

# ATTACHMENT A



United States  
Department of  
Agriculture

Office of the  
General  
Counsel

Washington,  
D.C.  
20250-1400

FEB 10 2005

The Honorable Bill Lockyer  
Attorney General  
State of California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
Oakland, California 94612-0550

SUBJECT: California Proposition 65

Dear Mr. Lockyer:

In view of recent developments, we would like to advise you of our legal position concerning the application of the provisions of California Proposition 65 with respect to the distribution of meat and poultry products inspected at federal establishments under the Federal Meat Inspection Act and the Poultry Products Inspection Act.

As you know, California Proposition 65, enacted as the Safe Drinking Water and Toxic Enforcement Act of 1986, provides that no person in the course of doing business may "knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual." Such warning "may be provided by general methods such as labels on consumer products, posting of notices, and the like, provided that the warning accomplished is clear and reasonable."

In 1987, then Secretary of Agriculture Richard B. Lyng sent a letter to the then California Governor George Deukmejian concerning the implementation of Proposition 65. In that letter, USDA set forth the statutory authorities and precedent cases supporting the position that the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act concerning labeling requirements preempted the application of the provisions of Proposition 65 to meat and poultry products.

In November 2004, an individual in California filed a 60-day Notice of Violation against several USDA inspected meat and poultry establishments, alleging that these establishments violate Proposition 65 because they cause consumer exposure to certain chemicals in violation of Proposition 65. That individual is requesting that the firms provide point-of-sale labeling on their products to include a warning that the products contain polychlorinated dibenzo-p-dioxins and polychlorinated biphenyls.

The Honorable Bill Lockyer

Page 2

In December 2004, then Secretary Ann M. Veneman sent a letter to Governor Arnold Schwarzenegger concerning the application of provisions of Proposition 65 to meat and poultry products regulated by USDA. In that letter, USDA reaffirmed the position taken in the 1987 letter regarding federal preemption.

On January 14, 2005, USDA attorneys had conversations with Edward G. Weil, Senior Deputy Attorney General, with respect to enforcement of Proposition 65. In that conversation, Mr. Weil advised that he did not believe that USDA had preemptive authority with respect to California's point-of-sale warning requirements. In support of his position, he cited the 9<sup>th</sup> Circuit Court of Appeals decision issued in 1992 concerning California warning requirements applicable to fungicides, insecticides, and the like. (Chemical Specialties Manufacturers Association v. Allenby, 958 F.2d 941 (1992)). The USDA attorneys disagreed with Mr. Weil as to USDA's preemptive authority with respect to point-of-sale labeling. They noted that USDA's preemptive authority under the Federal Meat Inspection Act and the Poultry Products Inspection Act has consistently been interpreted very broadly based on the uniquely comprehensive regulatory and inspection provisions of those statutes.

Both the Federal Meat Inspection Act and the Poultry Products Inspection Act provide a comprehensive statutory framework to ensure that meat, meat food products, poultry and poultry food products prepared for commerce are wholesome, not adulterated, and are properly labeled and packaged. The Federal Meat Inspection Act mandates that inspectors in federal establishments (slaughtering, packing, meat-canning, rendering or similar establishments) perform ante-mortem inspection and examination of animals for disease prior to slaughter. 21 U.S.C. § 603. The inspectors also must perform post-mortem examination and inspection of all the animal carcasses and parts, and all meat food products prepared for commerce. Those found not to be adulterated are marked, stamped, tagged or labeled as "Inspected and Passed", while all carcasses and parts and meat food products found to be adulterated are marked, stamped, tagged or labeled as "inspected and condemned" and are destroyed. 21 U.S.C. §§ 604, 605 and 606. The Act also mandates that inspectors examine the sanitary conditions of all federal establishments in which the animals are slaughtered and the meat and meat food products are prepared for commerce. Where sanitary conditions of any establishment are such that the meat or meat food products are rendered adulterated, the inspector shall refuse to allow the meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed". 21 U.S.C. § 608.

