COOL for Consumers
(Country of Origin Labeling)

Why COOL?

Country of Origin Labeling (COOL) has been in the works for a long time. At the beginning, it was intended as a way to promote U.S. products, not as a food safety tool. But recent incidents of food problems, such as salmonella in peppers from Mexico and China’s milk scandal have prompted more consumers to question the safety of their food. The use of COOL will not guarantee the safety since contamination is also found in foods produced in the U.S., but it will allow consumers to choose.

Food safety groups have hailed COOL as a needed step for consumer education and buying choices. In a poll conducted by Consumers Union in 2007, 92% of consumers wanted to know the country of origin when they bought food.

The law covers fresh meats, and other perishable items, such as fruit and a variety of nuts.

Consumers who want to buy local will be able to more easily do so. Those who want to avoid, or choose, food from a specific country will also have a better chance of making that choice work.

The new law is not without criticism by consumer and industry groups. Some decry the large group of exempted products, others the cost and difficulty implementing the program, and still others the probability that the labels will actually make a difference.

Basic requirements of COOL

COOL requires retailers with annual sales of $230,000 or more to post the country of origin (including the United States) of covered foods by October 1, 2008. Companies will have until March 30, 2009, before fines are issued for not complying with the law.

The United States Department of Agriculture’s (USDA) Agricultural Marketing Service (AMS) has been given the responsibility of enforcing COOL regulations.

October 29, 2008

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Looking for COOL

The law provides retailers with a variety of options for marking commodities, including placards, signs, labels, stickers, bands, twist ties, pin tags, and other formats. Country of origin declarations may also be in the form of a checkbox on the master container.

Many retailers are asking or requiring their suppliers to pre-label products. When stickers are used on individual items, USDA encourages retailers to supplement stickers with point-of-purchase placards and other signs as a way to more clearly indicate information to consumers, because the effectiveness of stickers is not 100%.

Effective date for COOL

The interim final rule for mandatory COOL for the remaining covered commodities that was published on August 1, 2008, took effect on September 30, 2008. The requirements of this rule do not apply to covered commodities produced or packaged before September 30, 2008. In addition, USDA will not begin fining companies whose products don’t have the required label until March 2009. After that violations can result in a $1,000 fine.

Some fresh produce already uses origin labeling as advertising. Those tags, such as “Fresh from Florida,” or “Grown in Oklahoma,” don’t have to be changed. The consumer will know the foods are U.S. products.

When food comes from more than one source

There is uncertainty about what will happen to foods when one company buys food from more than one country. Tyson Fresh Meats says it is too expensive to separate which of its cattle came from the U.S., Mexico or Canada so in a July letter to customers Tyson said it would label all beef “Product of the U.S., Canada or Mexico.” USDA is considering this as an option.
COOL exceptions

**Processed foods** do not require COOL labeling. Foods that are considered processed included those that are cooked or substantially altered in preparation. Examples include teriyaki flavored pork loin, breaded chicken tenders, and marinated chicken breast.

**Mixed foods** do not have to be labeled, such as imported cantaloupes mixed with U.S. watermelon, salad mixes with lettuce and carrots, or frozen peas mixed with frozen carrots.

**Small retail stores and vendors:** Retailers are required to provide COOL information when the invoice cost of all purchases of perishable agricultural commodities exceeds $230,000 during a calendar year. The term perishable agricultural commodity means fresh and frozen fruits and vegetables.

**Food service establishments** are exempt from COOL. The term “food service establishment” means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or similar facility operated as an enterprise engaged in the business of selling food to the public. Similar food service facilities include salad bars, delicatessens, and other food enterprises located within retail establishments that provide ready-to-eat foods that are eaten either on or outside of the retailer’s premises.

<table>
<thead>
<tr>
<th>COOL Required</th>
<th>Exempt from COOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meat sold in supermarkets.</td>
<td>Meat sold in butcher shops. Labeling is only required in stores that purchase a certain minimum amount ($230,000) of fresh or frozen produce a year. Butchers do not purchase any produce, so meat sold by them is exempt.</td>
</tr>
<tr>
<td>Fish sold in supermarkets.</td>
<td>Fish sold in fish markets. Labeling is only required in stores that purchase a certain minimum amount ($230,000) of fresh or frozen produce a year. Fish markets do not purchase any produce, so fish sold there is exempt.</td>
</tr>
<tr>
<td>Raw peanuts</td>
<td>Roasted peanuts, peanut butter (processed food is exempt).*</td>
</tr>
<tr>
<td>Pork chops</td>
<td>Ham and Bacon (processed food is exempt).*</td>
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<tr>
<td>Sliced cantaloupe</td>
<td>Fruit Salad (mixtures are exempt).*</td>
</tr>
<tr>
<td>Raw almonds</td>
<td>Trail Mix (mixtures are exempt).*</td>
</tr>
<tr>
<td>Frozen carrots</td>
<td>Frozen peas and carrots (mixtures are exempt).*</td>
</tr>
<tr>
<td>Raw shrimp</td>
<td>Cooked shrimp (cooking is considered processing, which is exempt).*</td>
</tr>
<tr>
<td>Fresh salmon</td>
<td>Smoked salmon (smoking is considered processing, which is exempt).*</td>
</tr>
<tr>
<td>Frozen peas</td>
<td>Canned peas (processed food is exempt).*</td>
</tr>
<tr>
<td>Bagged lettuce</td>
<td>Bagged Mixed Salad Greens (mixtures are exempt).*</td>
</tr>
<tr>
<td>Lettuce in produce section</td>
<td>Lettuce in salad bars (restaurants are exempt, including supermarket salad bars).</td>
</tr>
</tbody>
</table>

*Except if packaged or canned abroad, in which case COOL is required, under older laws.

Source: Consumers Union at http://www.consumersunion.org/
On May 13, 2002, the Farm Security and Rural Investment Act of 2002, more commonly known as the 2002 Farm Bill, became law. One of its provisions required country of origin labeling (COOL) for beef, lamb, pork, fish, perishable agricultural commodities, and peanuts.


As described in the legislation, program implementation is the responsibility of USDA’s Agricultural Marketing Service. The recently enacted Food, Conservation and Energy Act of 2008 (2008 Farm Bill) expanded the list of covered commodities to include chicken, goat meat, ginseng, pecans and macadamia nuts.

Sources: