

Proposal Subject	Shucked Shellfish Labeling
Specific NSSP Guide Reference:	NSSP Model Ordinance, Chapter X. General Requirements for Dealers @.06 Shucked Shellfish Labeling A. Shellfish Labeling and B. Shucked Shellfish
Text of Proposal/ Requested Action	<p>Consistent date format on shucked shellfish.</p> <p>Modify current Model Ordinance Chapter X.06 by editing existing language:</p> <p>A. Shellfish Labeling.</p> <p>(1) If a firm stores shucked shellfish under refrigerated conditions using in-plant reusable containers, the dealer shall maintain lot integrity.</p> <p><u>(4) The dealer shall maintain lot integrity when shucked shellfish are stored using in-plant reusable containers.</u></p> <p>(2) If the shucker-packer uses returnable containers to transport shucked shellfish between dealers for the purpose of further processing or packing, the returnable containers are exempt from the labeling requirements in this section of the regulation. When returnable containers are used, the shipment shall be accompanied by a transaction record containing:</p> <p>(a) The original shuckers-packer's name and certification number;</p> <p>(b) The shucking date; and</p> <p>(c) The quantity of shellfish per container and the total number of containers.</p> <p>(3) If the dealer uses master shipping cartons, the master cartons are exempt from these labeling requirements when the individual containers within the carton are properly labeled.</p> <p>(4) At a minimum the dealer shall label each individual package containing fresh or frozen shucked shellfish meat in a legible and indelible form in accordance with CFR 21, Part 101; Part 161, Subpart B (161.30, and 161.136) and the Federal Fair Packaging and Labeling Act.</p> <p><u>(4) Each individual package containing fresh or fresh frozen shucked shellfish shall bear a permanent printed label approved by the Authority that is legibly and indelibly marked in accordance with CFR 21, Part 101; Part 161, Subpart B (161.130, and 161.136) and the Federal Fair Packaging and Labeling Act, and containing at a minimum:</u></p> <p><u>(a) The repacker's, distributor's or original shucker-packer's name and address;</u></p> <p><u>(b) The original shucker-packer's certification number; and</u></p> <p><u>(c) The repacker's certification number (if the shucked shellfish have been repacked).</u></p> <p>(5) The dealer shall assure that:</p> <p>(a) The shucker packer's or repacker's certification number is on the label of each package of fresh or frozen shellfish;</p> <p>(b) Packages containing less than 64 fluid ounces have:</p> <p>(i) A "SELL BY DATE" which is a reasonable subsequent shelf life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf life; and</p> <p>(ii) The date as a month and day of the month.</p> <p>(c) Packages containing 64 fluid ounces or more have on the lid and sidewall or bottom the "DATE SHUCKED" indicated as the number of the day of the year or the month and day of the month.</p> <p>(6) The dealer shall assure that if the product is frozen, then the year is added to the dates in §(4).</p> <p><u>(5) The dealer shall label each individual package containing less than 64 fluid ounces of fresh or fresh frozen shellfish with the following:</u></p> <p><u>(a) The words "SELL BY DATE" or "BEST IF USED BY" followed by a reasonable date when the product would be expected to reach the end of its shelf life;</u></p>

- (b) The date shall consist of the abbreviation for the month and number of the day of the month; and
 - (c) For fresh frozen shellfish, the year shall be added to the date.
 - (6) The dealer shall label each individual package containing 64 fluid ounces or more of fresh or fresh frozen shellfish with the following:
 - (a) The words "DATE SHUCKED" followed by the date shucked located on both the lid and sidewall or bottom of the container;
 - (b) The date shall consist of either the abbreviation for the month and number of the day of the month or in Julian format (YDDD), the last digit of the four digit year and the three digit number corresponding the day of the year; and
 - (c) For fresh frozen shellfish, the year shall be added to the date (for non-Julian format).
 - (7) If the dealer thaws and repacks frozen shellfish, the dealer shall label the shellfish container as previously frozen.
 - (8) If the dealer freezes fresh shucked shellfish, the dealer shall label all frozen shellfish as frozen in type of equal prominence immediately adjacent to the type of the shellfish and the year shall be added to the date (for non-Julian format).
 - ~~(8) The dealer shall provide all label information in a legible and indelible form.~~
 - (9) If the dealer uses lot codes to track shellfish containers, the lot codes shall be distinct and set apart from any date listed on the container.
- B. Shucked Shellfish. If the dealer elects to repack shellfish, the dealer shall pack and label all shellfish in accordance with §. 06 except that the original date of shucking shall be added to the new repacked container as specified in §A (6) or the original date of shucking shall be used in establishing the SELL BY DATE as specified in §A (5).

Public Health Significance:

The dates used on shucked product are one of the primary means of identifying the product. The date serves as a mechanism when initiating a product recall. Currently there is no standardized format regarding how the date will appear on the container of shucked product. This information assists in tracing the product back through the distribution system to the growing area in the event the shellfish are associated with a disease outbreak. The requirement for placing the date on the containers in a recognizable and consistent format should greatly reduce the confusion of state and federal inspectors as well as the consuming public.