The Act also sets out stringent requirements for the labeling of meat or meat food products prepared for commerce. The container or receptacle of the meat or meat food products inspected and passed for commerce shall be labeled as "inspected and passed". 21 U.S.C. § 607(a). The carcasses, parts of carcasses, meat and meat food products inspected at any establishment and found not to be adulterated shall bear, either directly or on their containers, information as required under the misbranding provisions of 21 U.S.C. § 601(n). 21 U.S.C. § 607(b). Additionally, only meat food products which have marking, labeling, and containers which are not false or misleading and which are approved by the Secretary may be distributed in commerce. 21 U.S.C. § 607(d).

The Honorable Bill Lockyer  
Page 3

The Poultry Products Inspection Act has similar inspection, labeling and sanitation provisions for poultry and poultry products. 21 U.S.C. §§ 455, 456 and 457.

The Federal Meat Inspection Act and the Poultry Products Inspection Act have explicit preemption clauses which provide that marking, labeling, packaging or ingredient requirements which are in addition to, or different than, those made under the Federal Meat Inspection Act and the Poultry Products Inspection Act may not be imposed by a State with respect to articles prepared at any establishment under inspection in accordance with the requirements under those Acts. The Federal Meat Inspection Act preemption clause states that "[m]arking, labeling, packaging or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with requirements under title I of this Act..." 21 U.S.C. § 678. Likewise, the Poultry Products Inspection Act preemption clause states that "[m]arking, labeling, packaging or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act ..." 21 U.S.C. § 467(e).

In the legislative findings for both the Federal Meat Inspection Act and the Poultry Products Inspection Act, it is declared that all meat and poultry products which are regulated under those Acts "...are either in interstate or foreign commerce or substantially affect such commerce." It is further declared that "...regulation by the Secretary and cooperation by the States are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers." 21 U.S.C. § 451 and 21 U.S.C. § 602.

In addition, the Federal Meat Inspection Act and the Poultry Products Inspection Act have specific definitions for the terms "label" and "labeling". The Federal Meat Inspection Act states that "the term 'label' means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article"; and "the term 'labeling' means all labels and other written, printed or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article." 21 U.S.C. § 601(o) and (p). Likewise, the Poultry Products Inspection Act states that "the term 'label' means a display of written, printed or graphic matter upon any article or immediate container (not including packaged liners) of any article; and the term 'labeling' means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article." 21 U.S.C. § 453(s).

It is our view that the term 'labeling' clearly includes point-of-sale warning materials required pursuant to the provisions of Proposition 65. See V.E. Irons, Inc. v. United States, 244 F.2d 34 (1957), *cert. denied*, 354 U.S. 923 (1957) (The term "labeling" must be given broad meaning to include all literature used in sale of food and drugs, whether or not it is shipped into interstate commerce along with the article). Thus, to the extent that Proposition 65 would require a warning statement on point of purchase materials for meat or poultry products, it would be imposing a requirement in addition to, or different than, the federal labeling requirements.

The Honorable Bill Lockyer

Page 4

Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, California is preempted from doing so. With such warning, the point-of-sale materials would only confuse the public as to the wholesomeness of the meat and poultry products.

We believe that our position is supported by other precedent federal cases. In 1977, the United States Supreme Court confirmed the preemptive authority of the Federal Meat Inspection Act concerning labeling requirements. *See Jones v. Rath Packing Co.*, 430 U.S. 519 (1977) (California law regarding net weight labeling that made no allowance for moisture loss was preempted by the Federal Meat Inspection Act). *See also Armour & Co. v. Ball*, 468 F.2d 76 (6<sup>th</sup> Cir. 1972), *cert. denied*, 411 U.S. 981 (1973). Since that time, federal courts have consistently ruled that the Federal Meat Inspection Act and the Poultry Products Inspection Act clearly and explicitly preempt labeling, marking and ingredient requirements being imposed by a State that are in addition to, or different than, the federal labeling, marking and ingredient requirements. *See Grocery Manufacturer's of America v. Gerace*, 581 F. Supp. 658 (S.D. N.Y. 1984), *aff'd in part and rev'd in part on other grounds*, 755 F.2d 993 (2d Cir. 1985); *Animal Legal Defense Fund v. Provini Veal Corporation*, 626 F. Supp. 278 (D. Mass., 1986), *aff'd*, 802 F.2d 440 (1986); *National Broiler Council v. Voss*, 44 F.3d 740 (9<sup>th</sup> Cir. 1994) (Poultry Products Inspection Act preempts California law prohibiting use of the word "fresh" on poultry products unless poultry is stored under certain conditions).

