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USDA Clarifies MAVs

By Kathy Dresser

In the August 2004 issue of this newsletter an article was published that advised weights and measures officials to apply the USDA lower limits in Table 2-9, "USDA Meat and Poultry Groups and Lower Limits for Individual Packages," to meat and poultry products that bear a USDA seal.

After the August article was published, some states questioned the accuracy of that information based on their interpretation of USDA regulations. To resolve those concerns NIST asked the USDA if the guidance included in Handbook 133 regarding the use of the USDA lower limits in Table 2-9 was consistent with USDA regulations. The USDA responded that NIST Handbook 133 is correct in advising officials to apply Table 2-9 to all meat and poultry products that bear a USDA seal. Based on this information NIST encourages all jurisdictions to adhere to the following guidance from the USDA regarding the application of Table 2-9 to meat and poultry products:

- If the package bears a USDA seal, apply the USDA lower limits in Handbook 133 Table 2-9.
- If the package does **not** bear a USDA seal, apply the regular MAVs in Handbook 133 Tables 2-5 and 2-6, as appropriate.

For more than 10 years NIST has worked with the NCWM and the USDA to facilitate the uniform application of USDA requirements by state and local weights and measures officials to meat and poultry products that fall under USDA jurisdiction. USDA regulations preempt state and local requirements in the area of net contents, and therefore state and local weights and measures officials should follow USDA guidance when inspecting products that fall under USDA jurisdiction.

Table 2-9 was adopted by the NCWM and incorporated into NIST Handbook 133 to provide state and local officials with the correct standard to apply to meat and poultry products subject to USDA jurisdiction. Handbook 133 instructs inspectors to apply Table 2-9 to all meat and poultry packages that bear a USDA seal. According the USDA Food Safety and Inspection Service, products that bear a USDA seal, regardless of other factors that may intervene, fall under USDA jurisdiction and should have the USDA lower limits applied to them.

For further information on NIST Handbook 133 contact Kathy Dresser at 301-975-3289 or by email at kathryn.dresser@nist.gov.

For further information on USDA regulations related to net quantity labeling contact the USDA, FSIS, OPPED; Labeling and Consumer Protection Staff by phone at 202-205-0279, by fax at 202-205-3625, or by email at fsis.labeling@fsis.usda.gov.