

Chapter 4

Labeling

Section 1. Labels.

(a) Food packaged in an establishment shall be labeled as specified in law, including 21 CFR 101 Food Labeling, as amended, and 9 CFR 317 Labeling, Marking Devices, and Containers, as amended.

(b) Label information shall include:

(i) The common name of the food, or absent a common name, an adequately descriptive identity statement;

(ii) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;

(iii) An accurate declaration of the quantity of contents;

(iv) The name and place of business of the manufacturer, packer, or distributor; and

(v) Except as exempted in the Federal Food, Drug, and Cosmetic Act 403(Q)(3)-(5), as amended, nutrition labeling as specified in 21 CFR 101 Food Labeling, as amended, and 9 CFR 317 Subpart B Nutrition Labeling, as amended.

(c) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

(i) The manufacturer's or processor's label that was provided with the food;
or

(ii) A card, sign, or other method of notification that includes the information specified under chapter 4, section 1(b)(i), (ii), and (v).

(d) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:

(i) A health, nutrient content, or other claim is not made;

(ii) There are no state or local laws requiring labeling; and

(iii) The food is manufactured or prepared on the premises of the establishment or at another establishment or a processing plant that is owned by the same person and is regulated by the regulatory authority.

Section 2. Imported Meat Labeling; Requirements and Inspections.

(a) Pursuant to W.S. 35-7-119(e)(i),(ii) and (iii), every retailer and every wholesaler who sells or offers for sale in this state through an establishment or otherwise any meat, which is the product of any country foreign to the United States, shall clearly label the meat as “imported,” naming the country of its origin. As used in this subsection:

(i) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing, but shall not include the muscle found in the lips, snout or ears, nor any edible part of the muscle which has been manufactured, cured, smoked, cooked or processed;

(ii) "Retailer" means a person regularly engaged in the business of selling meat at retail to the public, and selling only to the user or consumer and not for resale;

(iii) "Wholesaler" means a person regularly engaged in the business of selling meat at wholesale to retailers for subsequent sale at retail to the public.

(b) The following labeling requirements shall be required:

(i) Meat from a foreign country received from a wholesaler or distributor will be clearly and distinctly marked to identify the meat or the meat package as being imported and specify country of origin.

(A) This label can be of any size or configuration as long as it is clearly visible and readable when viewing the primary product label; and

(B) If this meat is intended for retail sale in its original package it shall meet the requirements of chapter 4, section 2(b)(ii).

(ii) Meat that is offered for retail sale shall have a label attached indicating “Imported” and stating the country of origin.

(A) This label will be placed on the sale package or product in close proximity to the product label or incorporated into the product label so as to be readily visible when the product package is properly displayed for sale.

(I) The letter size of the words “Imported” and country of origin shall be the same size or larger than the letters in the product label;

(II) The coloring of this import label shall be contrasting to the color of the product or package it is adhered to or embossed on so as to be distinctly visible; and

(III) If raw product is displayed in an unpackaged form and displayed in a retail case, a visible placard stating the foreign country of said product may be used in lieu of a label.

(c) Inspectors of the Wyoming department of agriculture shall, as part of their routine evaluations of wholesale and retail establishments, inspect the meat and containers of raw meat received by the establishment to verify that meat received which is the product of any country foreign to the United States is clearly labeled to identify the product as "Imported" and the country of origin is properly named.

(i) Meat received from a wholesaler or distributor and identified as originating from a country foreign to the United States, and not falling under any of the exemptions as specified in chapter 4, section 3, will be evaluated as to proper labeling as specified in chapter 4, section 2.

(ii) Meat defined in chapter 4, section 2(c)(i), that is to be repackaged and sold to the public shall be labeled as prescribed in chapter 4, section 2(b)(ii).

Section 3. Exemptions Pertaining to Imported Meat Labeling.

(a) Ground meat products such as ground beef, ground pork, ground poultry or any comminuted meat product shall be exempt from imported meat labeling requirements.

(b) Meats prepared and served for consumer consumption in a food service establishment shall be exempt from imported meat labeling requirements.

Section 4. Official Marks, Devices, Marking Products and Their Containers.

(a) The official inspection legend, marks, devices and certificates required by 9 CFR 312 Official Marks, Devices and Certificates, as amended, and 9 CFR 316 Marking Products and Their Containers, as amended, shall be applied and used on inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products as approved by the director and shall be in the appropriate form.

(i) Meat inspection stamps which contain the words "Wyoming Inspected and Passed" and "Wyoming Inspected and Condemned" shall be provided by the Wyoming department of agriculture to all establishments which have been approved and granted state meat or poultry inspection service by the department.

(b) The use of the inspection legend is prohibited except under supervision of the director.

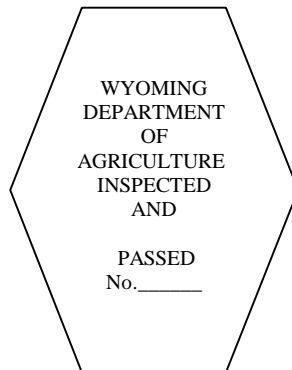
(i) No person shall affix or place or cause to be affixed or place the inspection legend, or any abbreviation, copy or representation thereof, to or on any product or container thereof except under the supervision of the director; and

(ii) No person shall fill or cause to be filled in whole or in part with any product, any container bearing or intended to bear the inspection legend or any abbreviation, copy or representation thereof, except under the supervision of the director.