The Food Safety and Inspection Service of this Department has implemented a policy consistent with the legal arguments specified above. In August 18, 1994, the agency issued a policy memorandum affirming that informational materials such as pamphlets, brochures, and posters, accompanying meat and poultry products at the point-of-sale are deemed labeling and are subject to provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act. FSIS, Food Labeling Division, Policy Memo 114A, "Point of Purchase Materials". Additionally, the agency has issued regulations on nutrition information provided at the point of purchase. 9 C.F.R. § 317.345. The agency has consistently taken enforcement actions to implement this policy. We are enclosing copies of letters reflecting the agency's enforcement actions in the past with respect to point-of-sale labeling.

We hope that the foregoing clarifies our position in this matter, and hope you will agree that Proposition 65 may not be effected in a manner requiring point-of-sale labeling of meat, poultry, or products thereof regulated under the Federal Meat Inspection Act or the Poultry Products Inspection Act. Please let me know if you believe there is any need to discuss this issue further.

Sincerely,



Nancy S. Bryson  
General Counsel

Enclosures

The Honorable Bill Lockyer

Page 5

cc: Edward G. Weil, Senior Deputy Attorney General

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To: Branch Chiefs

Policy Memo 114A

August 18, 1994

From: Cheryl Wade, Director  
Food Labeling Division  
Regulatory Programs

Subject: Point of Purchase Materials

**ISSUE:** To establish guidelines for use of point of purchase promotional materials for meat and poultry products.

**POLICY:** This Policy Memo supersedes Policy Memo 114. Point of purchase materials which refer to specific meat or poultry products are considered labeling under certain circumstances. When printed and/or graphic informational materials (e.g., pamphlets, brochures, posters, etc.) accompany or are applied to products or any of their containers or wrappers at the point of purchase, such materials and the claims that they bear are deemed labeling and they are subject to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

Although the Food Labeling Division (FLD) does not exercise its authority to subject point of purchase materials to specific prior approval (materials shipped with the products from the federally inspected establishment are an exception), we do expect point of purchase materials to be in accordance with the Federal regulations and all current labeling policies. Upon request, FLD will review and comment on the point of purchase materials submitted to our office. During the review process, promotional materials will be scrutinized for special claims, particularly those related to nutrition, diet, and animal husbandry practices.

Claims related to nutrition and diet must be made in accordance with all current nutrition labeling regulations. Continuing compliance with stated claims will be assured through periodic sampling, as necessary. Claims are expected to be within the compliance parameters identified in the nutrition labeling regulations.

Animal husbandry claims (e.g., the nonuse of antibiotics or growth stimulants) may be made only for products shipped in containers or wrappers labeled with the same animal production claims.

**RATIONALE:** Historically, point of purchase materials generally consisted of printed and/or graphic literature located in close proximity to a product at the retail counter. However, the nature of promotional materials which bear claims about specific products has broadened and presently includes materials which adhere directly to a package, are inserted into a package, or enclose an entire product as it is sold to the consumer.

Since such point of purchase materials are deemed labeling and subject to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act but have not been reviewed for prior label approval, a process is still needed by which the accuracy of the information presented to the consumer can be substantiated. In the case of animal husbandry claims, accuracy is best assured if labeling bearing the same claims has been obtained prior approval and is subject to the monitoring procedures available through the authority of prior label approval. Without review for prior label approval, virtually no practical methods exist to assure accuracy.

The nutrition - labeling regulations, effective July 6, 1994, differ dramatically and, in many cases, are far more restrictive than previously published nutrition labeling policies. It is important that nutrition-related information included in point of purchase materials comply with the new nutrition labeling regulations. As before, analytical sampling offers a means of assuring the accuracy of the stated nutritional claims.





