

FSIS Guideline on Kit Product Labeling

September 2021



**BBQ FLAVOR
SUPER CHICKEN KIT**

EXCELLENT SOURCE OF PROTEIN

KEEP REFRIGERATED
DO NOT FREEZE

NET WT. 4.7 OZ (133g) & 6 FL OZ (177ml)

INCLUDES:

- PETER MOYER BREADED CHICKEN
- BARBEQUE SEASONING
- CHERRY FLAVORED BEVERAGE
- FAT FREE CHOCOLATE PUDDING SNACK

4 PRE-COOKED BREADED NUGGET-SHAPED CHICKEN PATTIES, BARBEQUE SEASONING PACKET, CHERRY FLAVORED WATER BEVERAGE WITH OTHER NATURAL FLAVOR, FAT FREE CHOCOLATE PUDDING SNACK

You could win one of
over 1,000 prizes
NO PURCHASE NECESSARY
SEE SIDE PANEL
FOR DETAILS

This guideline is designed to help establishments and other food handling facilities producing a non-retail-exempt, multi-component food kit (kit product) determine:

- Whether the kit product needs to be prepared under FSIS inspection; and
- How to label a kit product that contains inspected and fully labeled meat or poultry components.



Unclai's Pizza

**MEAT LOVERS
SET-N-BAKE
PIZZAS**

Keep Refrigerated

Kit includes everything needed to make 2 Meat Lovers Pizzas
In one package: Crust, Pizza sauce, Cheese, Pepperoni, Sausage and Bacon

Net Wt. 34oz (2lb 2oz) 952g

Table of Contents

Preface.....	3
Congressional Review Act	3
Purpose.....	3
Reason for Issuing the Guideline	4
Changes from the Previous Version of the Guideline	4
How to Effectively Use the Guideline	4
Questions Regarding Topics in this Guideline	5
Background.....	6
Kit Definition Specific to this Guideline.....	6
Requirements for Assembly Without Inspection.....	6
Labeling.....	7

Preface

This is a revised version of the *FSIS Guideline on Kit Product Labeling*. FSIS updated it in response to comments received on the previous version posted on June 9, 2019. The Agency revised the guideline to announce that FSIS no longer will provide mandatory inspection services for the assembly of kits as described in this guideline, and that such kits are eligible for FSIS voluntary inspection; clarify that it does not apply to products produced under the retail exemption; clarify that kits labeled as a standardized product must meet the regulatory standard; and clarify that uninspected kits placed into shipping containers must not bear the USDA legend on the shipping container. The guideline also includes changes to improve its readability.

- This guideline represents FSIS' current thinking on these topics and should be considered usable as of its issuance. Establishments that used previous versions of the *FSIS Guideline on Kit Product Labeling* as food safety system support (9 CFR 417.5(a)(1) and 9 CFR 417.4(a)(1)) should update their procedures based on this guideline as necessary.

The information in this guideline is provided to assist meat and poultry establishments in meeting the regulatory requirements. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to industry regarding existing requirements under the regulations.

This guideline is focused on small and very small establishments in support of the Small Business Administration's initiative to provide small businesses with assistance under the Small Business Regulatory Enforcement Fairness Act (SBREFA). However, all meat and poultry establishments may apply the recommendations in this guideline. Although large plants can benefit from the information, focusing the guideline on the needs of small and very small establishments provides them with assistance that may be otherwise unavailable to them.

Congressional Review Act

Pursuant to the Congressional Review Act at 5 U.S.C. 801 *et seq.*, the Office of Information and Regulatory Affairs has determined that this guideline is not a "major rule," as defined by 5 U.S.C. 804(2).

Purpose

This guideline contains information to assist meat and poultry establishments comply with the inspection and labeling requirements of the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), and the labeling requirements in 9 CFR part 317 and 9 CFR 381 subpart N for wholesale multi-component food kits (henceforth, kit products) that contain an inspected and labeled meat or poultry component.

This guideline includes information on:

- The definition of “kits” in the context of this guideline;
- Types of kits that may be assembled without inspection; and
- Labeling requirements for kits assembled without FSIS inspection.

Reason for Issuing the Guideline

FSIS has received numerous inquiries on how kit products should be labeled to ensure compliance with FSIS regulations and policies, and whether certain kit products may be assembled without FSIS inspection. In the past, FSIS has not considered kit products that did not reference meat or poultry in the product name, such as “Stir Fry” or “Skillet Meal,” as products of the meat or poultry industry because the product name often makes no reference to meat or poultry. However, manufacturers have increasingly wanted to highlight the meat or poultry component in the coined name, e.g., “Chicken Skillet Meal” or “Gourmet Beef Dinner.” Historically, the Agency has required kit products purporting to be meat or poultry products to be assembled under FSIS inspection. After further evaluation, the Agency has determined that the act of assembling a kit product whose label makes reference to meat or poultry in its name does not need to be done under FSIS inspection, as long as certain conditions are met.

Changes from the Previous Version of the Guideline

This guideline is final. FSIS will update this guideline, as necessary, should new information become available.

FSIS made the following changes to this guideline to address the comments received on the previous version during the comment period and to include additional scientific information.

