

**Notice of Enforcement by the United States Department
of Agriculture, Food Safety and Inspection Service
Regarding Imported Food Products Containing a Small Amount of Meat, Poultry, or
Processed Egg Product Ingredients**

The Food Safety and Inspection Service (FSIS) regulates domestic and imported meat, poultry, and egg products under statutory authority of the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act (EPIA). All food products for human consumption made using a small amount of meat, poultry or processed egg product ingredients for which these ingredients were not prepared under the U.S. inspection system or a certified establishment from an approved foreign food regulatory system are not eligible to enter the United States.

USDA's Animal and Plant Health Inspection Service (APHIS) regulates imports of products of animal origin under statutory authority of the Animal Health Protection Act (AHPA) to ensure they do not pose a risk to U.S. animal health. Although some food products containing a small amount of meat, poultry, or processed egg product ingredient may not pose a threat to animal health and would be eligible for an APHIS-issued permit (VS Form 16-6A), they may remain ineligible for entry into the United States because these ingredients were not prepared under inspection systems designed to ensure that these ingredients are not adulterated.

While FSIS statutes provide authority to exempt certain foods containing relatively small amounts of meat, poultry or processed egg product ingredients from FSIS inspection, FSIS must ensure that these ingredients are not adulterated. Accordingly, the meat, poultry, and/or processed egg product ingredient(s) used in FSIS-exempted products must be prepared under USDA/FSIS inspection or under a foreign inspection system approved by FSIS. A list of countries eligible to export meat, poultry or egg products to the United States (i.e., amenable food products generally composed of more than a small amount of meat or, poultry, or processed egg product ingredient, or is represented as a meat food product or poultry food product) is published on the FSIS web site at the following address:

http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf

The eligibility of the origin of the meat or poultry ingredient is a condition stated on the permit(s) issued by APHIS Veterinary Services (VS). Effective March 19, 2009, any permit issued on and after this date by APHIS will have the following condition included:

Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: 888 287 7194 for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to import meat, poultry or egg products is published on the FSIS web site at the following address:
http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf

Importers must be able to provide documented evidence, upon request by FSIS, to support the origin of the meat and/or poultry ingredient used in the food product(s) identified on the APHIS permit.

As part of an enhanced enforcement program for food products containing a small amount of meat or poultry, any new permit application submitted to APHIS after June 22, 2009, will be reviewed and approved by FSIS to ensure the meat and/or poultry ingredient originates from an eligible source. The importer will provide to FSIS the supporting documentation that is necessary to allow the food product to enter the United States. If this condition is not met, the imported food will be considered ineligible for importation into U.S. commerce. Ineligible product found in commerce may be subject to destruction.

Note that APHIS is providing a 90-day extension for any permit that expires on or before June 22, 2009. At the end of the 90-day extension, the importer will be required to submit a new application, which will comply with the conditions outlined above.

Further, the implementation of the enhanced enforcement program for products containing a small amount of processed egg products will be forthcoming and likely reflect those for product containing a small amount of meat or poultry. The effective date for food products containing small amounts of processed egg products will be provided by USDA prior to implementation.

Supporting documentation can take various forms, but as a minimum, FSIS will need documents that (1) evidence the proportion of meat, poultry, or processed egg product ingredients in the product formulation, (2) identify the country of origin of these ingredients, (3) identify the establishment where these ingredients were processed, (4) provide assurance that no other meat, poultry, or processed egg product ingredient is incorporated into the finished product, (5) evidence that the product labeling does not represent the finished product as a meat food product, poultry food product, or egg product, (6) identify of the facility where the finished product, as represented by the labeling, was manufactured, and (7) for products labeled as flavored, provide assurance that such products do not actually contain a meat, poultry, or processed egg ingredient. In addition, the valid APHIS Permit Number [or Application Reference Number] needs to be referenced on all supporting documentation.

It should be noted that this enhanced enforcement program does not include food products flavored to resemble meat, poultry or processed egg products if such food products do not actually contain a meat, poultry or processed egg product ingredient. Also, the program does not include products not intended for use as human food such pet feed or pharmaceuticals.

Questions concerning this enforcement notice may be directed to FSIS at the following e-mail address: permits@fsis.usda.gov or at Toll Free number (888-287-7194).

March 19, 2009