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

DEC 15 2004

The Honorable Arnold Schwarzenegger  
Governor  
State of California  
State Capitol Building  
Sacramento, California 95814

Dear Governor Schwarzenegger:

This letter is to advise you of the position of the Department of Agriculture (USDA) with respect to the application of the provisions of the California Health and Safety Code, section 25249.7(d)(Proposition 65) to meat and poultry products regulated by USDA. This issue was addressed in a June 12, 1987, letter from then-Secretary Richard Lyng to then-Governor George Deukmajian. In that letter, USDA set forth the statutory authorities and precedent cases supporting the position that the provisions of the Federal Meat Inspection Act, 21 U.S.C. § 601 et seq., and the Poultry Products Inspection Act, 21 U.S.C. § 451 et seq., concerning labeling requirements preempted the application of the provisions of Proposition 65 to meat and poultry products.

We recently have been advised that the issue of the application of the provisions of Proposition 65 has been raised again. In view of that development, we want to reaffirm the position taken in the 1987 letter. A copy of that letter is enclosed for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", written over a horizontal line.

Ann M. Veneman  
Secretary

Enclosure

FEB 01 1993

Honorable Pedro J. Rossello  
Governor of Puerto Rico  
San Juan, Puerto Rico 00901

Office of the Secretary

Filed in the Office of the  
Executive Secretary  
USDA

Dear Governor Rossello:

This is in reference to the implementation of Market Regulation No. 8 of the Commonwealth of Puerto Rico.

Under the Poultry Products Inspection Act (PPIA), inspection is required at certain businesses engaged in slaughtering poultry or processing poultry for distribution in commerce for human consumption to ensure that products are safe and wholesome. The law also regulates the marking, labeling, and packaging of the products.

You should be advised that there are explicit preemption sections in the PPFA, 21 U.S.C. 467e. That section provides that marking, labeling, packaging, or ingredient requirements that are in addition to, or different than, those made under the PPFA may not be imposed by a State, including Puerto Rico, for articles prepared at any establishment under inspection in accordance with requirements of the PPFA. A State may, however, exercise concurrent jurisdiction over inspected articles that are outside of official establishments, for the purpose of preventing the distribution of poultry products that are misbranded or adulterated under the Act.

It appears that certain labeling requirements of Market Regulation No. 8 imposed on federally inspected poultry products entering the Commonwealth of Puerto Rico are preempted by the PPFA. Specifically, your requirements that the name and address of the importer must appear on consumer size packages of all poultry products imported into Puerto Rico are requirements in addition to those imposed under the PPFA. As such, your requirements are preempted by the PPFA.

Honorable Pedro Rossello

2

We request that the Commonwealth of Puerto Rico consider the preemptive effects of federal law with regard to Market Regulation No. 8, and take appropriate steps to modify your requirements. Thank you for your consideration of this matter.

Sincerely,

/s/

Mike Espy  
Secretary

OGC:RCipolla:bjp:2/1/93:720-5550

James Michael Kelly  
Acting General Counsel

*James Michael Kelly* 2/1/93

09-3011489

June 12 1987

OFFICIAL  
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EXEC. CORP. & RECORDSHonorable George Deukmejian  
Governor of California  
Sacramento, CA 95814

Dear Governor Deukmejian:

As the Secretary of Agriculture, my duties include implementation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 et seq.). These statutes, which are administered by the Department's Food Safety and Inspection Service (FSIS) (21 CFR 2.17(g)(2) and 2.55(a)(2)), require inspection at various businesses engaged in the slaughtering or other preparation or processing of various livestock and/or poultry products for human consumption and otherwise regulate the contents and composition and the marking, labeling, and packaging of the products they distribute. Approximately 780 slaughtering and/or further processing establishments in California currently operate under FSIS's meat and poultry inspection program. In addition, many of the other 7400 federally inspected establishments in the United States distribute meat, meat food products, and/or poultry products in California.

