Proposal for Consideration at the Interstate Shellfish Sanitation Conference 2011 Biennial Meeting	☐ Growing Area ☒ Harvesting/Handling/Distribution ☐ Administrative
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Proposal Subject:	In-Shell Product Labeling and the Use of Shellstock Tags
Specific NSSP Guide Reference:	Section II. Model Ordinance Chapter X. General Requirements for Dealers .07 In-Shell Product or Post Harvest Processed In-Shell Labeling
Key Words:	In-Shell Product Labeling
Text of Proposal/ Requested Action:	A. The dealer shall label all in-shell product. ~~with tags meeting the requirements of Chapter X .05. B. (1).~~ B. In-Shell Product ~~Tags~~ Labels. C. (1) The dealer ~~tag~~ label on in-shell product shall contain the following indelible, legible information ~~in the order specified~~ below: (a) The dealer's name and address; (b) The dealer's certification number as assigned by the Authority; (c) The original shellstock shipper's certification number. ~~If depurated the original shellstock shipper's certification number is not required;~~ (d) 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. The date shall include, month, day and year; (e) ~~If depurated, the depuration cycle number or lot number;~~ (f) The most precise identification of the harvest location as is practicable including the initials of the state of harvest, and the Authority's designation of the growing area by indexing, administrative or geographic designation. If the Authority has not indexed growing areas, then an appropriate geographical or administrative designation must be used (e.g. Long Bay, Decadent County, lease number, bed, or lot number). (g) ~~When the in-shell product has been transported across state lines and placed in wet storage in a dealer's operation, the statement: "THIS PRODUCT IS A PRODUCT OF (NAME AND STATE) AND WAS WET STORED AT (FACILITY CERTIFICATION NUMBER) FROM (DATE) TO (DATE)";~~

(h) The type and quantity of in-shell product; and

(i) ~~The following statement in bold capitalized type on each tag:~~ **~~"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS."~~**

(j) All in-shell product intended for raw consumption shall include a consumer advisory. The following statement, from Section 3-603.11 of the Current Food Code, or an equivalent statement, shall be included on all shellstock: "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

(k) ~~The statement "Keep Refrigerated" or an equivalent statement must be included on the tag.~~

(l) At a minimum the dealer shall label each individual container 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.

~~oIf the in-shell product is removed from the original container, the tag on the new container shall meet the requirements in §.07B.~~

~~(3)~~(2) Country of origin information (USDA 2004) may be included on the ~~shucker-packer or reshipper tag~~ label.

~~(4)~~(3) When in-shell product intended for retail sale are packed in containers of 5 pounds or less and shipped in a master container which includes a tag in compliance with Chapter X .05 B. (1), the individual containers of 5 pounds or less shall not require tags as specified in Chapter X .05 B. (1) but may be labeled in some other manner with indelible, legible, information which at a minimum is adequate to trace the in-shell shellfish back to the lot of in-shell product it is part of. Consumer advisory information identified in Chapter X .07 B. (1) (j) shall be included on each retail package.

NOTE: A transition period of up to twelve (12) months should be allowed to allow dealer to utilize their current inventory of shellfish and supplies before the new labeling requirements must be met.

~~NOTE: The Consumer Advisory shall be required for both A and B.~~

| **Public Health Significance:** | Shellfish dealers are required by the NSSP to tag or label shellfish to ensure that shellfish are from an approved source and in the event of a shellfish related illness, tags, labels and records provide for trace ability. In-shell product is defined as "non-living, processed shellfish with one or both shells present." In 2007 the ISSC amended the Model Ordinance to require dealers to label in-shell product with shellstock tags. In-shell product is packaged differently than live shellstock and is often individually quick frozen (IQF), and packed in sealed containers. Since the inception of this requirement in 2007, the Virginia Division of Shellfish Sanitation has routinely found |

	in-shell oysters from Texas and Mississippi and in-shell mussels from New Zealand at Reshipper and Shellstock Shipper facilities without tags. The labels provided on these containers have had varying degrees of the required information. The Texas and Mississippi Authorities were notified as well as the ISSC Executive Office and the FDA. As a result of notifying the FDA, the Virginia Division of Shellfish Sanitation received a response via email from Paul DiStefano stating, "FDA does not consider it necessary to oppose the fact that the labeling is on the box and not a tag. As long as all the labeling information is there FDA would consider that acceptable." In light of this correspondence and interpretation by the FDA, Virginia Division of Shellfish Sanitation proposes to allow for labels to be used on in-shell product.
Cost Information (if available):	