

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATION

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Agriculture
(Agency or Board)

Regulation No. Agr 1685 (new)

Subject: Labeling of Certain Meat Cuts

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

DEC 4 1973 11:35 am

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 12-4-73

Rev. 9-72

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT of Agriculture

Office Memorandum

TO : J. Patrick Wilcox
Office of the Attorney General
Department of Administration

DATE: November 21, 1973

FROM : Thomas Kalitowski
Special Assistant Attorney General

SUBJECT: DEPARTMENT OF AGRICULTURE RULES RELATING TO NOMENCLATURE AND LABELING OF CERTAIN MEAT CUTS

Please find attached the following sets of documents relating to the subject:

Set No. 1:

1. Copy of Amendments/New Rules to be Adopted

2. (a) Statement of Compliance with Rule Making Procedures
   (b) Order of Hearing
   (c) Statement of Need
   (d) Notice of Hearing
   (e) Regulation as Proposed at Hearing
   (f) Affidavit of acquisition of the Secretary of State's mailing list
   (g) Affidavit of mailing
   (h) Finding of Fact
   (i) Order Adopting Rules

3. Transcript of Public Hearing and hearing mailing list

Sets No. 2 and No. 3:

1. Copy of Amendments/New Rules to be Adopted

2. Items (a) through (i) as listed above

Sets No. 4 and No. 5:

1. Copy of Amendments/New Rules to be Adopted

TK/jb
Enclosures

RULES AND REGULATIONS RELATING TO NOMENCLATURE AND LABELING OF CERTAIN MEAT CUTS OF BEEF, PORK, LAMB AND VEAL. AMENDING DEPARTMENT OF AGRICULTURE REGULATIONS, CHAPTER 77, AGR 1680-1699

Department of Agriculture Regulations, Chapter 77, Agr 1680-1699 are amended by adding the following provisions.

AGR 1685. LABELING PREPACKAGED RETAIL MEAT CUTS DISPLAYED FOR SALE.

(a) Species of Meat. The species of meat shall be declared on each retail meat cut label and shall be the leading term of the name of the product.

(b) Primal, Sub-Primal or Wholesale Meat Cut. The primal, sub-primal or wholesale meat cut from which the retail meat cut is derived shall be declared on the product label as part of the name of the product and shall be declared immediately following the species of meat.

(c) Names of primal, sub-primal or wholesale meat cuts are:

(1) Beef - Chuck, Rib, Loin, Round, Shank, Plate, Brisket, Flank.

(2) Pork - Shoulder, Loin, Leg.

(3) Veal - Shoulder, Rib, Loin, Leg, Breast, Shank.

(4) Lamb - Shoulder, Breast, Shank, Rib, Loin, Leg.

(d) The provisions of (a) do not apply to: side pork, bacon, ham, Canadian style bacon, salt pork.

(e) The provisions of (b) do not apply to: ground meat, cubed meat, cube steak, meat for stew, cutlets, soup bones, neck bones, hocks, feet, spare ribs, side pork, jowl, bacon, ham, Canadian style bacon, salt pork.

(f) Name of the Retail Meat Cut.

(1) The name of the primal cut on the label shall be followed by a name which accurately describes the retail cut derived therefrom. For example:

BEEF PLATE SHORT RIBS	PORK LOIN BLADE ROAST	VEAL LEG SIRLOIN ROAST
BEEF LOIN SIRLOIN STEAK	PORK LOIN SIRLOIN ROAST	BEEF ROUND TIP STEAK
BEEF ROUND STEAK	BEEF CHUCK ROAST	BEEF RIB STEAK

(2) Fanciful or distinctive names or terms including, but not limited to, "Family", "His and Hers", "Manhattan", "Premium", "Sandwich", "Bronco", "Penthouse", "Charcoal", "Ranch", "Texas", "Dinner", "Minute", "Pan", "Hollywood", "Delmonico", "New York", "California", "Bread and Butter", "Saratoga", "Boston", "English", shall not be used as the name or as part of the name of a retail meat cut on a primary or price meat cut label or on a placard used to identify retail meat cuts displayed for sale.