This version incorporates the following changes:

- Announce that FSIS no longer will provide mandatory inspection services for the assembly of kits as described in this guideline, and that such kits are eligible for FSIS voluntary inspection under 9 CFR 350.3(c);
- Clarify that the guideline does not apply to products produced under the retail exemption;
- Clarify that a kit named as an FSIS standardized product must meet the standard when prepared; and
- Clarify that when an official establishment places a kit assembled without FSIS inspection into a container for shipping, the establishment may not apply the USDA inspection legend to the outer container.

How to Effectively Use the Guideline

This guideline is organized to provide users with current recommendations. To use this guideline, FSIS recommends that readers use the navigation headings to move efficiently through the document sections of interest. Hyperlinks, where provided, will quickly take you to the correct place in the document electronically and are also provided to other complementary documents.

Questions Regarding Topics in this Guideline

If after reading this guideline you still have questions, FSIS recommends searching the publicly posted Knowledge Articles (“Public Q&As”) in the [askFSIS](#) database. If after searching the database, you still have questions, refer them to the Office of Policy and Program Development through [askFSIS](#) and select Labeling as the Inquiry Type or by telephone at 1-800-233-3935.

Documenting these questions helps FSIS improve and refine present and future versions of the guideline and associated issuances.

FSIS Guideline on Kit Product Labeling

Background

This guideline is for official establishments under FSIS inspection and establishments under the Food and Drug Administration's jurisdiction that plan to assemble kit products that contain an already inspected and labeled meat or poultry component in a common container or packaging marketed as a single unit. This guidance does not apply to instances in which the meat or poultry component is processed (e.g., sliced), or portioned and packaged by the facility assembling the kit, if the kit will be sold for resale, because such activities require FSIS inspection.

Kit Products

In the context of this guideline, a kit product consists of individually-packaged meat or poultry products and other food components sold together as a single unit. Examples of kit products include:

- A "Spaghetti Dinner Kit" which includes a bag of fully-cooked meatballs, a jar of marinara sauce, and uncooked spaghetti;
- A "Chicken Fiesta Kit" which includes a packet of raw, marinated chicken breast strips, flour tortillas, a can of refried beans, and a package of rice; and
- A "Nugget Lunch Kit" which includes a bag of fully-cooked nugget-shaped chicken patties, a container of cole slaw, a slice of corn bread, and a juice box.

There are many varieties of kit products, including but not limited to: wraps, pizza, stew, salads, fajitas, stroganoff, or stir fry skillet meals, that include meat or poultry components. Kit products may be marketed to provide one meal to multiple consumers, such as a "Beef Stew Kit" with multiple servings, or a kit product could be a single serving meal for one, such as an "Individual Pizza Lunch Kit" with pizza components, a brownie, and a soda. The meat or poultry items are commonly sold as fully-cooked; however, some of these items may require cooking.

Assembly Without Inspection

The Agency has determined that the act of assembling a kit product whose label makes reference to meat or poultry in its name does not need to be done under FSIS inspection, as long as the following conditions are met:

1. The meat/poultry component is prepared and separately packaged under FSIS inspection and labeled with all required features, including:
 - Product name,
 - Handling statement (e.g., Keep Refrigerated), if product is perishable,
 - USDA legend and establishment number of the official establishment that packaged and labeled the meat/poultry component,

- Name and address of the manufacturer, packer, or distributor,
 - Ingredients statement (if composed of more than one ingredient), and
 - Safe handling instructions if the meat or poultry component is not ready-to-eat;
2. The outer label for the kit product identifies all the individual components in the kit; and
 3. The outer kit label clearly identifies the product as a single unit or “kit,” such as “Chicken Barbecue Dinner Kit” or “Beef Lasagna Meal.” Although the word “kit” is not required on the label, all labeling must clearly indicate that the product consists of individual components.

If assembly of kit products occurs at an official establishment, the assembly would be performed without FSIS inspection and may be done outside the official hours of inspection. Thus, official establishments would not incur any charges for FSIS inspection or for overtime.

The assembly of kit products meeting the above conditions remains eligible for FSIS voluntary inspection as a food inspection service under 9 CFR 350.3(c). Going forward, FSIS will no longer provide mandatory inspection services for the assembly of such kits. FSIS has determined that providing inspection for these products as a voluntary food inspection service is the best use of Agency resources.

Note: The guideline does not apply to boxes of ingredients (including FSIS-inspected, fully labeled meat and poultry products) that are shipped directly to consumers to help them prepare home-cooked meals. These boxes/kits are typically prepared and packed without FSIS inspection under the retail exemption (see 9 CFR 303.1(d) and 381.10(d)). The retail exemption from FSIS inspection is unchanged by this document.

Labeling

Although FSIS will no longer conduct mandatory inspection of the assembly of the kit product, the meat or poultry component of the kit remains under FSIS’ jurisdiction and, as such, is required to meet all applicable FSIS labeling requirements, including product standards described in 9 CFR 319 and 381 Subpart P. Labels for such kit products assembled without FSIS inspection are not required to be submitted to FSIS for approval. Kit products assembled without FSIS inspection will not bear the USDA mark of inspection on the label of the common packaging containing the components of the kit. The mark of inspection, instead, would be on the label and packaging of the meat or poultry component included in the kit. When kits that were not assembled under FSIS inspection and therefore, do not bear the USDA legend, are placed into a larger container for shipping, the outer shipping container may not bear the USDA legend.



<https://www.fsis.usda.gov/contact-us/askfsis>

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