

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

67-08

9/30/08

COUNTRY OF ORIGIN LABELING – INTERIM FINAL RULE

This notice provides inspection program personnel with information regarding the Agricultural Marketing Service's (AMS) Country of Origin Labeling (COOL) interim final rule and the conforming FSIS interim final rule.

Inspection program personnel are not to do any verification activity under 04B04 to assess whether the label statements made under the COOL rules are truthful and not misleading. Inspection program personnel are not to take any action to enforce the FSIS interim final rule until further notice. During the next six months, until April 1, 2009, FSIS will defer to the AMS program of outreach and education to ensure that there is compliance with these rules.

The AMS interim final rule on COOL is effective September 30, 2008. On August 28, 2008, FSIS published an interim final rule conforming its regulations to the AMS interim final regulations on COOL. The FSIS rule is also effective on September 30.

AMS has posted a summary of its regulation at:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5070925>

AMS has also posted questions and answers regarding COOL at:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5071922>

FSIS amended its regulations to provide that the labels of covered commodities that comply with the COOL regulations are generically approved. Voluntary country of origin labeling on non-covered commodities, e.g., beef jerky, still need to be submitted to FSIS for prior label approval. The FSIS interim final rule is available at:

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OP/PDE/rdad/FRPubs/2008-0027.htm>

DISTRIBUTION: Electronic

NOTICE EXPIRES: 10/1/09

OPI: OPPD

AMS is responsible for enforcing its COOL regulation. The inclusion of COOL information on labels at official establishments is voluntary; however, COOL statements on covered commodities are required at retail stores. The AMS COOL regulations provide a number of options for establishments to communicate COOL information to retailers. COOL does not apply to covered commodities produced or packaged before September 30, 2008. Companies do not need to submit temporary approvals for labeling that does not include COOL.

During the six month period following the effective date of the regulation, AMS will conduct an industry education and outreach program concerning the provisions and requirements of the rule. This AMS plan for outreach and education should significantly aid the industry in achieving compliance with the requirements of this rule. FSIS will defer to the AMS program during this six month period.

FSIS is working closely with AMS regarding issues surrounding COOL and will be posting additional information on its website.

Other labeling questions should be submitted through AskFSIS or by calling 1-800-233-3935 and following the prompts.

A handwritten signature in black ink, appearing to read "Amy S. Dupler". The signature is written in a cursive, flowing style.

Assistant Administrator
Office of Policy and Program Development