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Reclassification of Ready-to-Eat product as Not Ready-to-Eat

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Can an establishment reclassify a ready-to-eat (RTE) product as Not RTE (NRTE) in its HACCP plan by following the product reclassification guidance in Attachment 1.2 on pages 22-23 and Appendix 1.2 on pages 28-29 of the 2014 FSIS Compliance Guideline: Controlling Listeria monocytogenes in Post-lethality Exposed Ready-to-Eat Meat and Poultry Products?

Yes. An establishment may reclassify a RTE product as NRTE, as long as it is not defined by a standard identity (e.g., hot dogs or barbeque) as a fully-cooked product according to 9 CFR 319 or 381 or by a common or usual name as fully cooked. In order to reclassify the product as NRTE, an establishment may follow the guidance in Attachment 1.2 on pages 22-23 and Appendix 1.2 on pages 28-29 of the Compliance Guidelines. Among the recommendations in the guidelines, the establishment would need to ensure that the following are addressed:

- Labeling. The label must accurately represent the product as one that is NRTE and requires cooking for safety so that the product label is accurate and not misleading in compliance with 9 CFR 317.8 and 381.129. For example, use of the terms "Baked" or "Broiled" on a the label of a NRTE product (e.g., "baked chicken") would be false and misleading because they indicate that the product is cooked and, therefore, suggest the product is RTE. Guidance on the labeling of RTE and NRTE products is included in Appendix 1.2 on pages 29-29 of the Compliance Guidelines.

- HACCP category. As explained in FSIS PHIS Directive 5,300.1 Managing the Establishment Profile in the Public Health Information System (PHIS) Attachment 1: HACCP Processing Categories, FSIS expects that products in the Fully-Cooked Not Shelf Stable processing category are RTE; therefore, categorizing the product in a Fully-Cooked Not Shelf Stable HACCP processing category would not be consistent with a NRTE product.

- Intended use. In addition to clearly stating the intended use in the flow chart or hazard analysis according to 9 CFR 417.2(a)(2), in order to be consistent with a NRTE product, establishments should also describe the customary preparation practices for the safe consumption of the product and the basis for the establishment's determination that these practices constitute customary preparation