

# Meat, Poultry, and Egg Product Labeling

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## Meat, Poultry, and Egg Product Labeling

Food labels provide information that consumers can use to make educated choices about the products they purchase. The original intent of food labeling has broadened from ensuring that consumers were not defrauded to giving consumers enough information to help them choose foods that may provide a more balanced diet, avoid certain substances or ingredients, or align with their beliefs or values.

Three federal agencies share regulation of food labeling: the U.S. Department of Agriculture (USDA) for meat, poultry, and egg products; the U.S. Food and Drug Administration (FDA) for all other food products; and the Federal Trade Commission (FTC) for oversight of food advertising.

USDA's authority over meat, poultry, and egg product labeling requirements includes both mandatory and voluntary label provisions. USDA's Agricultural Marketing Service (AMS) and Food Safety and Inspection Service (FSIS) administer these provisions. FSIS is required to review all labels placed on meat, poultry, and egg products intended for interstate commerce to ensure that the information provided on the label is truthful and not misleading to consumers. AMS offers voluntary, user-funded verification services to producers and suppliers of agricultural goods that permit the placement of certain quality grade shields, value-added logos, or special statements and claims on the label.

Mandatory information for meat, poultry, or egg product labels includes information such as the product type, its inspection status, and the name of the manufacturer. A meat, poultry, or egg product label may also be required to display the net weight of the product, nutrition facts, or safe-handling instructions. This information is intended to assure consumers of the product's safety and contents.

Voluntary statements or claims can convey certain product qualities or traits to consumers. These statements may include phrases like "grass fed," "pasture raised," or "no antibiotics ever" to describe production practices, animal-raising standards, or distinct nutritional values. Voluntary label claims also may include information on the origin of the product, such as "Product of U.S.A." Other voluntary label claims, such as "Certified Angus Beef," rely on USDA certification of meat and poultry carcasses to ensure they meet the quality standards and characteristics that are advertised to consumers.

As consumers increasingly desire more information on food products, the label on a meat, poultry, or egg product gains greater importance. Some Members of Congress have introduced legislation that would make certain voluntary statements or claims mandatory. Regarding beef, for example, in the 118<sup>th</sup> Congress, the American Beef Labeling Act of 2023 (S. 52) and the Beef Origin Labeling Accountability Act (H.R. 5215) would have directed the U.S. Trade Representative, in consultation with the Secretary of Agriculture, to determine a means of reinstating mandatory country-of-origin labeling that complies with all applicable rules of the World Trade Organization.

Accurate labeling can also help reduce food waste and loss. Some Members of Congress have introduced legislation that would standardize date labeling on consumable products to reduce ambiguity regarding product expiration dates. A series of food-date labeling bills over the years (e.g., S. 1484 and H.R. 3159, 118<sup>th</sup> Congress) would have required, when a date is voluntarily printed on a food label, the use of the phrase "Best if Used By" to specify the quality date on a food item and "Use By" when identifying the discard date on a food label. Other policy considerations of potential interest to Congress include accurate labeling of cell-cultured food products, revising the current nutrition facts panel, or substantiating animal-raising claims.

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Congress enacted landmark legislation in the early 1900s that established consumer protection measures that form the foundation for food safety regulations in the United States: the Federal Food and Drugs Act and the Federal Meat Inspection Act (FMIA).<sup>1</sup> These and other laws provide federal regulatory agencies the authority to inspect the slaughter and processing of meat and poultry products.

The United States is a leading global producer of meat, poultry, and egg products, producing 106.8 billion pounds of meat and poultry and 94.4 million shell eggs in 2023.<sup>2</sup> With few exceptions, all meat, poultry, and egg products must undergo inspection by federal food safety regulators.<sup>3</sup> A part of that process is the inspection and approval of labels placed on meat, poultry, and egg products prior to entering commerce. Labels provide information to consumers about the product's identity and contents, and how to handle, prepare, and consume the product safely. False or misleading product labels that may defraud consumers or cause illness or death, decreasing public confidence in the safety of the domestic food supply, are prohibited.

Three federal agencies regulate food labeling: the U.S. Department of Agriculture (USDA) for meat, poultry, and egg products; the U.S. Food and Drug Administration (FDA) for all other food products; and the Federal Trade Commission (FTC) for oversight of food advertising. This report discusses the mandatory and voluntary features of meat, poultry, and egg product labels, as well as efforts by some Members of Congress to revise federal food safety regulations governing product labels.

## Statutory Authorities for Meat, Poultry, and Egg Labeling

### Federal Meat Inspection Act of 1906

FMIA, as amended, directs USDA to inspect all meat and meat products moving in interstate commerce to ensure that they are sound, healthful, wholesome, and fit for human food.<sup>4</sup> FMIA authorizes USDA to prohibit meat and meat products from being marketed under any false or deceptive label used to describe their contents.<sup>5</sup>

FMIA grants USDA the authority to regulate the labeling of meat and meat products from “amenable species” (i.e., cattle, sheep, swine, goats, horses, mules, and other equines brought into any plant to be slaughtered and processed into products for human consumption).<sup>6</sup>

<sup>1</sup> See 21 U.S.C. §§1 et seq. and 21 U.S.C. §§601 et seq., respectively. The Federal Food, Drug, and Cosmetic Act of 1938 (21 U.S.C. §§301 et seq.) superseded the Federal Food and Drugs Act of 1906 and repealed 21 U.S.C. §§1 et seq.

<sup>2</sup> Russell Knight et al., *Livestock, Dairy, and Poultry Outlook: September 2024*, U.S. Department of Agriculture (USDA), Economic Research Service (ERS), September 18, 2024, <https://www.ers.usda.gov/webdocs/outlooks/110047/ldp-m-363.pdf?v=8871.9>.

<sup>3</sup> USDA, Food Safety and Inspection Service (FSIS), *FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm Is Exempt from the Inspection Requirements of the Federal Meat Inspection Act*, May 24, 2018, <https://www.fsis.usda.gov/sites/default/files/import/Compliance-Guideline-Livestock-Exemptions.pdf>.

<sup>4</sup> P.L. 90-201. The Federal Meat Inspection Act of 1906 is codified at 21 U.S.C. §§601 et seq.

<sup>5</sup> P.L. 90-201.

<sup>6</sup> Since FY2014, and for all but two years since FY2006, Congress has not funded the salaries or expenses of personnel to inspect horses and other equines under the Federal Meat Inspection Act (21 U.S.C. §603), the Humane Methods of Slaughter Act (7 U.S.C. §§1901-1907), and 9 C.F.R. §352.19, which applies to voluntary inspection of horse slaughter. This lack of appropriations essentially has prohibited the slaughter of horses and other equines in the United States for consumption.

## **Poultry Products Inspection Act of 1957**

FMIA did not cover poultry because at the time the law was debated, poultry was considered a minor meat product, generally produced only for local consumption. Although USDA provided some voluntary assistance to local poultry inspection programs in the 1920s, a federal inspection program was not adopted until 1957 when Congress enacted the Poultry Products Inspection Act (PPIA).<sup>7</sup>

PPIA, as amended, makes poultry inspection mandatory for any domesticated birds intended for use as human food. The current regulated species are chicken, turkey, duck, geese, guinea, ratite (ostrich, emu, and rhea), and squab (pigeons up to one month old).

## **Egg Products Inspection Act of 1970**

The Egg Products Inspection Act (EPIA), as amended, authorizes USDA's Food Safety and Inspection Service (FSIS) to ensure the safety of liquid, frozen, and dried egg products, domestic and imported, and the safe disposition of damaged and dirty eggs.<sup>8</sup>

In 2020, FSIS finalized a rule that added the inspection of all egg substitutes and freeze-dried egg products to its jurisdiction.<sup>9</sup> FDA holds regulatory authority over production, transportation, and storage of shell eggs sold in restaurants and stores.<sup>10</sup>

## **Mandatory Label Information**

FMIA, PPIA, and EPIA charge the Secretary of Agriculture with developing and enforcing labeling requirements for meat, poultry, and egg products.<sup>11</sup> FSIS requires three features on all meat, poultry, or egg product labels and up to five more features may be required depending on the product type.

