

## EXEMPTIONS AND EXCLUSIONS

*Food Service Establishments are exempt from COOL requirements.* Food service establishments include restaurants, cafeterias, food stands, bars, taverns, lounges, delicatessens, salad bars or other similar facilities operating as an enterprise and providing ready-to-eat foods to the public.

*Processed foods are excluded from COOL requirements.* Processed food means a retail item derived from a covered commodity:

1. That has undergone specific processing resulting in a change of character (e.g., cooking, curing, smoking, restructuring); or
2. That has been combined with another food component.

Components such as water, salt, and sugar that enhance or represent a further step in preparation of the product for consumption are not considered additional food components, therefore foods inclusive of these ingredients will be covered commodities.

Examples of processed foods:

- Teriyaki Flavored Pork Loin
- Flank Steak with Portabella Stuffing
- Roasted Peanuts
- Breaded Chicken Tenders
- Fish Sticks
- Canned Tuna
- Fruit Bowls

## RECORDKEEPING

Retailers and their suppliers have recordkeeping responsibilities. Records used in the normal conduct of business that are legible and maintained either in hard copy format or electronic are acceptable for verification of origin claims. Upon request by United States Department of Agriculture representatives, records shall be provided to substantiate claims.

### Responsibility of Suppliers

Any person engaged in the business of supplying a covered commodity to a retailer, whether directly or indirectly (i.e., including but not limited to growers, distributors, packers, and processors), must make information available to the buyer about the country(ies) of origin of the covered commodities. Records that identify the immediate previous source (if applicable) and immediate subsequent recipient must be maintained for 1 year from the date of the transaction.

### Responsibility of Retailers

Records and other documentary evidence relied upon to establish the country of origin of covered commodities at the point of sale shall be maintained either at the store or other location.



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# COOL

## Country of Origin Labeling



**Retailers and Consumers  
November 2008**

# COOL

## Providing additional information to consumers when making decisions to purchase.

### FACTS

- Mandatory Country of Origin Labeling (COOL) became effective on September 30, 2008.
- Retail establishments that are licensed under the Perishable Agricultural Marketing Act (PACA) are required to provide COOL information to consumers.
- Covered commodities include:
  - Muscle Cuts of Beef (including veal), Pork, Lamb, Goat, and Chicken
  - Ground Beef, Ground Pork, Ground Lamb, Ground Goat, and Ground Chicken
  - Wild and Farm-Raised Fish and Shellfish
  - Perishable Agricultural Commodities (fresh and frozen fruits and vegetables)
  - Peanuts, Pecans, and Macadamia Nuts
  - Ginseng
- Interim Final Rule, 7 Code of Federal Regulations part 60, pertains to fish and shellfish regulations; Interim Final Rule, 7 CFR part 65, pertains to regulations for all other commodities.
- Meat, fruit, vegetable, nut, and ginseng covered commodities produced or packaged prior to September 30, 2008, are not affected by the rule.

### LABELING

COOL declarations must be specific and accurate. It is ultimately the retailer's responsibility to provide country of origin information to consumers.

### COOL Labeling Options

|           |         |
|-----------|---------|
| Placard   | Sign    |
| Sticker   | Band    |
| Twist Tie | Pin Tag |

The declaration must be legible and placed in a conspicuous location, so as to render it likely to be read and understood under normal conditions of purchase.

### COOL for Muscle Cuts of Meat

- A. *Product of the U.S.***—meat from animals born, raised, and slaughtered in the United States or from animals present in the United States on or prior to July 15, 2008.
- B. *Product of the U.S., Country X***—meat from animals born in Country X and raised and slaughtered in the United States. Meat from these animals were not exclusively born, raised, and slaughtered in the United States or imported for immediate slaughter.
- C. *Product of Country X, U.S.***—meat from animals imported into the United States for immediate slaughter.
- D. *Product of Country X***—foreign meat imported into the United States.

### COOL for Ground Meat

The label shall list all countries contained therein or that may be reasonably contained therein in any order. When determining what is considered reasonable, when a raw material from a specific origin is not in a processor's inventory for more than 60 days, that country shall no longer be included as a possible country of origin.

### COOL for Perishable Agricultural Commodities (PAC), Nuts & Ginseng

The origin declaration will be where the product is grown/harvested. State, regional, and locality may be used for the country of origin declaration. Examples include: *Product of the U.S.*, *Produce of the U.S.*, *Grown in the U.S.*, or *Country X*.

### COOL for Fish and Shellfish

- A. *Product of the U.S.***—covered farm-raised fish and shellfish that are hatched, raised, harvested, and processed in the United States or covered wild fish and shellfish harvested in waters of the United States or by a United States flagged vessel and processed in the United States and that have not undergone substantial transformation outside of the United States.
- B. *Product of Country X***—imported fish and shellfish that have not undergone substantial transformation in the United States as declared by U.S. Customs and Border Protection (CBP).
- C. *Product of Country X, Processed in the U.S.***—imported fish and shellfish that have undergone substantial transformation in the United States.
- D.** Fish and shellfish covered commodities must state the method of catch (wild or farm-raised) in addition to country of origin declarations.

### COOL for Commingled Commodities

Origin declarations must be specific for covered commodities of the same type that have been prepared from raw material sources having different origins that are contained within the same package. Meat covered commodities (e.g., rib eye steaks) derived from U.S. and mixed origin animals that are commingled during a production day may carry the mixed origin claim, *Product of the U.S., Country X, Country Y*. Mixed origin perishable agricultural commodities, nuts, and ginseng shall list all countries contained therein.

