



United States
Department of
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Food Safety
and Inspection
Service

Office of Policy and
Program Development

Washington, D.C.
20250-3700

Andrea H. Brown
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APR 09 2008

Dear Ms. Brown:

Dr. Engeljohn asked me to respond to your March 17, 2008, letter to him requesting responses to some questions regarding the FSIS policy on retail exemptions. Following are your specific questions as they appear in your letter followed by the FSIS responses.

1. Is it acceptable for a retail exempt establishment to make an uncured, uncooked, unstoked (multi-ingredient) meat product and sell it to HRI within the limits of the retail exemption regulations?

Yes, a retail store may cut up, trim, slice, grind, freeze, products made from meat even if the products are multi-ingredient and sell such products to other than household consumers within the limits set out in 9 CFR 303.1 (d)(2)(ii) and(iii). A retail store may not sell to non-household consumers product that it has cooked, cured, smoked, rendered, refined, or otherwise processed in a manner not listed in 9 CFR 303.1(d)(2)(i)(a),(b),(c), or (e) without being under inspection.

2. Are these multi-ingredient products sold to HRI also limited to the restrictions of no more than 25% of a retail stores sales and not exceeding the dollar limits set by FSIS?

Yes, as stated in the previous answer, all sales to other than non-household consumers of meat products produced by retail stores are subject to the limits set out in 9 CFR 303.1 (d)(2)(ii) and(iii).

3. Can a retail exempt establishment make a cured cooked smoked (multi ingredient) meat product and sell it to HRI or do these types of products require a plant to have inspection?

As stated above, a retail store may cut up, trim, slice, grind, freeze, products made from meat even if the products are multi-ingredient and sell such products to other than household consumers within the limits set out in 9 CFR 303.1 (d) (2) (ii) and (iii). Establishments conducting other processing such as cooking, curing, smoking, rendering, refining, curing meat products, or slaughtering livestock are required by regulation to be under inspection.

4. Can retail exempt product that is derived from strictly federally inspected product be shipped in interstate commerce by common carrier (as long as the inspection legend is not placed on the product)?

First, let me clarify that the USDA Mark of Inspection can only be placed on product which was in fact inspected by FSIS. Second, yes, products produced through processes consistent with the retail exemption regulations may be shipped via common carrier in interstate commerce to household consumers if the products were derived from federally inspected products.

5. What are the specific labeling requirements for retail exempt products that are shipped in interstate commerce by common carrier?

Products produced under a retail exemption do not bear a mark of inspection. However, such products must not be misbranded under 21 USC 601(n). If they are, they are subject to regulatory action like any other meat product in commerce.

6. Are there any dollar limitations or quantity limitations for retail exempt products that are shipped in interstate commerce by common carrier?

No, however two points discussed above must be noted. First, only products derived from federally inspected products can be shipped in interstate commerce. Second, there is no dollar limitation on the amount of product that is sold to household consumers. However, there are limitations set out in 9 CFR 303.1 (d) (2) (i) and (ii) which define normal retail quantity and a dollar limit for sales to other than household consumers.

I hope that this provides you with the information and clarity that you are seeking. We do plan to post these questions and answers in AskFSIS in order to provide the same information to all interested stakeholders.

Sincerely,



Charles L. Gioglio, Director
Labeling and Program Delivery Division