Cost Information (if available):

Passage of this issue would add no additional costs to a state's program, but on the contrary will save countless hours otherwise spent verifying the accuracy of "date codes" by industry members implementing their HACCP receiving procedures and by state inspectors while in a certified firm conducting routine inspections.

Action by 2003 Task Force II

Recommended referral of Proposal 03-205 to the appropriate committee as determined by the Conference Chairman.

Action by 2003 General Assembly

Adopted recommendation of 2003 Task Force II.

Action by USFDA

Concurred with Conference Action.

Action by 2005 Processing and Handling Committee

1. Recommended adoption of Proposal 03-205 as amended
- Delete proposed .06 A (4) and maintain existing Model Ordinance language for .06 A (4)

The terms "fresh" and "fresh frozen" as used in this Proposal may need to be edited depending on the Conference action on Proposal 05-200 regarding the

definition of “raw”.

2. Recommended the adoption of Committee Chair Note:
Do not strike (5) (a) as indicated in the Proposal and renumber subsequent sections accordingly.

Consistent date format on shucked shellfish.

Modify current Model Ordinance Chapter X. 06 by editing existing language:

A. Shellfish Labeling.

- (1) The dealer shall maintain lot integrity when shucked shellfish are stored using in-plant reusable containers.
- (2) If the shucker-packer uses returnable containers to transport shucked shellfish between dealers for the purpose of further processing or packing, the returnable containers are exempt from the labeling requirements in this section of the regulation. When returnable containers are used, the shipment shall be accompanied by a transaction record containing:
 - (a) The original shuckers-packer's name and certification number;
 - (b) The shucking date; and
 - (c) The quantity of shellfish per container and the total number of containers.
- (3) If the dealer uses master shipping cartons, the master cartons are exempt from these labeling requirements when the individual containers within the carton are properly labeled.
- (4) At a minimum the dealer shall label each individual package containing fresh or frozen shucked shellfish meat in a legible and indelible form in accordance with CFR 21, Part 101; Part 161, Subpart B (161.30, and 161.136) and the Federal Fair Packaging and Labeling Act.
- (5) The dealer shall assure that:
 - (a) The shucker-packer's or repacker's certification number is on the label of each package of fresh or frozen shellfish;
 - (b) Packages containing less than 64 fluid ounces have:
 - (i) A "SELL BY DATE" which is a reasonable subsequent shelf-life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf-life; and
 - (ii) The date as a month and day of the month.
 - (c) Packages containing 64 fluid ounces or more have on the lid and sidewall or bottom the "DATE SHUCKED" indicated as the number of the day of the year or the month and day of the month.
- (6) The dealer shall label each individual package containing less than 64 fluid ounces of fresh or fresh frozen shellfish with the following:
 - (a) The words “SELL BY DATE” or “BEST IF USED BY” followed by a reasonable date when the product would be expected to reach the end of its shelf life;
 - (b) The date shall consist of the abbreviation for the month and number of the day of the month; and
 - (c) For fresh frozen shellfish, the year shall be added to the date.
- (7) The dealer shall label each individual package containing 64 fluid ounces or more of fresh or fresh frozen shellfish with the following:
 - (a) The words “DATE SHUCKED” followed by the date shucked located on both the lid and sidewall or bottom of the container;
 - (b) The date shall consist of either the abbreviation for the month and number of the day of the month or in Julian format (YDDD), the last digit of the four digit year and the three digit number corresponding the day of the year; and
 - (c) For fresh frozen shellfish, the year shall be added to the date (for non-Julian format).

- (8) If the dealer thaws and repacks frozen shellfish, the dealer shall label the shellfish container as previously frozen.
- (9) If the dealer freezes fresh shucked shellfish, the dealer shall label all frozen shellfish as frozen in type of equal prominence immediately adjacent to the type of the shellfish and the year shall be added to the date (for non-Julian format).
- (10) If the dealer uses lot codes to track shellfish containers, the lot codes shall be distinct and set apart from any date listed on the container.

B. Shucked Shellfish. If the dealer elects to repack shellfish, the dealer shall pack and label all shellfish in accordance with §. 06 except that the original date of shucking shall be added to the new repacked container as specified in §A (6) or the original date of shucking shall be used in establishing the SELL BY DATE as specified in §A (5).

Action by 2005 Task Force II

Recommended adoption of Processing and Handling Committee recommendation on Proposal 03-205 as amended.

- (6) The dealer shall label each individual package containing less than 64 fluid ounces of fresh or fresh frozen shellfish with the following:
 - (a) The words “SELL BY ~~DATE~~” or “BEST IF USED BY” followed by a reasonable date when the product would be expected to reach the end of its shelf life;

Action by 2005 General Assembly

Adopted recommendation of 2005 Task Force II.

Action by USFDA

Concurred with Conference action.

-