

TO BE RESCINDED

901:3-31-03

False or misleading labeling or practices generally: specific prohibitions and requirements for labels and containers.

- (A) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed or filled as to be misleading.
- (B) The labels and containers of product shall comply with the following provisions, as applicable:
- (1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style", "type", or "brand", as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, state, territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or misleading: Provided, that a geographical term which has come into general usage as a trade name and which has been approved by the director as being a generic term may be used without the qualifications provided for in this paragraph. The terms "Frankfurter", "Vienna", "Bologna", "Lebanon Bologna", "Braunschweiger", "Thuringer", "Genoa", "Leona", "Berliner", "Holstein", "Goteborg", "Milan", "Polish", and their modifications, as applied to sausages, the terms "Brunswick" and "Irish" need not be accompanied with the word "style", "type", or "brand", or a statement identifying the locality in which the product is prepared.
 - (2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided, that if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, that the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall

not be labeled "farm style" or "country style", and lard not rendered in an open kettle shall not be designated as "farm style" or "country style".

- (3) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses or carcass cuts of new-crop lambs.
- (4) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or fresh (uncooked) meat and meat food products shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrapper, casings, or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color-tinted or bear red designs on fifty per cent of such wrapper or covering: Provided, that the transparent or semitransparent portion of the principal display panel is free of color tinting and red designs: And Provided Further, that the principal display panel provides at least twenty per cent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut surface of a representative slice.

- (5) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.
- (6) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be within the meaning of such term as commonly understood by consumers. The term "spice" shall be shown for all natural spices. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring", or "flavoring and coloring", as the case may be, unless such ingredients designated by its specific name.
- (7) As used on labels of product, the term "gelatin" shall mean (a) the jelly prepared in establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (b) food grade dry commercial gelatin or the jelly resulting from its use.
- (8) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the

characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to an internal temperature of at least 160°F. and baked pork cuts shall be heated to an internal temperature of at least 170°F.

- (9) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame", as the case may be, appearing as part of the product name.
- (10) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.
- (11) The word "ham", without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with the hind legs of swine. Ham shanks as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product, the term "ham" or "ham meat" shall not include the skin.
- (12) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.
- (13) Such terms as "meat extract" or "extract of beef" without qualifications shall not be used on labels of connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat may be properly labeled as extracts with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label as, for example, "fluid extract of beef".
- (14) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in regulation 901:3-31-10 there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added", "Soy Flour Added", "Soy Protein Concentrate Added", "Isolated Soy Protein Added", "Nonfat Dry Milk Added", "Calcium

Reduced Dried Skim Milk Added", or "Cereal and Nonfat Dry Milk Added", as the case may be.

- (15) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label as part of the name of the product, as for example, "Franfurters Packed in Brine", "Ham Tongue Packed in Vinegar", or "Beef Tongue Packed in Agar Jelly", as the case may be. The packing substances shall not be used in such a manner as will result in the container being so filled as to be misleading.
- (16) Cooked, cured, or pickled pigs' feet, pigs' knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case.
- (17) When approved proteolytic enzymes as permitted in regulations 901:3-31-05 through 901:3-31-07 are used on steaks or other meat cuts in an establishment, there shall appear on the label contiguous to the product name, a prominent descriptive statement, such as "Dipped in a Solution of Papain", to indicate the use of such enzymes.
- (18) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by regulations 901:3-31-05 through 901:3-31-07 shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth".
- (19) Meat of goats shall be identified as goat meat or chevon.
- (20) The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or received for transportation in commerce.

Effective: 10/27/2017

Five Year Review (FYR) Dates: 8/11/2017

CERTIFIED ELECTRONICALLY

Certification

10/17/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3715.02
Rule Amplifies: 3715.59, 3715.60, 3715.62
Prior Effective Dates: 5/11/1974