Several trade associations of businesses regulated under the FMIA or the PPJA recently contacted me to express concern regarding the possibility of action to enforce Section 25249.5 of Chapter 6.6 of the California Health and Safety Code, the "Safe Drinking Water and Toxic Enforcement Act of 1986." Section 25249.5 provides that no person in the course of doing business may "knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10." Section 25249.11(f) further specifies that such warning "may be provided by general methods such as labels on consumer products, . . . posting of notices, . . . and the like, provided that the warning accomplished is clear and reasonable", and it requires that implementing regulations "to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller . . . ."

I have concluded that these industry members' concern is legitimate. I recognize that Section 25249.10(a) provides that "Section 25249.5 shall not apply to...[a]n exposure for which federal law governs warning in a manner that preempts state authority." Nevertheless, the provisions of Chapter 6.6 and implementation-related developments to date raise serious questions about

Honorable George Deukmejian

2

Whether the State of California is aware of the preemptive effects of Federal law in regulating meat, meat food products, and poultry products.

I call your attention, in particular, to the explicit preemption sections in both the FMIA and the PPIA (21 U.S.C. 467a and 678). These sections provide that marking, labeling, packaging, or ingredient requirements which are in addition to, or different than, those made under the FMIA or PPIA may not be imposed by a State with respect to articles prepared at any establishment under inspection in accordance with the requirements under title I of the FMIA or under the PPIA; a State only may, consistent with requirements under the FMIA or PPIA, exercise concurrent jurisdiction over articles required to be inspected thereunder for the purpose of preventing the distribution of such articles that are adulterated or misbranded, as defined therein, and also are outside of such an establishment. These sections also prohibit a State from imposing any requirement (other than certain consistent recordkeeping, access, and related requirements) within the scope of the FMIA or PPIA with respect to premises, facilities, and operations of any such establishment that are in addition to, or different than, those made under the FMIA or PPIA.

The Department views these provisions as an integral part of the comprehensive regulatory scheme created by the FMIA and PPIA for certain livestock and poultry products, respectively. In establishing the system of inspection and other requirements to address the problems presented by meat and meat food products and by poultry products which are unwholesome, adulterated, or misbranded, the Congress of the United States specifically found that the articles so regulated are either in or substantially affect interstate or foreign commerce, and regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated therein are appropriate to prevent and eliminate burdens upon and effectively regulate such commerce as well as to protect the health and welfare of consumers (21 U.S.C. 451 and 502).

Among other things, the FMIA and PPIA require the condemnation of adulterated articles (21 U.S.C. 465(c), 604, and 606(b)) and authorize the Secretary to prescribe marking, labeling, and compositional requirements to prevent the distribution of articles with labeling that is false or misleading or that are otherwise misbranded (21 U.S.C. 453(h), 457(b) and (d), 601(n), and 607(c) and (e)). Articles found not to be adulterated must bear the inspection legend and other misbranding-related information when they leave an inspected establishment (21 U.S.C. 457(a) and 607(b)). While no article subject to the FMIA or PPIA may be sold or offered for sale by any individual or business unit in commerce under any labeling which is false or misleading, the statutes specifically permit labeling which is not false or misleading and is approved by the Secretary (21 U.S.C. 457(c) and 607(d)).

FSIS does not require that a product's label or any other material accompanying such product (i.e., other "labeling" under 21 U.S.C. 453(i) or 601(p)) include warnings of the type called for by Section 25249.6. In fact, it appears likely that the Department would regard labeling materials including such warnings about products properly bearing the inspection legend as misleading. FSIS will

Honorable George Deukmejian

3

not approve labeling material submitted for its review that is believed to be misleading, and it may direct that use of labeling be withheld unless modified as prescribed so that it will not be false or misleading (21 U.S.C. 457(d) and 607(e)). The FMA and PMA also prohibit various actions involving misbranding and transactions in misbranded articles (21 U.S.C. 458(a) and 610), and they provide detainer and seizure authority as to misbranded articles (21 U.S.C. 467a, 467b, 672, and 673).