Regulated products must have a principal display panel and may have an information panel (**Figure 1**). Regulations specify where on the label that required information must be included.<sup>12</sup> The principal display panel is the part of the label that is to be displayed or presented when a product is offered for sale under customary conditions. The information panel is any portion of a label not on the principal display panel.

The following three features are required on all meat, poultry, and egg products and must be placed on the principal display panel.

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<sup>7</sup> 21 U.S.C. §§451 et seq.

<sup>8</sup> 21 U.S.C. §§1031 et seq.

<sup>9</sup> USDA, FSIS, "Egg Products Inspection Regulations," 85 *Federal Register* 68640, October 29, 2020, <https://www.federalregister.gov/documents/2020/10/29/2020-20151/egg-products-inspection-regulations>.

<sup>10</sup> U.S. Food and Drug Administration (FDA), "Egg Guidance, Regulation, and Other Information," December 12, 2023, <https://www.fda.gov/food/guidance-documents-regulatory-information-topic-food-and-dietary-supplements/egg-guidance-regulation-and-other-information>.

<sup>11</sup> Regulations for meat, poultry, and egg product labeling can be found at 9 C.F.R. Parts 317, 412, 442, 541, and 590. Shell egg labeling regulations can be found at 21 C.F.R. §101.17(h).

<sup>12</sup> See 9 C.F.R. §§317.2(c) and (d), 9 C.F.R. §381.116 for the principal display panel requirements, and 9 C.F.R. §317.2(m) and 9 C.F.R. §381.116(c) for the information panel requirements.

1. **Product name:** the common or usual name or a descriptive designation of the product. If a standard of identity has been established for the product, then that name must be used.<sup>13</sup>
2. **Inspection legend and establishment number:** a number showing that products have been produced in a facility with a grant of inspection and inspected and passed by either federal or state food safety inspection personnel.
3. **Address line:** the name and address of the manufacturer, packer, or distributor.

The remaining five features may be required depending on the product type. Exceptions to these features vary widely and apply only to specific products and circumstances.

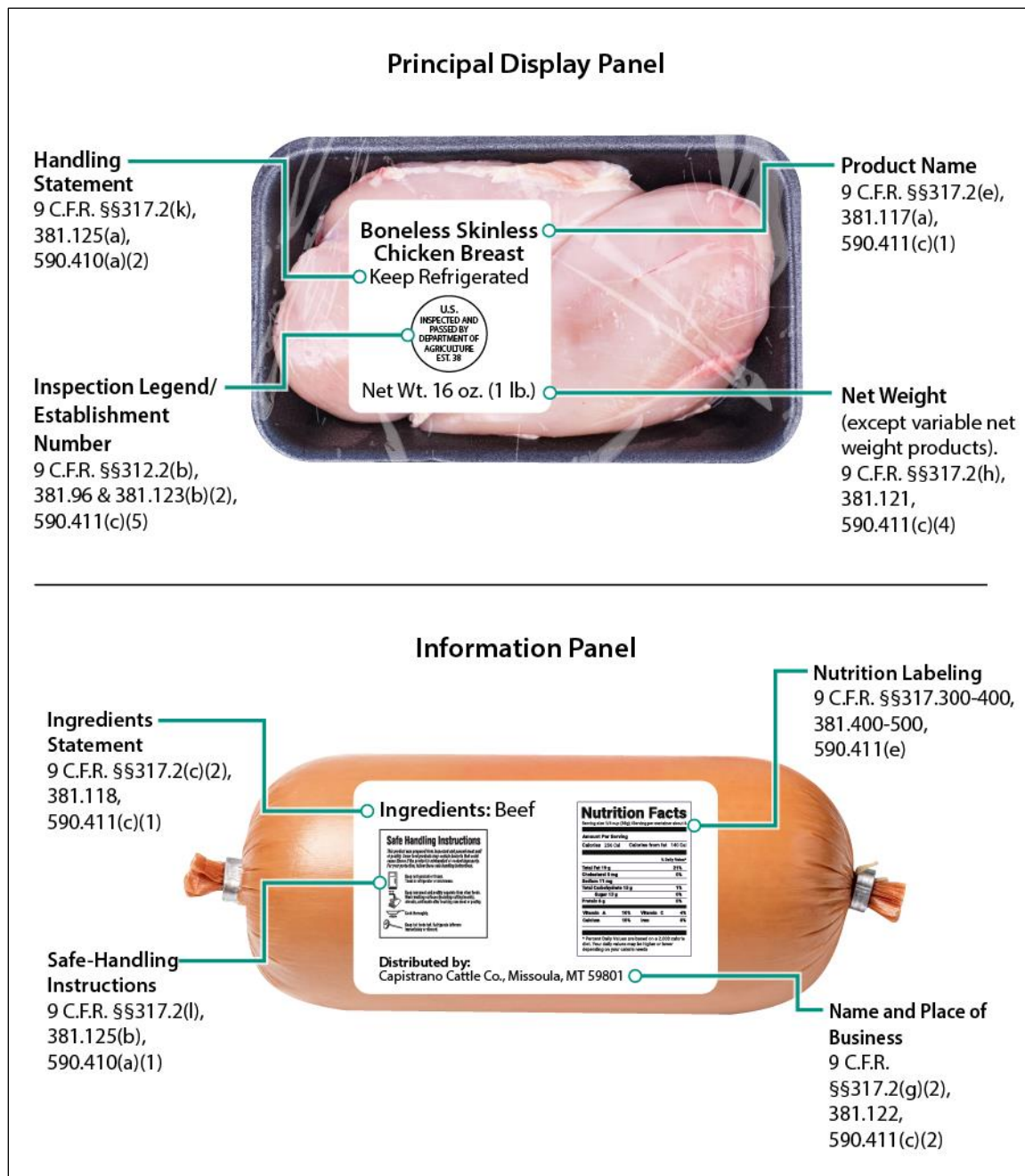
1. **Net quantity or weight statement:** the amount of product in the package in terms of weight, measure, or numerical count. If applicable, this feature must be placed on the principal display panel.
2. **Ingredients statement:** a declaration of two or more ingredients in the product, listed in descending order of predominance by weight.
3. **Nutrition facts panel:** a list of facts including serving size, servings per container, and mandatory nutrient values—calories, total fat, sodium, total carbohydrate, and protein—displayed in an established format.
4. **Handling statement:** any special handling a product may require to maintain its wholesome condition. If applicable, this feature must be placed on the principal display panel.
5. **Safe-handling instructions:** a standard disclaimer statement, which must be placed on products that are not considered ready to eat and require further handling by the consumer.

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<sup>13</sup> Standards of identity establish a common name and set of content requirements for a food product. For example, *tomato juice* is defined in 21 C.F.R. 156.145 as “food intended for direct consumption, obtained from the unfermented liquid extracted from mature tomatoes of the red or reddish varieties of *Lycopersicon esculentum* P. Mill, with or without scalding followed by draining.” For additional information on standards of identity generally, see CRS In Focus IF10811, *Standards of Identity for Foods and Plant-Based Food Products*.

**Figure I. Example of a Principal Display Panel and Information Panel**

Shown with applicable federal regulations derived from FMIA, PPIA, and EPIA

**Source:** Images generated by CRS.**Notes:** Code citations are listed in the following order: FMIA = Federal Meat Inspection Act; PPIA = Poultry Products Inspection Act; EPIA = Egg Products Inspection Act.



## Approval and Enforcement of Accurate Labels

FMIA, PPIA, and EPIA require food manufacturers to obtain prior approval for meat, poultry, and egg product labels before these products may be marketed to consumers. Prior approval is granted either through *generic approval* or *sketch approval*.

Generic approval occurs when a food manufacturer self-certifies that its products conform with all applicable regulations. Labels requiring generic approval are not submitted to FSIS for review—rather, the label is considered to be generically approved if it complies with all applicable federal regulations.

Sketch approval refers to a process by which FSIS Labeling and Program Delivery Staff review a proof of a proposed label. The label may be “sketch approved” or “approved with modifications” if revisions are needed to comply with all applicable regulations.

