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Guidance on Store Level Implementation: Seafood COL Regulations (September 2005)

Recently, USDA officials surveyed eleven grocery stores in the Washington, D.C. area to review the retail food industry's progress in implementing the store level portion of USDA's seafood country of origin labeling interim final rules. Based on the results of this survey, we suggest that you check with your store personnel to make sure that they are following through on all of the following areas.

- All covered seafood products must be identified by **both** country of origin and method of production.
 - See “processed seafood items” discussion below for products that are “processed” and therefore not subject to labeling.
- Check all three of the following store areas for products that must bear labeling:
 - Fresh case
 - Overwrapped product
 - Frozen seafood
- Fresh lobsters in tanks and frozen uncooked lobster tails must bear labeling for both country of origin and method of production, and were frequently overlooked.
 - Information may be posted outside the tank or lobsters may be individually identified, e.g., color-coded banding.
 - Lobsters from NAFTA countries (USA, Canada, and Mexico) may be commingled with a single sign that identifies the countries from which the lobsters were obtained (e.g., Product of USA and Canada).
 - Lobsters from non-NAFTA countries may not be commingled.
- Use the USDA-approved terms for method of production:
 - USE: farmed, farm-raised, wild and wild caught
 - NOT: trapped and trawled, cultivated, ocean caught, line caught
- State or region of origin is **not** sufficient – product must be identified in terms of country, e.g., U.S., Canada
- USDA wants the country of origin specified separately, not just in the product name. “Icelandic fillet” or “Indonesian white” is not sufficient.

- Obtain and use the country of origin and method of production information from your supplier.
- For imported product:
 - Use the phrase “Product of [country X]” for product that is not substantially transformed in the United States. “Country X” will be determined by Customs rules if more than one country is involved. *Ask your supplier to identify the country.*
 - Use the phrase, “From [country X], processed in the U.S.” if the product was imported into the United States and substantially transformed here, within the meaning of the Customs regulations. *Again: rely on your supplier for this information.*
- Do not use “wild” or “farm-raised” type terms in the ingredient line of products.
- If both shelf tags and on-product labels are used, make sure that the information is consistent.

Processed Seafood Items

Processed seafood does not require labeling. Seafood is processed if it meets either of the following tests:

- * Combined with other substantive ingredients
OR
- * Undergone specific processing resulting in a change in the character of the covered commodity, such as:
 - Cooking (e.g., frying, broiling, steaming, baking, roasting)
 - Curing (e.g., salt curing, sugar curing, drying)
 - Smoking (hot or cold)
 - Restructuring (e.g., emulsifying and extruding, compressing into blocks and cutting into portions)

Examples of processed seafood:

Fish sticks	Surimi	Mussels in tomato sauce
Seafood medley	Coconut shrimp	Soups, stews, chowders
Cooked shrimp	Pates	Smoked salmon
Marinated fish fillets	Canned tuna	Canned sardines
Canned salmon	Crab salad	Shrimp cocktail
Gefilte fish	Sushi	Breaded shrimp