(c) Brands and marking devices shall be approved by the director, and strict control of brands shall be maintained.

(i) The department shall furnish or have approved such ink brands, burning brands and the like devices for marking products as the director may require.

(A) The mark of inspection on such a device shall be in the following form as a facsimile of one of the official brands using the size best suited for the purpose intended:



(ii) In advance of manufacture, brands and marking devices shall:

(A) Have complete and accurate descriptions and designs as specified in chapter 4, section 4 (c)(i)(A), submitted to and approved by the director;

(B) Every such brand and device which bears the inspection legend shall be delivered into the custody of the Wyoming department of agriculture; and

(C) Be used only under the supervision of the Wyoming department of agriculture;

(iii) When not in use for marking inspected and passed product, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of the regulatory authority.

(d) No person shall remove or cause to be removed from an official establishment any article which this Rule requires to be marked.

(e) Branding ink shall be:

(i) Furnished by the official establishment for marking product;

(ii) Made with harmless ingredients that are approved by the Wyoming department of agriculture; and

(ii) Of proper color.

(f) Brands of marking devices shall be of such style and type as will make a clear and legible impression as determined by the Wyoming department of agriculture.

(g) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the inspection legend in accordance with 9 CFR 316 Marking Products and Their Containers, as amended, and 9 CFR 381, Subpart M-Official Marks, Devices and Certificates; Export Certificates; Certification Procedures, as amended.

(h) The official inspection legend, marks, devices and certificates required by 9 CFR 352 Exotic Animals; Voluntary Inspection, as amended, or 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof, as amended, shall be applied and used on inspected and passed carcasses and parts of carcasses of exotic animals or rabbits as approved by the director and shall be in the appropriate form.

(i) The specific requirements for use of an official mark of inspection shall be the same as section 4 (a)-(g) above and section 5 below.

Section 5. Specific Labeling Requirements for Inspected and Passed Meat and Poultry Products, Label Contents and Approval.

(a) Any inspected and passed meat or poultry product placed or packed in any can, pot, tin, canvas or other receptacle or covering constituting an immediate or true container shall be labeled as specified in this Rule, or in law, including 9 CFR 317 Labeling, Marking Devices and Containers, as amended, and 9 CFR 381, Subpart N-Labeling and Containers, as amended.

(b) Labels shall be approved by the director.

(i) No label shall be used on any product until it has been approved in its final form by the director.

(A) The label shall be submitted in triplicate to the director for approval; and

(B) The label shall be submitted as it appears in its final form.

(ii) Inserts, tags, liners, pasters and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be:

(A) Submitted for approval in the same manner as provided for labels in chapter 4, section 5(b)(i), except that:

(I) Inspectors may permit use of such devices which contain no reference to product and bear no misleading feature.

(iii) The inspector may permit the use of approved labels or other marking modifications provided the labeling or marking as modified is so used as not to be false or deceptive.

(iv) Approved labels shall only be used on:

(A) Products to which they are applicable; and

(B) Products for which they are approved.

Section 6. Wyoming Ungraded Eggs

(a) Before being sold in Wyoming, all eggs must be graded into grades as established by 7 CFR 56 Regulations Governing the Voluntary Grading of Shell Eggs, as amended, and USDA AMS 56 U.S. Standards, Grades and Weight Classes for Shell Eggs, as amended, with the exception of a retailer who buys eggs from an exempt producer as defined in 7 CFR 57, Regulations Governing the Inspection of Eggs and Egg Products, as amended.

(b) The egg label or carton:

(i) Shall be labeled Wyoming Ungraded Eggs; and

(ii) Shall include the name and address of the exempt producer.

Section 7. Bottled Water Labeling Requirements.

(a) All bottled water shall conform to 21 CFR 101 Food Labeling, as amended, and be labeled in compliance with the following standards:

(i) Mineral water may be labeled “mineral water” or “natural mineral water.”

(ii) Spring water may be labeled “spring water” or “natural spring water.”

(iii) Water containing carbon dioxide that emerges from the source and is bottled directly with its entrapped gas or from which the gas is naturally occurring in the water may bear on its label the words “naturally carbonated” or “naturally sparkling.”

(iv) Bottled water which contains carbon dioxide other than that which is naturally occurring in the source of the product shall be labeled with the words “carbonated” or “sparkling” when the carbonation is obtained from a natural or manufactured source.

(v) Well water may be labeled “well water” or “natural well water.”

(vi) Artesian water may be labeled “purified water,” “natural artesian water,” “well water” or “natural well water.”

(vii) Purified water shall be labeled “purified water” and the method of preparation shall be stated on the label. However, nothing contained herein shall preclude labeling purified water produced by distillation as “distilled water.”

(viii) Drinking water may be labeled “drinking water.”

(ix) Any bottler, distributor or vendor of bottled water whose corporate name, brand name or trademark contains the words “spring,” “well,” “artesian well,” “mineral,” or “natural” or any derivative of those words shall label each bottle with the source of the water in type face at least equal to the size of the type face of the corporate name or trademark, if the source of the bottled water is different from the source stated in the corporate name, brand name or trademark.

(x) The use of words “spring,” “spring fresh,” “spring brand,” “spring type,” or other language containing the word “spring” to describe water that is not spring water as defined herein shall be prohibited.

(xi) A product meeting more than one definition may be identified by any of the applicable product names, except where otherwise specifically prohibited.

(xii) Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not factual.