Three kinds of labels require sketch approval by FSIS: temporary labels, products produced under religious exemption, and products with certain special statements and claims.

Temporary label approval may be granted for up to 180 calendar days when a previously approved final label requires a slight alteration, such as a change in product weight.<sup>14</sup> Label changes that would result in a misrepresentation of a product; present a potential health, safety, or dietary risk to the consumer; or create an undue economic hardship on an establishment are not approved. One purpose of temporary label approval is for an establishment to use its remaining stock of product labels or packaging before transitioning to a new label.

Products permitted under a religious exemption must include a statement on the label that the products were processed under a Buddhist, Confucian, Islamic (halal), or Judaic (kosher) exemption, or a statement of equal meaning.<sup>15</sup> The name of the religious official or organization under whose supervision the animal was slaughtered and processed must also be included. The inspection legend is not permitted on the labels of products prepared under a religious exemption.

All labels and labeling records are subject to routine verification by FSIS in-plant field inspectors, called *inspection program personnel* (IPP), at each processing establishment. An adequate labeling record must include the actual product label, the product formulation, the processing procedure for the product, and any supporting documentation necessary to demonstrate the label’s compliance with regulatory requirements, including sketch or temporary approvals if appropriate.<sup>16</sup> IPP randomly select one or more labels during routine inspection duties to verify compliance with all applicable label requirements. If the label or labeling record is found to be not in compliance, IPP will document a noncompliance record.<sup>17</sup> The establishment must bring the label or labeling record into compliance or submit a new application to FSIS and request a temporary label approval.

<sup>14</sup> USDA, FSIS, *FSIS Guideline for Label Approval*, March 2024, p. 42, [https://www.fsis.usda.gov/sites/default/files/media\\_file/documents/FSIS-GD-2024-0001.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-GD-2024-0001.pdf) (hereinafter *FSIS Guideline for Label Approval*).

<sup>15</sup> USDA, FSIS, *Religious Exemption for the Slaughter and Processing of Poultry - Revision 2*, October 2021, [https://www.fsis.usda.gov/sites/default/files/media\\_file/2021-10/6030.1.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2021-10/6030.1.pdf).

<sup>16</sup> USDA, FSIS, “Labeling and Establishment Responsibilities,” January 21, 2015, <https://www.fsis.usda.gov/sites/default/files/import/Responsibilities.pdf>.

<sup>17</sup> Failure of an establishment to meet regulatory requirements is documented as a noncompliance record (NR). The accumulation of NRs, especially those that occur repeatedly, may result in FSIS taking enforcement action against the establishment. For more information on FSIS enforcement authorities, see CRS In Focus IF12784, *Federal Inspection of Meat, Poultry, and Egg Products*.



## Voluntary Label Information

Consumers may seek out certain product attributes for a variety of reasons, including perceived health, environmental, animal welfare, or flavor benefits. Voluntary label statements or claims can convey certain product qualities or traits to consumers, such as the presence of allergens, enhanced nutritional values, the location or manner in which the animals were raised, or if the product came from an animal at all as in the case of foods produced using cell-cultured technology. Manufacturers can also benefit from the inclusion of voluntary statements on a product label to either differentiate their products from competitors or secure a premium market price. The two broad categories of voluntary label statements or claims are set out below and shown in **Figure 2**:

- *Factual statements or claims* may be generically approved if the labeling record confirms that the label is truthful and not misleading to the consumer. For example, descriptors such as “fresh,” “handcrafted,” or “oven roasted” may be generically approved if there is sufficient evidence to support the claim. FSIS maintains a list of examples of statements or claims that may be generically approved.<sup>18</sup>
- *Special statements or claims*, which are claims, logos, trademarks, and other symbols that are not generally defined in FSIS regulations or the *Food Standards and Labeling Policy Book*, must be submitted for sketch approval by FSIS before the product label enters commerce.<sup>19</sup> Special statements or claims may include allergen warnings, information regarding animal-raising or welfare standards, or claims that a food is sourced from natural ingredients.

**Figure 2. Example of Statements and Claims on a Meat or Poultry Product Label**

Shown with *factual* and *special* statements and claims



**Source:** Image generated by CRS.

<sup>18</sup> FSIS Guideline for Label Approval, pp. 9 and 23.

<sup>19</sup> USDA, FSIS, *Food Standards and Labeling Policy Book*, February 2024, <https://www.fsis.usda.gov/sites/default/files/import/Labeling-Policy-Book.pdf> (hereinafter *Food Standards and Labeling Policy Book*).

FSIS maintains and regularly updates a list of special statements and claims that must receive sketch approval.<sup>20</sup> Special statements or claims not recorded by FSIS may also be submitted for sketch approval, provided the manufacturer can produce a labeling record or documentation supporting the statement or claim.

## Allergen Labeling

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that the label of a food product made from two or more ingredients declare each ingredient by its common or usual name.<sup>21</sup> FDA, an agency of the U.S. Department of Health and Human Services (HHS), enforces the provisions of this law in most packaged food products but not those regulated by FSIS.<sup>22</sup>

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) amended the FD&C Act by defining the term *major food allergen* and requiring that each major food allergen in a product be declared on the product's label using the common name of the food source from which that allergen is derived.<sup>23</sup> FALCPA identified eight major food allergens: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. These eight foods, at enactment, accounted for 90% of food allergies and serious allergic reactions in the United States. In 2021, the Food Allergy Safety, Treatment, Education, and Research Act (FASTER Act) declared sesame the ninth major food allergen.<sup>24</sup>

Meat, poultry, and egg products do not fall under the authority of the FD&C Act, FALCPA, or FASTER Act and thus do not need to comply with those labeling standards. Including allergen statements on meat, poultry, and egg products is voluntary. FSIS asserts that it “supports practices that promote accurate informative product labeling including voluntary statements on labels that alert people who have sensitivities or intolerances to the presence of specific ingredients.”<sup>25</sup> Per FMIA, PPIA, and EPIA, all ingredients used to formulate a meat, poultry, or egg product must be declared in the ingredients statement on the product's labeling. If not, the product is considered misbranded and not fit for commerce.<sup>26</sup>

In 2023, FSIS reported that “undeclared allergen” was the most common reason it issued public health alerts and the second most common reason it issued food recall notices.<sup>27</sup> FSIS states that undeclared allergens occur because the establishment failed to effectively implement its Hazard Analysis and Critical Control Points (HACCP) plan.<sup>28</sup> An HACCP plan is a risk-based system designed to prevent or eliminate contamination of meat and poultry products, as well as to prevent, or to reduce to an acceptable level, contamination with other biological, chemical, and

<sup>20</sup> *FSIS Guideline for Label Approval*, pp. 9 and 20.

<sup>21</sup> 21 U.S.C. §343(i).

<sup>22</sup> FDA, “Food Allergies,” <https://www.fda.gov/food/food-labeling-nutrition/food-allergies>.

<sup>23</sup> *Major food allergens* is defined in 21 U.S.C. §321(qq).

<sup>24</sup> P.L. 117-11; 21 U.S.C. §321(qq)(1).

<sup>25</sup> USDA, FSIS, *Allergens- Voluntary Labeling Statements*, FSIS-GD-2013-0010, June 2013, <https://www.fsis.usda.gov/guidelines/2013-0010>.

<sup>26</sup> 21 U.S.C. §601, §453, and §1033.

<sup>27</sup> A *food recall* is a voluntary action by a manufacturer or distributor to remove food products from commerce when there is reason to believe the products may be adulterated or misbranded. USDA, FSIS, *Summary of Recall and PHA Cases in Calendar Year 2023*, February 28, 2024, <https://www.fsis.usda.gov/food-safety/recalls-public-health-alerts/annual-recall-summaries/summary-recall-and-pha-cases-0>.

