

Summary of the Proposed Rule for Voluntary Labelling with United States Origin Claims



Authorized and Qualified US Origin Claims

FSIS is proposing to allow two authorized voluntary label claims to indicate that the FSIS regulated product is of US origin: "Product of USA" and "Made in the USA". Single ingredients products must come from animals born, raised, slaughter and processed in the United States. For multi-ingredient products, the FSIS will allow the use of a label and claim of US origin if:

- 1) all the components of the product come from animals born, raised, slaughtered and processed in the USA;
- (2) all additional ingredients of the product, except the spices and flavorings, are from domestic origin; and
- (3) all the preparation and processing steps happen in the USA. ¹

Label claims other than "Product of USA" or "Made in the USA" that indicate that a preparation and processing component of a FSIS-regulated product is of U.S. origin would be allowed ("qualified" label claims). The FSIS has requested comments on what criteria should the regulation establish for the use of the qualified claims that are indicating a reference to preparation and processing steps in the USA. ¹

Record Keeping Requirements

The following documentation types can be used to support a claim that the product, or a component of the product, is of U.S. origin: ¹

A) For labels that bear the voluntary authorized claims "Product of USA" or "Made in the USA" ;

- A written description of the controls used in the birthing, raising, slaughter, and processing of the source animals, and for multi-ingredient products the preparation and processing of all additional ingredients other than spices and flavorings, to ensure that each step complies with the proposed regulatory criteria;
- A written description of the controls used to trace and segregate, from the time of birth or processing through packaging and wholesale or retail distribution, source animals, all additional ingredients other

than spices and flavorings, and resulting products that comply with the proposed regulatory criteria from those that do not comply; or

- A signed and dated document describing how the product is prepared and processed to support that the claim is not false or misleading

B) For labels that bear voluntary, qualified U.S.-origin claims: ¹

- A written description of the controls used in each applicable preparation and processing step of source animals, all additional ingredients other than spices and flavorings, and resulting products to ensure that the U.S.-origin claim complies with the proposed regulatory criteria. The described controls may include those used to trace and segregate, during each applicable preparation or processing step, source animals, all additional ingredients other than spices and flavorings, and resulting products that comply with the U.S.-origin claim from those that do not comply; or
- A signed and dated document describing how the qualified U.S.-origin claim regarding the source of the preparation and processing component is not false or misleading.

The proposed rule does not specify the types of documentation that must be maintained to demonstrate compliance with the proposed regulatory criteria (e.g., bills of lading, shipping manifests, load sheets, grower records). FSIS has requested comments on whether the Agency should require, or provide guidance on, specific types of documentation that companies using a voluntary label claim of U.S. origin would need to maintain. FSIS is also requesting comments on whether the Agency should allow or require third party certification for the use of authorized and qualified voluntary U.S.-origin label claims. ¹

Comment Period

Comments about the proposed rule must be received by USDA within 60 days after the publication date of March 13, 2023. ¹

(1) Federal Register :Public Inspection: Voluntary Labeling of Regulated Products with United States-Origin Claims