(3) The meat cut identification requirements of these regulations shall be considered as having been met if the retail meat cut label complies with the meat cut definitions and nomenclature of Chapter II of the "Uniform Retail Meat Identity Standards" of the National Live Stock and Meat Board provided, that identification of ground beef products shall be as required by Minnesota regulations; and provided further, that special or distinctive names for pretendered retail meat cuts are not permitted.

(4) If a specific name from the "Uniform Retail Meat Identity Standards" is used to identify a retail meat cut, it must conform to the cut listed therein.

(g) Placards, if used to identify unpackaged meat cuts shall not include fanciful names prohibited by these regulations.

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
DEC 4 1973 11:35 am
BY Edna Staudenmaier
AUTH. SIGNATURE

Agr 1686-1699. Reserved for future use.

Approved as to form and legality
Warren Spannaus, Atty. Gen.
By: J. Patrick Wilcox
Dec. 9, 1973

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 4 - 1973 11:30 am
Arlen I. Erdahl
Secretary of State

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Thomas Kalitowski do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Thomas Kalitowski

Special Assistant Attorney General

Dated: November 21, 1973

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

ORDER OF HEARING

To effectively implement the naming and labeling of certain retail cuts of meat, the Minnesota Commissioner of Agriculture deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by M.S. 1971, Section 31.12.

NOW, THEREFORE, IT IS ORDERED this 20th day of August, 1973, that a public hearing on the proposed rules captioned above be held in conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, on Tuesday, October 2, 1973, commencing at 10 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

STATEMENT OF NEED

The above captioned rules are additions to existing rules of the Minnesota Department of Agriculture.

The need to adopt these rules arises because consumers have complained that there are a multiplicity of fanciful names being used to describe the same retail cuts of meat thereby leading to confusion in the market place and, therefore, that a uniform nomenclature be developed to describe retail cuts of meat.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1971, Section 15.0412, Subdivision 4, in the above entitled matter in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, October 2, 1973, commencing at 10 A.M., and continuing until all persons have had an opportunity to be heard concerning the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed rules is attached hereto.

Dated August 22, 1973

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

PROPOSED

RULES AND REGULATIONS RELATING TO NOMENCLATURE AND LABELING OF CERTAIN MEAT CUTS OF BEEF, PORK, LAMB AND VEAL. AMENDING DEPARTMENT OF AGRICULTURE REGULATIONS, CHAPTER 77, AGR 1630-1699.

Department of Agriculture Regulations, Chapter 77, Agr 1680-1699 are amended by adding the following provisions:

AGR 1635 LABELING RETAIL MEAT CUTS

(a) Species of Meat. The species of meat shall be declared on each retail meat cut label and shall be the leading term of the name of the product.

(b) Primal, Sub-Primal or Wholesale Meat Cut. The primal, sub-primal or wholesale meat cut from which the retail meat cut is derived shall be declared on the product label as part of the name of the product and shall be declared immediately following the species of meat.

(c) Names of primal, sub-primal or wholesale meat cuts are:

(1) Beef - Chuck, Rib, Loin, Round, Shank, Plate, Brisket, Flank.

(2) Pork - Shoulder, Loin, Leg.

(3) Veal - Shoulder, Rib, Loin, Leg, Breast, Shank.

(4) Lamb - Shoulder, Breast, Shank, Rib, Loin, Leg.

(d) The provisions of (b) do not apply to: ground meat, cubed meat, cube steak, meat for stew, cutlets, soup bones, neck bones, hocks, feet, spare ribs, side pork, jowl, bacon, ham, Canadian style bacon.

(e) Name of the Retail Meat Cut.