I recommend that the State of California carefully consider the preemptive effects of Federal law before taking any further action to implement Section 25249 as regards meat and meat food products or poultry products. In addition to the Federal statutes involved, particularly the FMA and the PMA, I note that this issue has been addressed by the Federal courts in such cases as Jones v. Rath Packing Co., 430 U.S. 519, 97 S.Ct. 1305, 51 L.Ed.2d 604 (1977); Animal Legal Defense Fund v. Provimi Yea Corp., 625 F.Supp. 270 (D.Mass. 1986), aff'd, 802 F.2d 440 (1986); and Grocery Mfrs. of America, Inc. v. Garzco, 531 F.Supp. 658 (S.D.N.Y. 1982), 755 F.2d 993 (2d Cir. 1985), 106 S.Ct. 69, 88 L.Ed.2d 29 (1995).

Thank you for your consideration of this matter.

Sincerely,

RICHARD E. LYNG  
Secretary

FSIS:OA:JANEibrief:kmg:447-4376:6/9/87

*all*

JUN 12 1987

CHRISTOPHER HICKS  
Special Counsel

*Deukmejian*

Donald E. Houston, Administrator  
Food Safety and Inspection Service

## ATTACHMENT B

To: Branch Chiefs

Policy Memo *114A*

August 18, 1994

From: Cheryl Wade, Director  
Food Labeling Division  
Regulatory Programs

Subject: Point of Purchase Materials

**ISSUE:** To establish guidelines for use of point of purchase promotional materials for meat and poultry products.

**POLICY:** This Policy Memo supersedes Policy Memo 114. Point of purchase materials which refer to specific meat or poultry products are considered labeling under certain circumstances. When printed and/or graphic informational materials (e.g., pamphlets, brochures, posters, etc.) accompany or are applied to products or any of their containers or wrappers at the point of purchase, such materials and the claims that they bear are deemed labeling and they are subject to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

Although the Food Labeling Division (FLD) does not exercise its authority to subject point of purchase materials to specific prior approval (materials shipped with the products from the federally inspected establishment are an exception), we do expect point of purchase materials to be in accordance with the Federal regulations and all current labeling policies. Upon request, FLD will review and comment on the point of purchase materials submitted to our office. During the review process, promotional materials will be scrutinized for special claims, particularly those related to nutrition, diet, and animal husbandry practices.

Claims related to nutrition and diet must be made in accordance with all current nutrition labeling regulations. Continuing compliance with stated claims will be assured through periodic sampling, as necessary. claims are expected to be within the compliance parameters identified in the nutrition labeling regulations.

Animal husbandry claims (e.g., the nonuse of antibiotics or growth stimulants) may be made only for products shipped in containers or wrappers labeled with the same animal production claims.

**RATIONALE:** Historically, point of purchase materials generally consisted of printed and/or graphic literature located in close proximity to a product at the retail counter. However, the nature of promotional materials which bear claims about specific products has broadened and presently includes materials which adhere directly to a package, are inserted into a package, or enclose an entire product as it is sold to the consumer.

Since such point of purchase materials are deemed labeling and subject to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act but have not been reviewed for prior label approval, a process is still needed by which the accuracy of the information presented to the consumer can be substantiated. In the case of animal husbandry claims, accuracy is best assured if labeling bearing the same claims has been granted prior approval and is subject to the monitoring procedures available through the authority of prior label approval. Without review for prior label approval, virtually no practical methods exist to assure accuracy.





## May those production claims be listed on the principal display panel (PDP) and glamour copy, as they are now?

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May those production claims be listed on the principal display panel (PDP) and glamour copy, as they are now?

Yes, other animal production claims can be listed on the PDP or romance copy on the package **label**, and/or on **point-** of **-purchase materials**, which are also considered to be "**labeling**."



## Will the term "organic meat" be allowed in all labeling use such as ingredient list, glamour copy, point of purchase and all uses?

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Will the term "organic meat" be allowed in all **labeling** use such as ingredient list, glamour copy, **point of purchase** and all uses?

The term "organic" will be allowed on all **labeling**, in any location on a **package label**, and on point-of-purchase **materials** and all other **labeling**, provided the product meets all requirements for "organic" **labeling** according to the National Standards. "Organic Meat" is not an acceptable product name because FSIS regulations require species declaration on all meat and poultry items.