<sup>28</sup> USDA, FSIS, “askFSIS Public Q&A: Allergen Questions & Answers,” August 26, 2024, <https://ask.usda.gov/s/article/askFSIS-Public-Q-A-Allergen-Questions-Answers> (hereinafter USDA, FSIS, “askFSIS Public Q&A: Allergen Questions & Answers”).

physical hazards. FSIS verifies that an establishment's HACCP plan meets the requirements of all applicable federal regulations. The establishment is then responsible for verifying that the plan is being effectively implemented to prevent contamination of a meat or poultry product with an allergen.<sup>29</sup>

Since 2018, FSIS has sampled and tested ready-to-eat products to verify claims that they do not contain soy.<sup>30</sup> In 2024, FSIS announced it would expand its sampling and testing to include an allergen verification sampling program in establishments producing ready-to-eat products with label claims related to one or more allergens or gluten.<sup>31</sup> The program requires all establishments producing ready-to-eat products with an allergen-free labeling claim to be sampled at least once per year for the presence of soy, crustacean shellfish, eggs, peanuts, milk, gluten, and nine tree nuts (almond, Brazil nut, cashew, coconut, hazelnut, macadamia, pine nut, pistachio, and walnut). Allergen levels must be below five parts per million.

In 2024, FSIS stated that it plans to expand the allergy verification sampling program to cover all multi-ingredient products, not just ready-to-eat products, produced in processing establishments.<sup>32</sup> FSIS also stated that it may begin verification sampling of products without an allergen claim.

## Animal-Raising or Environment-Related Label Claims

Animal-raising or environment-related label claims describe certain animal husbandry practices.

USDA administers the National Organic Program (NOP), which develops and enforces certification requirements that producers must meet to sell products marked with the "USDA Organic" seal. Organic label claims are outside the authority of FSIS and are regulated by another USDA agency, the Agricultural Marketing Service (AMS).<sup>33</sup>

Seven petitions for rulemaking were submitted separately to FSIS, from 2013 to 2023, regarding the use of animal-raising claims (**Table 1**).<sup>34</sup>

The petitioners generally sought the establishment of uniform standards for certain label claims. In response to the petitions and commenters, FSIS stated that it would not codify in its regulations definitions for animal-raising claims. The agency also asserted that "animal production practices vary and are continuously developing and that keeping a current list of codified allowable label claims would be impractical."<sup>35</sup>

<sup>29</sup> 9 C.F.R. §417.4.

<sup>30</sup> USDA, FSIS, *Allergen Verification Sampling Program*, FSIS Directive 7000.6, Revision 1, July 26, 2024, p. 1, <https://www.fsis.usda.gov/policy/fsis-directives/7000.6>.

<sup>31</sup> USDA, FSIS, "Constituent Update," July 26, 2024, <https://www.fsis.usda.gov/news-events/news-press-releases/constituent-update-july-26-2024>.

<sup>32</sup> USDA, FSIS, "askFSIS Public Q&A: Allergen Questions & Answers."

<sup>33</sup> USDA, Agricultural Marketing Service (AMS), "About Organic Labeling," <https://www.ams.usda.gov/rules-regulations/organic/labeling>.

<sup>34</sup> Provisions governing the submission of petitions for rulemaking to FSIS can be found in 9 C.F.R. §392.

<sup>35</sup> USDA, FSIS, "Availability of FSIS Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims," 89 *Federal Register* 73253, September 10, 2024, <https://www.federalregister.gov/documents/2024/09/10/2024-19696/availability-of-fsis-guideline-on-substantiating-animal-raising-or-environment-related-labeling>.

**Table 1. Petitions for Rulemaking on Animal-Raising Claims, 2013-2023**

Year	Petitioner	Request	FSIS Response
2013	Animal Legal Defense Fund	Require mandatory labeling to disclose routine antibiotic use in animals used to produce meat and poultry products and to clarify the standard for “antibiotic free” labeling claim	Denied petitioner’s request in 2019
2014	Animal Welfare Institute	Require third-party certification for the approval of animal welfare and environmental stewardship claims	Denied petitioner’s request in 2019
2014	Consumers Union	Prohibit the use of the claim “natural”	Acknowledged receipt in 2014
2016	Animal Welfare Institute	Define <i>free range</i> for use in poultry products	Issued updated guidance in 2024
2016	American Veal Association	Define “veal,” including also <i>milk fed</i> , <i>formula fed</i> , <i>grain fed</i> , <i>grass fed</i> , and <i>bob veal</i>	Denied petitioner’s request in 2020
2022	People for the Ethical Treatment of Animals	Rescind labeling of animal-raising claims	Denied petitioner’s request in 2024
2023	Perdue Farms, LLC	Define separate <i>free range</i> and <i>pasture raised</i> claims	Partially granted petitioner’s request in 2024
2023	Environmental Working Group	Prohibit “low-carbon beef” claim, require third-party verification for similar carbon claims, require a numerical on-pack carbon disclosure when such claims are made	Denied petitioner’s request in 2024

**Source:** U.S. Department of Agriculture, Food Safety and Inspection Service, *Petitions*, <https://www.fsis.usda.gov/policy/petitions>.

In 2024, FSIS announced “an updated version of its guideline on documentation needed to substantiate animal-raising or environment-related claims on meat or poultry product labeling.”<sup>36</sup> FSIS provided examples of animal-raising claims, such as “Raised Without Antibiotics,” “Grass Fed,” “Free Range,” and “Raised Without the Use of Hormones,” and environment-related claims, such as “Raised Using Regenerative Agriculture Practices” and “Environmentally Responsible.”

In the 2024 updated guidance, FSIS strongly encouraged the use of third-party certifiers to substantiate animal-raising claims, stating, “labels that truthfully display a third-party certifier’s name, logo, and website do not need to further define their certified animal-raising claims on the product label ... provided that an explanation of the claim and the relevant standards and definitions are clearly posted on the certifier’s website.”<sup>37</sup>

Also in the 2024 guidance, FSIS recommended the use of third-party certifiers to support environment-related claims. For more information about third-party certifiers, see the **text box** below.

<sup>36</sup> USDA, FSIS, *Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims*, August 2024, <https://www.fsis.usda.gov/guidelines/2024-0006>.

<sup>37</sup> Ibid.

### What Is a Third-Party Certifier?

A *third-party certifier* is an organization independent of a food-processing establishment that routinely audits, validates, and verifies label claims to ensure they are truthful and not misleading. The animal-raising or environment-related standards that third-party certifiers use to validate claims are established by the producer, establishment, or the certifying organization. Each third-party certifier has its own verification process and is not subject to federal or state regulations. One exception not discussed in this report pertains to products certified as “USDA Organic” under USDA’s National Organic Program (7 U.S.C. §§6501 et seq.; 7 C.F.R. Part 205).<sup>38</sup> Third-party certification grants access to a voluntary logo or label claim that producers and manufacturers may use to convey certain product attributes or characteristics. Several examples of third-party certification logos are shown here.



## Cell-Cultured Food Products Labeling

Cell-cultured meat (also referred to as lab-grown meat, cultivated meat, in vitro meat, imitation meat, and synthetic meat) is grown in laboratories from animal cell cultures.<sup>39</sup> Federal regulations developed to address cell-cultured meat evolved following a petition for rulemaking submitted in 2018 by the U.S. Cattlemen’s Association (USCA) requesting that the definitions of *meat* and *beef* be reserved for products derived from the “tissue or flesh” of animals that are “born, raised, and harvested in the traditional manner.”<sup>40</sup>

In 2019, after a series of public meetings, FDA and FSIS issued an agreement outlining the regulatory roles for each agency. Under the formal agreement, FDA regulates the cell development process of cell-cultured meat production, and FSIS assumes responsibility during the food processing stage, when the cells are turned into commercial products.<sup>41</sup> FSIS thus has jurisdiction over the labeling of these products.

In 2021, FSIS issued an advance notice of proposed rulemaking (ANPR) to request public comment regarding the labeling of meat and poultry products composed of or containing cultured cells derived from animals.<sup>42</sup> FSIS listed previous examples of situations in which a novel

<sup>38</sup> For more information on the National Organic Program and how it relates to livestock and poultry, see CRS In Focus IF10622, *USDA’s Organic Livestock and Poultry Standards Regulations*.

<sup>39</sup> For more information on foods produced using cell-cultured technology, see CRS Report R47697, *Cell-Cultivated Meat: An Overview*.

<sup>40</sup> USDA, FSIS, “Petition to Limit the Definition of Beef to Traditional Sources,” Petition Number 18-01, February 9, 2018, <https://www.fsis.usda.gov/federal-register/petitions/petition-limit-definition-beef-traditional-sources>.

<sup>41</sup> FDA, “Formal Agreement Between FDA and USDA Regarding Oversight of Human Food Produced Using Animal Cell Technology Derived from Cell Lines of USDA-amenable Species,” March 2019, <https://www.fda.gov/food/human-food-made-cultured-animal-cells/formal-agreement-between-fda-and-usda-regarding-oversight-human-food-produced-using-animal-cell>.

<sup>42</sup> USDA, FSIS, “Labeling of Meat or Poultry Products Comprised of or Containing Cultured Animal Cells,” 86 *Federal Register* 49491, September 3, 2021, <https://www.federalregister.gov/documents/2021/09/03/2021-19057/labeling-of-meat-or-poultry-products-comprised-of-or-containing-cultured-animal-cells>.

technology resulted in the establishment of new product requirements to meet consumer expectations. For example, the advent of mechanically separated chicken and advanced meat recovery systems resulted in the establishment of a new standard of identity and a modified definition of *meat*, respectively.<sup>43</sup>

FSIS's ANPR also stated that if an establishment wishes to distribute a cultured meat or poultry product in commerce prior to the completion of rulemaking, the label would be subject to premarket review as a special statement or claim, rather than generic approval. FSIS noted that the labels must clearly differentiate cell-cultured product from slaughtered meat and poultry products.

## Nutrition Facts Panel Revision for Meat and Poultry

FSIS requires nutrition labels on the packages of all multi-ingredient and heat-processed meat and poultry products, and all ground or chopped products, unless an exemption applies.<sup>44</sup> Nutrition labeling must also be provided for single-ingredient, raw meat and poultry products derived from the major meat cuts, such as chucks, loins, or shoulders.<sup>45</sup> FSIS does not require nutrition information for single-ingredient, raw meat and poultry products that are not major cuts and that are not ground or chopped. This includes egg products.<sup>46</sup> However, if nutrition information is provided for these products, it must be in accordance with existing nutrition labeling requirements.

In 2017, FSIS proposed a rule to amend the nutrition labeling requirements for meat and poultry products.<sup>47</sup> FSIS announced that manufacturers may choose to use the FDA nutrition labeling format until the proposed rule is finalized, provided the label is submitted for sketch approval.<sup>48</sup> The proposed rule would update the list of nutrients that are required or permitted to be declared, require an “added sugars” declaration, revise the format and appearance of the nutrition facts label, and generally align FSIS nutrition labeling requirements with revisions to the nutrition facts label made by FDA in 2016.<sup>49</sup>

The proposed rule would also expand the definition of *single-serving container* by updating the reference amounts customarily consumed.<sup>50</sup> Some stakeholders claimed that the expanded

<sup>43</sup> Ibid.

<sup>44</sup> 9 C.F.R. §§317.300, 317.301, 381.400, and 381.401.

<sup>45</sup> *Major cuts* of meat products are defined in 9 C.F.R. §317.344 and §381.444.

<sup>46</sup> FSIS requires egg products that have added nutrients, such as a protein, vitamin, or mineral, or nutritional claims to have nutrition labeling.

<sup>47</sup> USDA, FSIS, “Revision of Nutrition Facts Labels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed,” 82 *Federal Register* 6732, January 19, 2017, <https://www.federalregister.gov/documents/2017/01/19/2016-29272/revision-of-the-nutrition-facts-labels-for-meat-and-poultry-products-and-updating-certain-reference>.

<sup>48</sup> USDA, FSIS, “Nutrition Facts Label Compliance,” 81 *Federal Register* 80631, November 16, 2016, <https://www.federalregister.gov/documents/2016/11/16/2016-27506/nutrition-facts-label-compliance>.

<sup>49</sup> FDA, “Food Labeling: Revision of the Nutrition and Supplemental Facts Labels,” 81 *Federal Register* 33742, May 27, 2016, <https://www.federalregister.gov/documents/2016/05/27/2016-11867/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels>.

<sup>50</sup> FDA, “Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments,” 81 *Federal Register* 34000, May 27, 2016, <https://www.federalregister.gov/documents/2016/05/27/2016-11865/food-labeling-serving-sizes-of-foods-that-can-reasonably-be-consumed-at-one-eating-occasion>.



definition would result in more products being labeled as a single serving.<sup>51</sup> NAMI supported the efforts of FSIS in updating the Nutrition Facts label, stating that the agency “wisely proposed consolidating the nutrition labeling regulations for meat and poultry products in a single new C.F.R. Part.”<sup>52</sup> Nutrition labeling requirements are found across several parts of the *Code of Federal Regulations*. NAMI also expressed concern with certain parts of the proposed rule.<sup>53</sup> The National Cattlemen’s Beef Association, in public comments on the proposed rule, advocated for the removal of cholesterol and the mandatory addition of Vitamin B6 and Zinc to the Nutrition Facts label.<sup>54</sup>

In 2024, a coalition of consumer interest groups sent a letter to USDA claiming a delay in finalizing the proposed rule.<sup>55</sup> The groups stated that the proposed rule “had been delayed eight times since it first appeared in USDA’s Spring 2020 Unified Agenda, resulting in a total delay of 4 years and 7 months.”<sup>56</sup> The groups asserted that the proposed rule is “needed to promote transparency for consumers” and added that “information on added sugars is particularly important.” FSIS has not finalized this rule and does not appear to have publicly conveyed a timeline, if any, for finalization.

## Voluntary Country-of-Origin Labeling Claims

In 2015, Congress repealed the mandatory country-of-origin labeling (COOL) requirements for beef and pork.<sup>57</sup> Specifically, the Consolidated Appropriations Act, 2016 (P.L. 114-113), removed references to muscle cuts of beef and pork, and ground beef and pork, from the COOL statute.<sup>58</sup> In 2016, USDA issued final COOL regulations to comport with the new law.<sup>59</sup>

With the removal of beef and pork from the mandatory COOL statute, if a manufacturer wanted to voluntarily include a product’s domestic origin on its beef or pork product label, it would need to comply with the “Product of U.S.A.” entry in the FSIS *Food Standards and Labeling Policy Book*.<sup>60</sup> The entry requires that for a meat product to bear the label claim “Product of U.S.A.,” it must be processed in the United States. This definition was less stringent than mandatory COOL requirements, which required a product to be “born, raised, and slaughtered in the U.S.A.”

Some stakeholders contended that this removal of beef and pork from mandatory COOL regulations created a loophole under which producers of imported beef or pork could claim

<sup>51</sup> Steven B. Steinborn et al., “FSIS Proposes Revising Nutrition Facts Labels and Rules for Serving Sizes,” Hogan Lovells, memorandum, January 13, 2017, p. 4, <https://www.engage.hoganlovells.com/knowledgeservices/news/fsis-proposes-revising-nutrition-facts-labels-and-rules-for-serving-sizes/>.

<sup>52</sup> North American Meat Institute, public comments submitted to Docket No. FSIS-2014-0024-001, April 20, 2017, <https://www.regulations.gov/comment/FSIS-2014-0024-0025>.

<sup>53</sup> Ibid. p. 6.

<sup>54</sup> National Cattlemen’s Beef Association, Docket No. FSIS-2014-0024-001, February 27, 2017, <https://www.regulations.gov/comment/FSIS-2014-0024-0002>.

<sup>55</sup> Letter from American Cancer Society Cancer Action Network et al. to Secretary of Agriculture Tom Vilsack, September 3, 2024, <https://www.cspinet.org/sites/default/files/2024-09/Vilsack%20Letter%20FINAL.pdf>.

<sup>56</sup> Ibid.

<sup>57</sup> For more information on the history of mandatory country-of-origin labeling in the United States, see CRS Report RS22955, *Country-of-Origin Labeling for Foods and the WTO Trade Dispute on Meat Labeling*.

<sup>58</sup> 7 U.S.C. §§1638 et seq.

<sup>59</sup> USDA, AMS, “Removal of Mandatory Country of Origin Labeling Requirements for Beef and Pork Muscle Cuts, Ground Beef, and Ground Pork,” 81 *Federal Register* 10755, March 2, 2016, <https://www.federalregister.gov/documents/2016/03/02/2016-04609/removal-of-mandatory-country-of-origin-labeling-requirements-for-beef-and-pork-muscle-cuts-ground>.

<sup>60</sup> *Food Standards and Labeling Policy Book*, p. 147.



Product of U.S.A. on its label as long as it was processed in the United States.<sup>61</sup> Federal regulations require that the immediate container of meat products offered for import into the United States bear the name of the country of origin preceded by the words “product of.”<sup>62</sup> However, if these imported products are repackaged or otherwise reprocessed in the United States, they are deemed and treated as domestic product for voluntary Product of U.S.A. labeling purposes.

Following petitions from producer groups in 2018, 2019, and 2021, FSIS stated in 2023 that “its current labeling policy may be causing confusion in the marketplace” and that it would “initiate rulemaking to define the conditions under which the labeling of meat products would be permitted to bear voluntary claims that ... the product is of U.S. origin.”<sup>63</sup>

In 2023, FSIS proposed a rule that the voluntary label claims Product of U.S.A. and “Made in the U.S.A.” may be used only if the product is “derived from animals born, raised, slaughtered, and processed in the United States.”<sup>64</sup> All other ingredients of the product, except for spices and flavorings, must also be of domestic origin to qualify for the voluntary U.S.-origin labels.

FSIS received 3,364 comments on the proposed rule from domestic and foreign trade associations, foreign governments, producers, nonprofit organizations, and consumers. In the final rule, FSIS noted that over 3,000 consumers, and most domestic producers and organizations, supported the proposed rule.<sup>65</sup> In 2024, FSIS finalized the rule.<sup>66</sup> Official establishments must comply with the new regulatory requirements by January 1, 2026.

The final rule applies to all meat, poultry, and egg products sold in the domestic market. FSIS also clarified that voluntary label claims may be generically approved for U.S. state-, territory-, or locality-origin products, such as “Made in Montana,” if the product meets the requirements for the use of corresponding voluntary U.S.-origin claims. FSIS may also generically approve display of the U.S. flag or a U.S. state or territory flag on products that qualify for the use of voluntary U.S.-origin claims.

To substantiate an origin claim, official establishments need to maintain signed and dated documentation describing how the product is prepared and processed. The final rule does not specify the types of records and documentation that must be maintained to demonstrate compliance with the regulatory criteria. Official establishments may use bills of lading, shipping manifests, load sheets, or grower records to show that the claim is not false or misleading.<sup>67</sup>

<sup>61</sup> Written testimony of U.S. Cattlemen’s Association member Shane Eaton, in U.S. Congress, Senate Committee on Agriculture, Nutrition, and Forestry, *Perspectives on the Livestock and Poultry Sectors*, September 25, 2019, p. 7, [https://www.agriculture.senate.gov/imo/media/doc/Testimony\\_Eaton%2009.25.19.pdf](https://www.agriculture.senate.gov/imo/media/doc/Testimony_Eaton%2009.25.19.pdf).

<sup>62</sup> 9 C.F.R. §327.14(b)(1).

<sup>63</sup> USDA, FSIS, “Voluntary Labeling of FSIS-Regulated Products with U.S.-Origin Claims,” 88 *Federal Register* 15290, March 13, 2023, <https://www.federalregister.gov/documents/2023/03/13/2023-04815/voluntary-labeling-of-fsis-regulated-products-with-us-origin-claims>.

<sup>64</sup> *Ibid.*

<sup>65</sup> USDA, FSIS, “Voluntary Labeling of FSIS-Regulated Products with U.S.-Origin Claims,” 89 *Federal Register* 19473, March 18, 2024, <https://www.federalregister.gov/documents/2024/03/18/2024-05479/voluntary-labeling-of-fsis-regulated-products-with-us-origin-claims>.

<sup>66</sup> *Ibid.*

<sup>67</sup> 9 C.F.R. Part 320.

## Agricultural Marketing Service Labeling Programs

USDA's Agricultural Marketing Service (AMS) administers programs that create domestic and international marketing opportunities for domestic producers of food, fiber, and specialty crops. While FSIS has the primary responsibility to ensure the labeling of meat, poultry, and egg products is truthful and not misleading, AMS provides voluntary, user-funded auditing and accreditation services, and quality grading and inspections for producers who request it. The services AMS provides are used to help producers meet FSIS voluntary labeling requirements.

### Auditing and Accreditation Programs

AMS's Livestock and Poultry Program offers auditing and accreditation services to producers and establishments seeking an independent party to validate that their product meets the standards, attributes, or other characteristics set by a company, industry, or foreign government to gain access to or differentiate themselves in a particular domestic or foreign market. One of the most requested auditing services is the Process Verified Program (PVP).<sup>68</sup> Through the PVP verification service, AMS conducts an annual audit of a producer's or an establishment's *process points*, which are self-described standards that are verifiable, repeatable, feasible, and factual. Process points cannot be established regulatory requirements.

Upon receiving approval by AMS, producers and establishments may use the "USDA Process Verified" shield (**Figure 3**) on their product label to market that product to consumers using clearly defined and verified standards. However, even with AMS approval and the PVP shield, FSIS must still review the product label to ensure it is truthful and not misleading.

Examples of product attributes that AMS may verify include "No Antibiotics Ever," "Raised Cage Free," "Raised on Family Farms," or "Pasture Raised." In FY2023, AMS audited 68 approved programs representing 23.1 billion pounds for live animal specifications and 17.4 billion pounds for commercial carcass specifications.<sup>69</sup>

<sup>68</sup> USDA, AMS, "Livestock and Poultry Auditing & Verification," <https://www.ams.usda.gov/services/auditing/livestock-poultry>.

<sup>69</sup> Live animal specifications require live animals to meet certain conditions for approved programs, whereas commercial carcass specifications define the conditions for carcasses to meet approved program requirements. For example, live cattle eligible for "Wagyu influence" certified beef programs must, among other conditions, be registered with the American Wagyu Association. In contrast, beef carcasses being considered for the Certified Texas Wagyu Beef program must, among other conditions, meet the genotypic requirements of the American Wagyu Association's live animal specification *and* be graded U.S. Prime or Choice. Mark Perigen, "Quality Assessment Division – Fiscal Year 2023," USDA, AMS, <https://www.ams.usda.gov/sites/default/files/media/QADFiscalYear2023Summary.pdf>.

**Figure 3. Process Verified Program Shield**

**Source:** U.S. Department of Agriculture, Agricultural Marketing Service.

## Quality Grading and Inspection Programs

AMS provides quality grading and inspection programs to ensure accurate, uniform, and timely official quality and yield grading of meat carcasses. In FY2023, producers requested AMS to grade 92% of steers and heifers, 46% of lamb, 39% of veal, 36% of shell eggs, 22% of turkey, and 14% of chicken.<sup>70</sup> Meat and poultry carcasses and shell eggs that have been graded by AMS may use the corresponding grade shield, value-added label, or official seal to communicate the quality of the product to consumers.<sup>71</sup>

AMS conducts quality grading to determine the expected tenderness, juiciness, flavor, and overall palatability of a meat or poultry carcass or shell eggs. Each livestock species uses its own official grade terminology (**Figure 4**). For example, beef quality grades include “prime,” “choice,” and “select” and measure the amount of fat interspersed in the lean meat, otherwise known as marbling. As another example, chicken quality grades include U.S. Grade A, U.S. Grade B, and U.S. Grade C and measure the absence of “defects,” such as the presence of feathers or bruising and discoloration on a carcass.<sup>72</sup>

Yield grades represent the amount of usable lean meat on a carcass and are expressed in numbers, from Yield Grade 1 to Yield Grade 5. Yield grades are not often found on consumer packaged products. Producers use yield grades as a marketing tool to evaluate an animal’s value and the overall economic returns from it.<sup>73</sup> The lower the numerical value of the USDA yield grade, the higher the expected yield of closely trimmed, boneless retail cuts.

<sup>70</sup> Ibid.

<sup>71</sup> USDA, AMS, “Understanding Food Quality Labels,” pp. 5-6, <https://www.ams.usda.gov/sites/default/files/media/AMSPProductLabelFactsheet.pdf>.

<sup>72</sup> Pork quality grades are based on the sex and age of the animal at slaughter and measure the firmness of the fat and lean meat, the amount of feathering between the ribs, and the color of the lean meat. Pork quality grades require specific, prior approval from FSIS and AMS to be labeled or advertised on products, as it is not ordinary to officially grade pork. USDA, AMS, “Public Law 272,” <https://www.ams.usda.gov/grades-standards/public-law-272>.

<sup>73</sup> Rob Holland and Dwight Loveday, “Understanding Yield Grades and Quality Grades for Value-Added Beef Producers and Marketers,” University of Tennessee, Institute of Agriculture, December 2013, p. 2, <https://utbeef.tennessee.edu/wp-content/uploads/sites/127/2020/11/SP755.pdf>.

**Figure 4. Official USDA Grade Shields**

**Source:** U.S. Department of Agriculture, Agricultural Marketing Service, “Understanding Food Quality Labels,” <https://www.ams.usda.gov/sites/default/files/media/AMSPProductLabelFactsheet.pdf>.

## Shell Egg Surveillance Program

FDA regulates the production, transportation, and storage of shell eggs (Egg Products Inspection Act of 1970). The Shell Egg Surveillance (SES) program aims to ensure that regulated entities are properly identifying, segregating, and disposing of shell eggs that are not suitable for human consumption.<sup>74</sup> AMS, through the SES program, is required to inspect shell egg handlers and hatcheries four times each year to ensure compliance with all applicable regulatory requirements. Shell eggs are required to be clean, free from cracks or checks in the shell, and of usual shape and thickness. Shell eggs that do not meet these standards may be “restricted” for processing only or for use only in nonhuman food.

Shell eggs less than 21 days old that have been washed, sanitized, placed in an acceptable container, properly refrigerated, and not deemed restricted are eligible for AMS voluntary grading services. Shell eggs are graded on the basis of interior quality factors, such as yolk defects and air cell movement, and exterior factors reflecting shell attributes. Each shell egg is assigned one of three quality grades based on these factors—AA, A, or B.<sup>75</sup> Egg size designation—Jumbo, Extra Large, Large, Medium, Small, or Pee Wee—must also be included if the product is AMS-graded. The egg size designation refers to the minimum net weight of a dozen carton of eggs.<sup>76</sup>

There are no quality grade standards for egg products, such as dried, frozen, or liquid eggs. However, FSIS will allow egg product labels to bear statements such as “Produced from Shell Eggs of U.S. Grade A [or AA] Interior Quality.”

## Issues for Congress

Accurate labeling of meat, poultry, and egg products helps maintain a safe national food supply. Consumers may use the information presented on meat, poultry, and egg labels to prevent health emergencies, identify products that meet their needs and expectations, and ensure that they receive what they intended to buy.

<sup>74</sup> 21 U.S.C. §§1031-1056.

<sup>75</sup> USDA, AMS, *United States Standards, Grades, and Weight Classes for Shell Eggs*, AMS 56, July 20, 2000, p. 12, [https://www.ams.usda.gov/sites/default/files/media/Shell\\_Egg\\_Standard%5B1%5D.pdf](https://www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard%5B1%5D.pdf).

<sup>76</sup> *Ibid*, p. 9.

A selection of current issues related to the labeling of meat, poultry, and egg products that may be of interest to Congress include human health and nutrition claims and product attribute label claims.

## Human Health and Nutrition Claims

Some label claims provide information to consumers regarding the perceived healthfulness of the product. A label claim may also inform the consumer of the presence and amount of certain ingredients or nutrients.

Some consumer advocacy groups have expressed interest in the inclusion of “added sugars” on the labels of meat and poultry products to “allow consumers to make informed decisions about their health.”<sup>77</sup> In contrast, the North American Meat Institute (NAMI) said it “remains unconvinced that requiring added sugars on the label will improve consumer decision-making.”<sup>78</sup> If Congress chooses to address this, one approach could be to enact legislation directing USDA to require labels to reflect the presence of specific nutrients, such as added sugars. Alternatively, Congress could choose to direct USDA to finalize its 2017 proposed rule, “Revision of the Nutrition Facts Label for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed,” or undertake new related rulemaking.<sup>79</sup>

## Product Attribute Label Claims

Product attribute label claims inform the consumer of certain characteristics, traits, or standards by which the meat, poultry, or egg product was raised, harvested, or processed.

## Animal-Raising or Environment-Related Label Claims

Stakeholder groups have expressed varying opinions on USDA’s 2024 guidance document on substantiating animal-raising or environmental claims.<sup>80</sup> Some stakeholders generally supported the guidance. For instance, according to Perdue Farms, the American Pastured Poultry Producers Association stated that “USDA is finally acknowledging the grass roots difference that pasture raised has meant for small, independent farms for more than 30 years.”<sup>81</sup> Other stakeholder groups generally opposed the guidance. For example, the Animal Welfare Institute called the guidance document “largely meaningless” without requiring that establishments use third-party certification for certain voluntary claims.<sup>82</sup> Other entities expressed concerns about particular components or requirements of the guidance. As one example, the Meat Institute expressed

<sup>77</sup> Letter from American Cancer Society Cancer Action Network et al. to Secretary of Agriculture Tom Vilsack, September 3, 2024, <https://www.cspinet.org/sites/default/files/2024-09/Vilsack%20Letter%20FINAL.pdf>.

<sup>78</sup> North American Meat Institute, public comments submitted to Docket No. FSIS-2014-0024-001, p. 2, April 20, 2017, <https://www.regulations.gov/comment/FSIS-2014-0024-0025>.

<sup>79</sup> USDA, FSIS, “Revision of the Nutrition Facts Label for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed,” 82 *Federal Register* 11324, February 22, 2017, <https://www.federalregister.gov/documents/2017/01/19/2016-29272/revision-of-the-nutrition-facts-labels-for-meat-and-poultry-products-and-updating-certain-reference>.

<sup>80</sup> 89 *Federal Register* 73253.

<sup>81</sup> Perdue Farms, “Perdue Farms Champions New Standards For ‘Pasture-Raised’ Labeling at Ninth Annual Animal Care Summit,” October 9, 2024, <https://corporate.perdufarm.com/news/press-releases/perdue-farms-champions-new-standards-for-pasture-raised-labeling/>.

<sup>82</sup> Dan Flynn, “Food Companies’ Claims Get More Attention from the USDA,” *Food Safety News*, September 3, 2024, <https://www.foodsafetynews.com/2024/09/food-companies-claims-get-more-attention-from-the-usda/>.

concern with companies' ability to comply with the new guidance by its effective date of January 1, 2026.<sup>83</sup>

Before the 2024 guidance document was released, five Members of Congress submitted comments on the proposal, urging FSIS to “ensure there are no unintended consequences.”<sup>84</sup> They asked the agency to consider “whether the requested policy changes will disproportionately advantage or disadvantage certain groups; to consider whether the request may cause harm to competition; and to evaluate consumer understanding of the proposed terms.”<sup>85</sup> After the 2024 guidance document was released, some Members of Congress expressed general support for the guidance document but said that it “falls short of what is needed to protect producers and consumers from the unfair misuse of animal welfare and animal-raising claims.”<sup>86</sup> Potential policy options for Congress to address such concerns include establishing a standard for these voluntary label claims in law or requiring USDA to promulgate regulations to that effect. Congress could consider creating a means with which to verify the credibility of third-party certifiers. Alternatively, Congress might regard the current regulations as sufficient, with FSIS administering the requirements for voluntary label claims as proposed in its guidance document.

## Cell-Cultured Food Products Labeling

The 118<sup>th</sup> Congress considered but did not enact several bills regarding the labeling of food products containing cell-cultured meat. For example, the Fair and Accurate Ingredient Representation on Labels Act of 2024 (FAIR Labels Act; S. 3693 and H.R. 7130) would have amended FMIA and PPIA to create a definition for *imitation* and *cell-cultured* meat and poultry products and to require these products be labeled as such in a “prominent and conspicuous manner.”

The Real Marketing Edible Artificials Truthfully Act of 2023 (Real MEAT Act; S. 3281) would have amended the Federal Food, Drug, and Cosmetic Act to define the terms *imitation meat/meat product*, *imitation beef/beef product*, *imitation pork/pork product*, and *imitation poultry/poultry product* to mean any meat food product that is manufactured to appear as, or approximates the aesthetic or chemical characteristics of, a meat food product but does not contain any meat, meat food product, or meat by-product ingredients.

The 119<sup>th</sup> Congress may consider whether to define, through legislation, the labeling of foods produced using cell-cultured technology. The 119<sup>th</sup> Congress also might wish to monitor the rulemaking process that FSIS is pursuing to establish labeling guidelines for these products.

## Date Labeling

Over one-third of the domestic food supply is lost or wasted at the retail or consumer levels.<sup>87</sup> One source of food waste is consumer and retailer confusion about the meaning of the dates

<sup>83</sup> Letter from The Meat Institute to Paul Kiecker, USDA FSIS administrator, November 12, 2024, <https://www.regulations.gov/comment/FSIS-2024-0010-6456>.

<sup>84</sup> Letter from Rep. Mark Alford, Rep. Lloyd Doggett, Rep. Eric A. “Rick” Crawford, Rep. Jason Smith, and Rep. James R. Baird to Secretary of Agriculture Tom Vilsack, February 2, 2024, [https://www.fsis.usda.gov/sites/default/files/media\\_file/documents/23-03-Congress-Comments-02022024.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/documents/23-03-Congress-Comments-02022024.pdf).

<sup>85</sup> Ibid.

<sup>86</sup> Letter from Sen. Richard Blumenthal, Sen. Cory A. Booker, and Sen. Sheldon Whitehouse to Ms. Sandra Eskin, Deputy Under Secretary for Food Safety, November 13, 2024, <https://www.regulations.gov/comment/FSIS-2024-0010-6457>.

<sup>87</sup> USDA, “Food Loss and Waste,” <https://www.usda.gov/foodlossandwaste>. See also CRS In Focus IF10317, *Policy Issues Involving Food Loss and Waste*.



displayed on a product label. Commonly used date-labeling phrases include “Best if Used By,” “Sell By,” “Use By,” and “Freeze By.” FSIS does not require date labeling for products under its jurisdiction, but the agency does recommend that establishments use “Best if Used By/Before” if they choose to voluntarily label their products.<sup>88</sup>

On December 3, 2024, FDA and FSIS published a joint request for information to seek public input on food date labeling.<sup>89</sup> The notice posed questions related to industry practices and preferences for date labeling, research results on consumer perceptions of date labeling, and any effect date labeling may have on food waste.

Congress has considered food date labeling bills over the years (e.g., S. 1484 and H.R. 3159 in the 118<sup>th</sup> Congress) that would require, when a date is voluntarily printed on a food label, the use of the phrase “Best if Used By” to specify the quality date on a food item and “Use By” when identifying the discard date on a food label.<sup>90</sup> Some states are moving ahead with their own version of date labeling legislation. In 2024, California enacted a law that will require the use of two standard terms for food products if producers choose to use a date label: “Best if Used By” to indicate the quality date of food or “Use By” to indicate the safety of food.<sup>91</sup> State advocacy groups called the legislation the “nation’s first mandatory food date labeling reform bill.”<sup>92</sup>

The 119<sup>th</sup> Congress might reassess earlier legislation requiring food date labeling, draft new legislation on product date labels, or maintain the voluntary use of date-labeling phrases on meat and poultry products.

## Voluntary Country-of-Origin Labeling

Information regarding the origin of meat and poultry products on product labels has gained the attention of some Members of Congress since the repeal of mandatory COOL in 2015. The 118<sup>th</sup> Congress considered but did not enact multiple origin labeling bills. For example, the COOL Online Act (S. 1421 and H.R. 6299) sought to make it unlawful for an online store, an online marketplace, or a seller to introduce, sell, or offer for sale, among other consumer goods, a meat or poultry product unless its country of origin was conspicuously disclosed.

The Country of Origin Labeling Enforcement Act of 2023 (H.R. 5081) would have amended the Agricultural Marketing Act (AMA) to prohibit retailers from labeling a beef product as having originated from the United States unless that beef product was derived from animals that were exclusively born, raised, slaughtered, and packaged in the United States. The bill also would have directed the Secretary of Agriculture to submit a report to Congress assessing the amount and value of beef sold in the last 10 years that was labeled with the United States as its country of origin but that was not born, raised, slaughtered, and packaged in the United States. The report

<sup>88</sup> USDA requires a “pack date” for poultry products and thermally processed, commercially sterile products to help identify product lots and facilitate trace-back activities in the event of an outbreak of foodborne illness (see 9 C.F.R. §§381.126 and 431.2(e), respectively).

<sup>89</sup> USDA, FSIS and FDA, “Food Date Labeling,” 89 *Federal Register* 96205, December 4, 2024, <https://www.federalregister.gov/documents/2024/12/04/2024-27810/food-date-labeling>.

<sup>90</sup> For more information on past legislation related to food date labeling, see CRS In Focus IF10398, *Uniform Date Labeling of Food May Address Food Waste*.

<sup>91</sup> C.A. Legis. Assemb. AB-660, Reg. Session. 2023-2024 (2024), [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB660](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB660).

<sup>92</sup> Californians Against Waste, “Confusing Food Date Labels Are (Almost) a Thing of the Past,” press release, September 10, 2024, [https://www.cawrecycles.org/the-latest/caexpdatesgovdesk?rq=Confusing%20Food%20Date%20Labels%20Are%20\(Almost\)%20a%20Thing%20of%20the%20Past](https://www.cawrecycles.org/the-latest/caexpdatesgovdesk?rq=Confusing%20Food%20Date%20Labels%20Are%20(Almost)%20a%20Thing%20of%20the%20Past).



also was to include the economic impacts to American ranchers of falsely labeled beef and beef products.

Four bills with similar provisions regarding the restoration of mandatory COOL for beef and pork products were introduced in the 118<sup>th</sup> Congress: S. 270, S. 271, H.R. 797, and H.R. 798. These bills would have amended the AMA to expand COOL requirements to include beef, pork, and dairy products. For example, the Farm System Reform Act of 2023 (S. 271 and H.R. 797) along with the U.S.A. Beef Act (H.R. 1604) would have limited the use of the Product of U.S.A. label claim to only meat “derived from 1 or more cattle exclusively born, raised, and slaughtered in the United States.”

The American Beef Labeling Act of 2023 (S. 52) and the Beef Origin Labeling Accountability Act (H.R. 5215) would have directed the U.S. Trade Representative, in consultation with the Secretary of Agriculture, to determine a means of reinstating mandatory COOL for beef that conforms with all applicable rules of the World Trade Organization. However, unlike H.R. 5215, S. 52 would have explicitly amended the AMA to establish COOL requirements for beef. Similar legislation has been introduced in the 119<sup>th</sup> Congress. For instance, S. 421 seeks to establish COOL requirements for beef, among other purposes.

The 119<sup>th</sup> Congress may choose to retain the status quo of no mandatory COOL requirements for beef and pork. Alternatively, Congress might consider legislation similar to the 118<sup>th</sup> Congress bills discussed above to reinstate mandatory COOL requirements or assess different approaches to refining the COOL requirements for meat and poultry products. Further, Congress may monitor the implementation of the rule finalized by FSIS on voluntary origin label claims following the January 1, 2026, effective date, in part to determine whether additional action might be of interest to foster truthful, accurate labeling of meat and poultry products.<sup>93</sup>

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<sup>93</sup> USDA, FSIS, “Voluntary Labeling of FSIS-Regulated Products with U.S.-Origin Claims,” 89 *Federal Register* 19473, March 18, 2024, <https://www.federalregister.gov/documents/2024/03/18/2024-05479/voluntary-labeling-of-fsis-regulated-products-with-us-origin-claims>.

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