

**Conference for Food Protection  
2018 Issue Form**

**Issue: 2018 I-012**

**Council Recommendation:** Accepted as Submitted \_\_\_\_\_ Accepted as Amended \_\_\_\_\_ No Action \_\_\_\_\_

**Delegate Action:** Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

*All information above the line is for conference use only.*

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**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code - Harmonize Labeling for Mechanically Tenderized Beef

**Issue you would like the Conference to consider:**

In 2016, the Food Safety Inspection Service (FSIS) published a final rule requiring raw or partially cooked beef that is mechanically tenderized using a needle or blade, and products injected with marinade or enhancement solutions to be labeled unless such product is destined to be fully cooked or to receive another full lethality treatment. The 2013 Food Code does not reflect the implementation or enforcement of the new labeling requirements.

**Public Health Significance:**

Since 2000, there have been six confirmed outbreaks of E. coli O157:H7 associated with undercooked needle or blade tenderized beef products in the United States. Due to the increased risk of foodborne illness associated with undercooking of non-intact beef products, different cooking instructions requiring a greater time/temperature combination than intact beef products, are needed. Consumers may not be able to visually tell that raw or partially cooked beef products have been manipulated in a way that increases the risks associated with the product and therefore a label is critical to consumer safety.

A paper accepted to Food Protection Trends titled "Prevalence and Conditions of Mechanical Tenderization and Enhancement of Beef at Independent and Minor Chain Meat Retailers in North Carolina" suggests that mechanical tenderization occurs at retail at rates higher than FSIS has previously estimated. While retailers that are mechanically tenderizing beef in ways described by 9 CFR Part 317 Docket No. FSIS-2008-0017 (Descriptive Designation for Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Products) are now required to label these products as such, the enforcement of food protection in these retail facilities is conducted by local health departments, who in many jurisdictions in the U.S. employ a version of the FDA's Food Code which does not currently include the newly effective labeling requirements.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA requesting Section 3-602.11 B of the most current edition of the Food Code be amended as follows (new language is underlined):

(8) Packaged products sold to consumers that meet the descriptive designation "mechanically tenderized," "blade tenderized," or "needle tenderized" must be listed on the labels of raw or partially cooked needle- or blade-tenderized beef including beef products injected with a marinade or solution. The product names of the affected products will have to include the descriptive designation "mechanically tenderized," "blade tenderized," or "needle tenderized" and an accurate description of the beef component. The print for all words in the descriptive designation and the product name will have to be in a single easy-to-read type style and color and must appear on a single-color contrasting background. The print may appear in upper and lower case letters, with the lower case letters not smaller than one-third (1/3) the size of the largest letter. In addition, the labels of raw and partially cooked needle - or blade - tenderized beef products destined for household consumers, shall bear validated cooking instructions. The instructions will have to specify the minimum internal temperatures and any hold or "dwell" times for the products to ensure that they are fully cooked.

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**Supporting Attachments:**

- "9 CFR Part 317 Docket No. FSIS–2008–0017"
- "Food Protection Trends Article- Arnold et al. 2018"

*It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*