

“Product of USA” and “Product of Maine” Labelling Rule Changes

On May 17, 2024, Federal Register Notice FSIS 2022-0015 was published. This FR notice amends regulations that define the conditions under which meat, poultry and egg products can be labelled as a product of US origin. The notice also states that the same requirements that must be met for a product to be labelled of US origin will also be required for a product to be labelled a product of a U.S. State, Territory or locality origin. These new regulations will go into effect on **January 1, 2026**. Specifically:

1. For a **single** ingredient FSIS or MMPI inspected product to bear a “Product of USA” or “Product of Maine” label, the animal used to make the product must have been **born, raised, and slaughtered and processed** in the US or in Maine, respectively.
2. For a **multiple** ingredient FSIS or MMPI inspected product to bear a “Product of USA” or “Product of Maine” label, the meat, poultry and egg products within the product must have come from animals **born, raised and slaughtered and processed** in the US or in Maine, all other ingredients, with the exception of spices and flavorings, are of US or Maine origin, respectively, and the preparation and processing steps for the multi-ingredient product must also have occurred in the US or Maine, respectively.
3. In addition to the claims “Product of USA” or “Product of Maine”, label displays of a US flag, or the outline of the State of Maine, for example, are inherently claims indicating a products origin and need to meet the same requirements for use.

Examples to clarify these new regulations:

1. *Farmer Joe lives in Albion, ME. The cattle are born on the farm and raised on pastures in Albion, ME and Fairfield, ME. They are then sent to a slaughterhouse in Bangor, ME for slaughter and processing into steaks and ground beef. What claims can Farmer Joe have on his label?*
 - These single ingredient products may bear the claims “Product of USA” or “Product of Maine”. The products may not claim “Product of Albion, Maine” because the animals were not born, raised, slaughtered and processed solely within Albion, Maine. The label may make a qualified claim such as “Born in Albion” or “Raised in Albion and Fairfield” if so desired.
2. *A slaughterhouse located in Portland, ME purchases cattle from a feedlot in Connecticut and has them shipped to their slaughterhouse. The Maine slaughterhouse slaughters and processes the cattle, and makes steaks, unseasoned ground beef and apple and onion sausage breakfast patties from the animals. The feedlot provided the slaughterhouse with records that show the cattle were born in Massachusetts, shipped to New Hampshire, and then finally finished in Connecticut before being sold to the Maine slaughterhouse. The apples are from an orchard in New Gloucester, ME and the onions were purchased from a farm in Colchester, VT. What are label claims can the Maine slaughterhouse put and not put on their labels?*

- The single ingredient products may claim “Product of USA” and have a US Flag or the geographic shape of the US on the labels. They could also claim “Product of New England” and have an outline of the NE states on their label.
- The single ingredient products may NOT be labelled a “Product of Maine”, “Made in Maine”, or bear a geographic shape or flag of the State of Maine because the animals were not born and raised in Maine.
- The single ingredient products could make the qualified claims “Slaughtered and Processed in Maine” or “Slaughtered and processed in Maine from animals born and raised in the USA” as examples.
- The apple and onion sausage may bear the “Product of USA” label since all ingredients except the spices and flavorings are of US origin.
- The sausage labels cannot claim “Product of Maine” because the animals were not born and raised in Maine, and the onions were not from Maine. They may make the claim “Processed in Maine” or “Processed in Maine with Maine apples” or “Product of New England” for examples.

Some final information:

1. Processing aids do not have to be of country or state origin for a “Product of USA” or “Product of Maine” claim. Processing aids are defined as ingredients that are used in small quantities and have no functional or technical effect on the product and include items like water, additives used in the smoking process (i.e. sodium erythorbate and sodium lactate) or anti-microbials like PAA or acetic acid. Packaging materials i.e. vacuum bags, cardboard boxes and inedible sausage casings do not have to be of the country or state origin.
2. Edible sausage casings must be sourced from the US or Maine to make the Product of USA or Product of Maine claims respectively.
3. Poultry products are included in the new regulations. Poultry products that are derived from chicks that came in the US mail from another state cannot be labelled “Product of Maine” or “Made in Maine”. They can still be labelled “Raised in Maine” if they come from out of state.
4. In some cases, labels may bear geographic claims that do not meet all the requirements of “Product of USA” or “Product of Maine” if they are qualified by “style”, “type” or “brand”. “Maine Style” Ribs is not a recognized style like “Kansas City Style” Ribs so it would not be acceptable without meeting all the requirements for a “Made in Maine” claim. However, geographic claims that have come into general usage as a trade name are acceptable to use without meeting the new requirements; for example, a pork shoulder can still be called a “Boston Butt” without having been derived from animals raised in Boston. The use of “Maine Brand” requires a qualifier like “Packaged in Maine” or “Processed in Maine” for examples.
5. Shell Eggs are not included in the new regulations, only egg products like cartons of egg whites, for example.

Required Documentation for FSIS for MMPI Inspected Establishments to Support US or State Origin claims:

An establishment or facility may maintain one or more of the following documentation types to support a claim that the product, or a component of the product's preparation and processing, is of U.S. or Maine origin under the final rule. Regulated entities choosing to make voluntary "Product of USA", "Made in the USA", "Product of Maine", "Made in Maine" claims under the final rule in 9 CFR 412.3(a) and (b) may have:

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