



## NC GROWING TOGETHER

Connecting Local Foods  
to Mainstream Markets



### Niche Meat Production, Voluntary Labeling Claims, and the Approval Process

#### Purpose:

This guide provides information to meat handlers about voluntary claims, definitions of common voluntary claims, and the requirements and further documentation needed to support those claims.

#### About Voluntary Claims:

With the increase in demand for product transparency, some plant operators and producers are interested in adding claims to the labels of their meat and poultry products to further characterize or add value to their product. USDA Food Safety Inspection Service Labeling and Program Delivery Division (FSIS LPDD) and NCDA and Consumer Services Meat and Poultry Inspection Division (MPID) review these claims. These entities use the term “voluntary claims” for this type of labeling, which allow producers to respond to consumer demands for particular types of products even if the features, statements, or claims are not explicitly addressed by regulation. Through the requirement of a labeling claim review by USDA or NCDA, these agencies ensure that the approved claims are truthful and not misleading<sup>i</sup>.

#### Voluntary Claims May Include:

- ☒ Animal Production Claims
- ☒ Breed Claims
- ☒ Allergen Claims and the like

#### Examples of Voluntary Claims



<sup>ii</sup> Voluntary claims include animal production claims, such as raised without added hormones, raised without antibiotics, not fed animal by-products, free range, free roaming, grass fed, corn fed, certified organic (by a USDA National Organic authorized third party certified entity certifying entity), vegetarian diet, etc. Other voluntary labeling claims include breed claims, such as “100% Black Angus”, allergen claims such as “contains wheat gluten and soy” stated in addition to the required ingredient list, and USDA Agricultural Marketing Service grading program (Grade A, Choice, Prime, etc.) and Process verified program, including a seal ensuring traceability, quality, characteristics of the product.

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[www.ncgrowingtogether.org](http://www.ncgrowingtogether.org), [www.ncchoices.com](http://www.ncchoices.com)



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## Examples of Un-approvable Claims



Certain claims are considered unacceptable and therefore not legally allowed if the claim does not truthfully describe the product, may mislead the consumer, or in the case of organic, if the claim can only be used by an approved third party certifying entity. For a more detailed list of acceptable voluntary claims visit [MPID Labeling and Point of Purchase Claims<sup>iii</sup>](#).

## Who Defends the Claim?

Claims are either overseen by independent third party auditors or not.

- ☒ **Third Party Approval**
- ☒ **Self-Support the Claim**
- ☒ **Either/Or**



**Third Party Approval:** Under third party audits, the farm production claim is reviewed against a set of protocols to receive verification from that organization. If approved, it usually bears the organization's name, for example: "certified by [entity]" or "[entity]" approved.



**Self-Support the Claim:** If the claim is not overseen by a third party, then that claim has to be self-supported by the applicant, meaning the applicant submits their own justification to validate the claim which requires submitting paperwork and documentation. Self-supported claims may have an existing set of legal protocols that describe the use of the claim or have no protocols in existence, meaning the producer has to provide enough resources outlined by their labeling division to justify the claim.



**Either/Or:** Lastly, there are some claims that can be either/or. Meaning, an applicant can apply for third party certification which would involve that company's name or seal verifying it was approved by an outside entity or they can describe their own practices with supportive documentation that is submitted for label approval on the state or federal level (For ex: "American Grass Fed Association" certified versus a generic "Grass fed" claim on the label).

## Who Submits the Application?

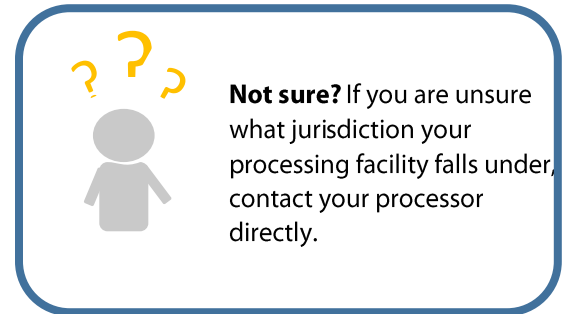
- ☒ **The processor** is responsible for submitting the label application to the state or federal labeling division. Submitting a labeling claim requires time and collaboration from the registered meat handler and the processor. Processors may reserve the right to charge for this additional time.

- ✓ **Each facility requires its own label approval:** The label is approved for use at a particular inspected establishment only. It does not belong to the producer of the animal or meat product. **If you process at more than one facility, each plant will require a separate label pre-approval process.** If the producer changes establishments in the future, then he/she must undergo a new label approval process. All labeling must be submitted for pre-approval along with a label sample submission EXCEPT for generic labeling<sup>iv</sup>.

