



Mandatory Country of Origin Labeling For Seafood

Overview for Retailers

Updated March 29, 2005

While the responsibility lies with retailers to ensure that the consumer is presented with country of origin and method of production information related to their fresh and frozen seafood purchases in a manner consistent with the interim mandatory country of origin labeling (COL) regulation for seafood being promulgated by USDA, the ultimate burden of compliance is upon the suppliers who originate the claim to maintain the records to substantiate it. **Retailers should insist that suppliers pre-label all covered seafood commodities with country of origin and method of production information either on consumer packages or on the shipping container as the recordkeeping burden for pre-labeled products is considerably less onerous. This overview is based on the Interim Final Rule published on October 5, 2004 and the Notice to Trade released on March 28, 2005. The provisions of the rule could be subject to change based on public comments filed and issuance by USDA of a final rule.** Please contact N.G.A.'s Director of Government Affairs, Erik Lieberman at (703)-516-0700 or elieberman@nationalgrocers.org if you have any questions.

Mandatory Seafood COL Analysis for Retailers

I. Who is subject to mandatory COL for seafood?

1. Most N.G.A. members will be subject. If you need a PACA license (invoice costs of fruit and veggies exceeds \$230,000 per year), you are subject to mandatory COL.
2. In-store delis, salad bars and cafeterias are exempt.

II. When is the regulation effective?

1. The effective date of the regulation is **April 4, 2005**, although the USDA plans on conducting an education and outreach program for the six months following the effective date in which the focus will be on informing retailers on how to comply rather than enforcement.

III. How must products be labeled?

Country of origin and method of production must be conspicuous to the consumer and comply with other existing federal label regulations.

1. Acceptable forms and placements of designating the country of origin and method of production as cited by the rule are:

<u>Form</u>	<u>Placed On</u>
Label	Package
Stamp	Display
Mark	Holding unit
Placard	Bin containing the commodity at the final point of sale to consumers
Band	
Twist tie	<i>Bulk containers containing covered commodities from multiple countries of origin and/or methods of production must list all possible origins and methods of production.</i>
Pin tag	
Other clear and visible sign	
<i>Text may be typed, printed or handwritten</i>	

2. Products from multiple countries must list all countries on label.

3. What constitutes a U.S. seafood product?

- a. Farm Raised: Hatched, raised, harvested and processed in U.S.
- b. Wild Caught: Harvested in U.S. waters or aboard a U.S. flagged vessel.

4. How must imported seafood be labeled?

- a. Seafood imported and substantially transformed in U.S.—“From [Country X] processed in the United States”.
- b. Seafood imported but not substantially transformed in the U.S.—retains origin as declared to Customs.

5. What products are exempt?

- a. Processed foods: cooked, cured, smoked, restructured.
- b. Canned items: tuna, salmon, sardines, etc.
- c. Combined with other foods: crab salad, breaded shrimp, soups, marinated filets, etc.

IV. What records must be kept?

1. Pre-labeled products (i.e., consumer packages or shipping containers labeled with method of production and country of origin): The label itself for as long as the product is **on hand** and “routine business documents” to establish the chain of custody for a period of **one year** from the date the product is made available for purchase.

2. Not pre-labeled: “Routine business documents” to establish the chain of custody and records containing the product, **the country of origin and method of production** and some form of unique identifier (i.e. pull date, use by date, control numbers, code) retained for a period of **one year** from the date the product is made available for purchase.

3. Where may records be kept?

a. While the product is on hand: **Store level.**

b. After the product leaves the possession of the retailer: **A point of distribution, warehouse, central offices or other off-site location.**