

Changes to Country-of-Origin Labeling Laws in the 2008 Farm Bill

Current Law

Changes in the 2008 Farm Bill

Covered Commodities

Beef, lamb, pork, farm-raised and wild fish, perishable agriculture commodities and peanuts.

Adds chicken, goat meat, macadamia nuts, pecans and ginseng to covered commodities

Labeling Requirements

• Beef, lamb and pork

- An animal that is exclusively born, raised and slaughtered the U.S. can be labeled as a product of the U.S.
- Beef which was born and raised exclusively in Hawaii or Alaska and transported through Canada for 60 days or fewer can be labeled as a product of the U.S.

• Fish

- Mandatory COOL was implemented for seafood in 2005

• Peanuts and perishable agriculture commodities

- Products must be exclusively a product of the United States to be labeled as a U.S. product.

• Beef, lamb, pork, goat meat and chicken

- A product can be labeled as a product of the U.S. if the commodity was exclusively born, raised and slaughtered in the U.S. or was born and raised exclusively in Hawaii or Alaska and transported through Canada for 60 days or fewer.
- Products from animals that were not exclusively born, raised and slaughtered in the U.S. and not imported into the U.S. for immediate slaughter must be labeled with all the countries in which the animal may have been born, raised or slaughtered.
- An animal that was imported for immediate slaughter may be labeled as a product of the importing country and the U.S.
- Animals that were born, raised and slaughtered in a foreign country will be labeled as a product of the country of origin.
- Ground products must label all the countries of origin of the product and all reasonably possible countries of origin.

• Fish

- No change

• Peanuts and perishable agriculture commodities

- No change

Verification System/Record Keeping

Any person that prepares, stores, handles or distributes a covered commodity for retail sale must maintain a recordkeeping audit trail that will allow USDA to verify compliance with the law.

A person subject to audit may verify the origin of a product using records maintained in the course of the normal conduct of the business including animal health papers, import or customs documents or producer affidavits. USDA may not require such a person to keep records other than those maintained in the normal course of business.

Enforcement

A retailer that is in violation of the law will be notified by USDA and given 30 days to come into compliance. If the retailer is found to be willfully out of compliance after 30 days, USDA may fine the retailer up to \$10,000 for each violation.

The law is amended to apply to retailers as well as people engaged in the business of supplying a covered commodity to a retailer. Fines for non-compliance will be issued after 30 days if it is found that the violator has not made a good faith effort to comply with the law and continues in willful violation. Fines cannot exceed \$1,000 per violation.

Applicability

The law will be applied to all covered commodities beginning September 30, 2008.

Animals already in the U.S. on July 15, 2008 shall be exempt from the law.