### Who Approves the Claim on the Label?

Labeling pre-approval occurs either on the **state or federal** level. The plant inspection status will determine if the pre-approval application is directed to the state or federal level

- ✓ **State:**  
[NCDA Meat and Poultry Inspection Division](#)
- OR
- ✓ **Federal:**  
[USDA Labeling and Program Delivery Division.](#)



### What is the Labeling Approval Process?

Please refer to [MPID Labeling and Point of Purchase Claims](#) Guide for approvable label claims and regulatory restrictions, point of purchase materials, and where to submit applications. Visit online at <http://www.ncagr.gov/meatpoultry/notices/10-09%20Labeling%20and%20Point%20of%20Purchase%20Claims.pdf>

### What is the Required Supportive Documentation Include?

A Complete Voluntary Label Application Claim includes:

- ✓ **Two copies of the application** state or federal application form
- ✓ **Two sample copies of the label** exactly as it will appear on the product (this can be a hand sketch or a printed copy of the label) and should include labeling features, size, location, and indication of final color<sup>v</sup>
- ✓ **The following documentation:**
  - **Affidavits**, declaring the specifics of the animal production claim(s) and can include written testimonials explaining that the claims are not false or misleading.
  - **Animal production protocols**, such as protocol for the identification, control, and segregation of non-conforming animals/product

- **Other relevant documentation provided by animal producers**, such as product tracing and segregation mechanism from time of slaughter and/or further processing through packaging and wholesale or retail distribution



**If the applicant has third party certification, certifications records from certifying entities must be submitted to support animal raising claims.** FSIS allows the label of a meat or poultry product to bear a certified claim if the claim clearly identifies the certifying entity, e.g., “certified free range by ...” and the Agency determines, based on its review of the entity’s standards, that the standards accurately reflect the claim. The certifier must submit their standards to the state/federal labeling division in advance for approval<sup>vi</sup>.

## How Long Does it Take to Process the Application?



**Allow for at least 1 month:** Remember to plan ahead. To check on the status of your label after submission, call either USDA FSIS Label Distribution Unit 301-504-0883, or NCDA Meat and Poultry Inspection Division 919-707-3180. If the returned label contains an error that does not create a health or safety issue or economic advantage, e.g., the sender may receive temporary approval of the label for up to 6 months after completing FSIS Form 7234-1 and clicking “temporary” rather than “sketch”<sup>vii</sup>

## Common Voluntary Claim Approval Procedures:

Below are a few examples of common claims and how they are regulated. If the claim is not third party certifiable, no outside verification has taken place to support the claim<sup>viii</sup>.



**Third party verification by a USDA National Organic authorized third party certified entity is mandatory**

**Certified Organic:** *Meat and poultry producers can apply for a product to be labeled, “Certified Organic (by an approved certifying entity)” as a label claim. Applicants who want to use the term “Certified Organic by” must adhere to [one of the approved third party certifiers as outlined by the National Organic Standards](#). Visit [USDA Organic Production and Handling Standards](#) for more details on USDA certified organic. Since the organic standards ensure numerous criteria, it may be acceptable to include additional claims, such as no routine use of antibiotics, without specific approval if the criterion is met in USDA organic standards.*



### Examples of self-supported claims which are not overseen by third party Raised without added hormones:

*Hormones are only approved for use for beef and lamb production. Pork or poultry never have “added hormones” since it is against Federal Law, so this claim does not apply to these products. Therefore, the claim “no added hormones” cannot be used for pork or poultry, unless it is followed by the statement “Federal regulations prohibit the use of hormones.”*

- **Raised without use of antibiotics**
- **Free-range**
- **Not fed Genetically Modified Organisms (GMOs)**
- **Not fed Animal By-Products**
- **Natural**



### Examples of third party verification OR self-supported claim

- **Certified Humane**: See Humane Farm Animal Care, American Humane Association, and other agencies for 3<sup>rd</sup> party protocols. The “humane” claim without certification may be supported without 3<sup>rd</sup> party approval.
- **Animal Welfare Approved**: See Animal Welfare approved for 3<sup>rd</sup> party protocols. This claim cannot be self supported since it is specific to the certifying agency.
- **Global Animal Partnership**: See Global Animal Partnership for 3<sup>rd</sup> party protocols. This claim cannot be self supported since it is specific to the certifying agency.
- **Grass fed**: See the USDA Agricultural Market Service for 3<sup>rd</sup> party protocols. The “grass fed” claim without certification may be supported without 3<sup>rd</sup> party approval.
- **Pasture Raised**: See American Grassfed Association for 3<sup>rd</sup> party protocols. The “pasture-raised” claim without certification may be supported without 3<sup>rd</sup> party approval.

<sup>i</sup> Available on FSIS website [http://www.fsis.usda.gov/PDF/Natural\\_Claim\\_Presentation.pdf](http://www.fsis.usda.gov/PDF/Natural_Claim_Presentation.pdf)

<sup>ii</sup> These images represent 3 common agencies that approve label claims: Animal Welfare Approved, USDA, American Grassfed Association. These are intended to be used as examples of voluntary claim symbols and are not representative of all the agencies that approve label claims.

<sup>iii</sup> <http://www.ncagr.gov/meatpoultry/notices/10-09%20Labeling%20and%20Point%20of%20Purchase%20Claims.pdf>

<sup>iv</sup> Generic Labeling features are in conformance with FSIS regulations. 317.5 381.1. Examples, such as a whole chicken that does not bear any statements or claims, changes in net weight, that meets 317.2 or 381.121, cooking instructions and other examples are considered Generic Labeling.

<sup>v</sup> CFR § 317.4

<sup>vi</sup> [http://www.fsis.usda.gov/PDF/Claims\\_Poretta\\_101408.pdf](http://www.fsis.usda.gov/PDF/Claims_Poretta_101408.pdf)

<sup>vii</sup> 9 CFR 381.12 (f) (1)

<sup>viii</sup> For a more complete list of voluntary claims as they pertain to animal production, visit : [Agricultural Marketing Service](#), and [Global Animal Partnership](#), and [Animal Welfare Approved Food Labeling for Dummies](#).