

REGULATORY ALERT



January 12, 2012

Small Business Exception for Nutrition Labeling of Raw Meat and Poultry

Effective March 1, 2012, the United States Department of Agriculture is requiring **all retailers—including small businesses**—to provide nutrition information to consumers for the major muscle cuts of meat and poultry. This information may either be placed in a label directly on the product or made available to consumers at the point of purchase. Retailers may display a poster created by FMI with other organizations available [here](#) to comply with the requirement. The poster may be downloaded in a lower resolution for free and a higher resolution for a charge. Note that the poster was mailed to FMI members last fall. A pamphlet or brochure with the same information also satisfies the requirement.

Ground meat and poultry is also required to have nutrition labeling under the new rule. Nutrition information for ground products must be labeled directly on the package unlike the flexible requirement for muscle cuts. However, small businesses are exempt from labeling certain ground products.

To qualify for the small business exemption a business must have 500 or fewer employees.

Any ground single-ingredient meat or poultry product that a small business produces at less than 100,000 lbs per year is exempt from the nutrition labeling requirement so long as it has no nutrition information or claims.
Please see Example 1.

Example 1

Q: Pine Mountain Grocery annually produces 90,000 lbs of 70/30 beef, 80,000 lbs of 80/20 beef and 120,000 lbs of 90/10 beef. What item(s) must be labeled?

A: Only the 90/10 beef is required to be labeled.

The quantity per product is calculated on a company-wide basis. Retailers with multiple stores must add up the total weight of the particular product produced at each store to determine if it exceeds the 100,000 lb threshold. Please see Example 2.

Example 2

Q: Bob's Grocery Co. operates three stores. Store A produces 40,000 lbs of 80/20 beef, Store B produces 30,000 lbs of 80/20 beef and Store C produces 60,000 lbs of 80/20 beef. Must the 80/20 beef be labeled?

A: Yes, the 80/20 beef must be labeled as the retailer produces a total of 130,000 lbs of it.

For more information please contact FMI's Regulatory Counsel, Erik Lieberman, at 202-220-0614 or elieberman@fmi.org.

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