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January 10, 2012

***Submitting Comments:  
Docket No. FSIS - 2005-0016  
“Prior Label Approval System: Generic Label Approval.”***

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**Instructions for Submitting Comments**

- Comments must be received on or before February 3, 2012.
- Comments may be submitted by either of the following methods:
  - Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field or attach a file. Go to <http://www.regulations.gov>. Follow the online instructions at that site for submitting comments.
  - Mail: Send to U.S. Department of Agriculture (USDA), FSIS, OPPD, RIMD, Docket Room, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, 8-163A, Washington, DC 20250-3700.
- Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2005-0016. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information provided, to <http://www.regulations.gov>.
- FOR FURTHER INFORMATION CONTACT: Jeff Canavan, Food Technologist, Labeling and Program Delivery Division, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Beltsville, MD 20705-5273; Telephone (301) 504-0879; Fax (301) 504-0872.

**Introduction**

*Briefly introduce yourself and your establishment. Potential comments could include:*

- I support this proposed rule, but maintain reservations in regards to the potential consequences facing establishments like mine from relying only on generic label approval for labels that are not the following: labels for temporary approval, labels for products produced under religious exemption, labels for export with labeling deviations, and claims and special statements intended for use on labels.

- I applaud the efforts of the U.S. Department of Agriculture's Food Safety and Inspection Service (USDA/FSIS) to modernize the label approval process. The current regulation is restrictive regarding types of labels and labeling changes that can be generically approved.

### **Talking Points**

*Include any personal anecdote about your experience with label approval and how this proposed rule would help your establishments. Potential comments could include:*

- If adopted as a regulation, I hope that the expansion of products eligible for generic approval will have an impact in reducing the excesses label approval backlog and allow me to conduct business in a timelier manner.
- Allowing changes or updates to labels to be generically approved and no longer requiring sketch approval is a logical decision that I support.
- Modernizing the regulation to exclude some of the terms that are currently considered to be special claims such as: "fresh;" irradiation claims; statements that characterizes a product's nutrient content ("Low Fat") or that makes a country of origin statement ("Italian Style"); calendar references ("Sell by Date"); and allergen statements is a much needed regulatory update.
- It is my understanding that if this proposed rule is adopted as read, the Labeling and Program Delivery Division (LPDD) will not review labels submitted for approval that could be generically labeled which under these proposed circumstances is basically any label without a claim. They will simply be returned to the establishment by the LPDD. I encourage FSIS to reconsider this provision of the proposed rule.
- A mechanism must be in place for an establishment or inspection personnel to be able to consult with the LPDD on a label that can be generically approved if there is uncertainty about any aspect of that label. It is not fair for the LPDD to refuse to review a label that is submitted. If a label is sent to the LPDD, I strongly believe that it is their duty to review that label regardless of generic approval status. This will allow for greater confidence in the generic approval system by allowing establishments to seek approval when they feel it is necessary.
- Properly labeling meat and poultry products is a very detailed process. There is a great potential for mistakes in labeling, thus leading to misbranding of products resulting in product recalls. This should be of great concern to USDA/FSIS since everyone has seen a sustained number of product recalls due to the non-declaration of ingredients of concern. Many establishments avoid generic labeling for these very reasons.
- There are many establishments that are not educated or confident on proper labeling to generically label a product. The guidance for generic labeling is lengthy and not very user friendly to understand.
- I believe that there is a lack of education with inspection personnel regarding the process, as well. Therefore, they do not work with establishments in developing generic labels and/or discourage the generic label process. If this proposed rule is to be finalized, I hope that inspection personnel would receive better training in labeling.

## **Conclusion**

*Include any personal anecdote about your experience with generic label approval and how this proposed rule would help or harm your establishment.*

- I appreciate the opportunity to comment on *Docket No. FSIS-2005-0016 - Prior Label Approval System: Generic Label Approval*. I am supportive of this proposed rule as it streamlines the label approval process, but maintain reservations in regards to the potential consequences facing establishments from relying only on generic label approval for an increased number of labels. I encourage FSIS to find a way to allow establishments to seek assistance and guidance on labeling to prevent potential errors, misbranding, and potential devastating recalls for establishments like mine.

Thank you for your time and consideration.

## **Signature Line**

Signature

Full Name

Title

Establishment Name

Date