(1) The name of the primal cut on the label shall be followed by a name which accurately describes the retail cut derived therefrom. For example:

BEEF PLATE SHORT RIBS	PORK LOIN BLADE ROAST	VEAL LEG SIRLOIN ROAST
BEEF LOIN SIRLOIN STEAK	PORK LOIN SIRLOIN ROAST	

(2) Fanciful names or terms including, but not limited to, 'Family", "His and Hers", 'Manhattan', 'Premium', 'Sandwich', 'Bronco', 'Penthouse', 'Charcoal', "Ranch", 'Texas', 'Dinner', 'Minute', "Pan', 'Hollywood", 'Delmonico', 'New York', 'California', 'Bread and Butter', 'Saratoga', 'Boston', "English", shall not be used as the name or as part of the name of a retail meat cut on a meat cut label or on a placard used to identify retail meat cuts displayed for sale.

(3) The meat cut identification requirements of these regulations shall be considered as having been met if the retail meat cut label complies with the meat cut definitions and nomenclature of the 'Uniform Retail Meat Identity Standards" of the National Live Stock and Meat Board.

(f) Unpackaged meat cuts displayed for retail sale shall be identified with a placard on or in the product. Placards used to identify unpackaged meat cuts shall include all information required by these regulations.

Agr 1686-1699 Reserved for future use.

Filed

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

I hereby certify that the attached 275 labels & two sheets constitute the complete list of persons, associations, and other interested groups who as of 2:45 o'clock P.M., this 21st day of August, 1973, have requested pursuant to M.S. 1971, 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Ceil Dion

AFFIDAVIT

Jean Brezinski, being duly sworn on oath deposes and says:

1) That She is an employee of the Agriculture Department of the State of Minnesota.

2) That on the 21st day of August, She went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations and other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 21st day of August, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Jean Brezinski

Subscribed and sworn to before me
this 27th day of Aug 1973.
Emma Copeland

Notary Public,
Ramsey County, Minnesota
My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

AFFIDAVIT OF MAILING

Joyce L. Walkosz, being first duly sworn, deposes and says:

That on the 22nd day of August, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addressed listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Joyce L. Walkosz

Subscribed and sworn to before me this 22nd day of August, 1973.

Emma Copeland

Notary Public
Ramsey County, Minnesota
My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

FINDINGS OF FACT

The above entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the second day of October, 1973, at 10:00 A.M. in Conference Room D, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. That there is a multiplicity of fanciful names being used on the labels of the retail cuts of beef, pork, lamb and veal.

2. That these names tend to confuse the consumer who is unable to determine the primal cut from which the retail cut was taken and so cannot determine what procedure to use in preparation of the meat or the relative value of the meat.

3. That the unrestricted use of fanciful names on the labels of retail cuts of meat may lead to misrepresentation of the product.

4. That naming the species of meat, the primal, sub-primal, or wholesale meat cut from which the retail cut is derived as well as the retail cut itself will serve to reduce consumer confusion (and aid the consumer in proper preparation of the specific meat cut).

5. That prohibiting the use of fanciful names will promote the use of defined names for retail cuts.

6. That adoption of the above-entitled rules will accomplish uniformity and reduce consumer confusion.

7. That adoption of these rules will promote more orderly marketing of meat at retail and will protect Minnesota consumers.

8. That the rules will provide the department of agriculture with a useful enforcement tool that not only will help to protect consumers, but one which will be uniform with the labeling standards proposed by the "Industrywide Cooperative Meat Identification Standards Committee" of the National Livestock and Meat Board and which will afford meat retailers a uniform labeling standard.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Adoption of Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the second day of October, 1973, at 10:00 A.M. in Conference Room D, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and to all members of the Minnesota Legislature.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules of the State Department of Agriculture Relating to Nomenclature and Labeling of Certain Meat Cuts of Beef, Pork, Lamb and Veal, are adopted this _____ day of November, 1973, pursuant to the authority vested in me by M.S. 1971, Sections 15.0412 and 31.12.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE