIS)

USDA encourages use of NAIS. Packers that slaughter animals that are part of a NAIS compliant system or other recognized official identification system (e.g., Canadian official system, Mexico official system) may also rely on the presence of any accompanying animal markings (i.e., “Can”, “M”), as applicable, on which to base their origin claims.



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COOL

Country of Origin Labeling



**Producers
November 2008**



COOL

FACTS

- Mandatory Country of Origin Labeling (COOL) became effective on September 30, 2008.
- COOL is a retail labeling law that provides additional information to consumers at the time of purchase.
- Covered commodities include:
 - Muscle Cuts of Beef (including veal), Pork, Lamb, Goat, and Chicken
 - Ground Beef, Ground Pork, Ground Lamb, Ground Goat, and Ground Chicken
 - Wild and Farm-Raised Fish and Shellfish
 - Perishable Agricultural Commodities (fresh and frozen fruits and vegetables)
 - Peanuts, Pecans, and Macadamia Nuts
 - Ginseng
- Retail establishments that are licensees under the Perishable Agricultural Marketing Act (PACA) are required to label covered commodities with COOL.
- Food service establishments are exempt (includes restaurants, cafeterias, bars, food stands, and delicatessens).
- Processed foods are excluded, that is, covered commodities that have a change in character resulting from cooking, curing, smoking, or restructuring, or when combined with another food component.



LABELING

COOL declarations must be specific and accurate. It is ultimately the retailer's responsibility to provide country of origin information to consumers; however, in order for retailers to accurately label covered commodities for COOL, direct and indirect suppliers to retailers must convey country of origin information. Packers and processors rely upon producers to provide country of origin information to initiate country of origin designations.

Suppliers of covered commodities that are responsible for initiating country of origin claims may use the following for COOL verification:

- Producer Affidavits
- Purchase/Receiving Records
- Animal Health Records
- National Animal Identification System (NAIS), (or other official, compliant system)
- Production/Harvest Records
- Bills of Lading/Invoices

COOL for Muscle Cuts of Meat

- A. *Product of the U.S.***—meat from animals born, raised, and slaughtered in the United States or from animals present in the United States on or prior to July 15, 2008.
- B. *Product of the U.S., Country X***—meat from animals born in Country X and raised and slaughtered in the United States. These animals were not exclusively born, raised, and slaughtered in the United States or imported for immediate slaughter.
- C. *Product of Country X, U.S.***—meat from animals imported into the United States for immediate slaughter.
- D. *Product of Country X***—foreign meat imported into the United States.

COOL for Ground Meat

The label shall list all countries contained therein or that may be reasonably contained therein in any order. When determining what is considered reasonable, when a raw material from a specific origin is not in a processor's inventory for more than 60 days, that country shall no longer be included as a possible country of origin.

COOL for Perishable Agricultural Commodities (PAC), Nuts & Ginseng

The origin declaration will be where the product is grown/harvested. State, regional, and locality may be used for the country of origin declaration. Examples include: *Product of the U.S.*, *Produce of the U.S.*, *Grown in the U.S.*, or *Country X*.

COOL for Fish and Shellfish

- A. *Product of the U.S.***—covered farm-raised fish and shellfish that are hatched, raised, harvested, and processed in the United States or covered wild fish and shellfish harvested in waters of the United States or by a United States flagged vessel and processed in the United States and that have not undergone substantial transformation outside of the United States.
- B. *Product of Country X***—imported fish and shellfish that have not undergone substantial transformation in the United States as declared by U.S. Customs and Border Protection (CBP).
- C. *Product of Country X, Processed in the U.S.***—imported fish and shellfish that have undergone substantial transformation in the United States.
- D.** Fish and shellfish covered commodities must state the method of catch (wild or farm-raised) in addition to country of origin declarations.

COOL for Commingled Commodities

Origin declarations must be specific for covered commodities of the same type that have been prepared from raw material sources having different origins that are contained within the same package. Meat covered commodities (e.g., rib eye steaks) derived from U.S. and mixed origin animals that are commingled during a production day may carry the mixed origin claim, *Product of the U.S., Country X, Country Y*. Mixed origin perishable agricultural commodities, nuts, and ginseng shall list all countries contained therein.