

Proposed Rules

Federal Register

Vol. 62, No. 170

Wednesday, September 3, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 96-006P]

RIN 0583-AC 09

Beef or Pork With Barbecue Sauce; Revision of Standard

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In response to a petition, the Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations by removing meat yield requirements for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." The petitioner states that the current product standard, promulgated in 1952, places producers of these products at a competitive disadvantage because producers of other meat and sauce products do not have a cooked meat yield requirement or a raw meat yield requirement. This action would provide consistent requirements for most meat and sauce producers.

DATES: Comments must be received on or before November 3, 1997.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, Docket No. 96-006P, Room 102, Cotton Annex, 300 12th St., SW, Washington, DC 20250. All comments submitted in response to this proposal will be available for public inspection in the FSIS Docket Room, Room 102, Cotton Annex from 8:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Post, Acting Director, Facilities, Equipment, Labeling, and Compound Review Division, Office of Policy, Program Development and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 418-8900.

SUPPLEMENTARY INFORMATION:

Background

Section 319.312 of the Federal meat inspection regulations requires that the products labeled as "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce" must contain a minimum of 50 percent cooked meat of the species identified on the label, that the cooked meat must be reduced by cooking to no more than 70 percent of the weight of the uncooked meat, and if uncooked meat is used to produce the product, the product must contain at least 72 percent meat computed on the weight of the uncooked meat.

Meat yield requirements were originally promulgated for certain standardized products, e.g., "Hash" (§ 319.302), "Corned Beef Hash" (§ 319.303) and "Beef or Pork with Barbecue Sauce" (§ 319.312). Other similar standardized meat and sauce products, such as "Meat Stews" (§ 319.304), "Beans with Frankfurters in Sauce, Sauerkraut with Wieners and Juice, and similar products" (§ 319.309), and "Beef with Gravy and Gravy with Beef" (§ 319.313), do have minimum meat content requirements, but do not require specific cooked or uncooked meat yields.

FSIS has been petitioned by the American Meat Institute to amend the Federal meat inspection regulations by removing a cooked meat yield requirement and a raw meat yield requirement for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." The petitioner asserts that the product standard, promulgated in 1952, does not reflect the conditions of commercial marketability of beef or pork with barbecue sauce in that consumers readily accept such a sauce with a minimum meat content without regard to the amount of liquid in the product. Further, these obsolete requirements place producers of these products at a competitive disadvantage with respect to manufacturers of similar products, such as "Beef with Gravy" who do not have such requirements. FSIS agrees with the petitioner in both of these assertions. FSIS further believes that clarification of this standard will benefit the public by providing a clearer standard of identity and that the public will better understand the standard.

Executive Order 12866

This proposal is considered not significant and, therefore, has not been reviewed by the Office of Management and Budget.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposal will not have a significant impact on a substantial number of small entities. The proposal would remove obsolete meat yield requirements and provide consistent requirements for producers of most meat and sauce products.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform.

This rule (1) preempts all State and local laws and regulations that are inconsistent with this rule; (2) has not retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

List of Subjects in 9 CFR Part 319

Meat inspection, Standards of identity or composition.

For the reasons discussed in the preamble, FSIS is proposing to amend Part 319 of the Federal meat inspection regulations (9 CFR Part 319) as follows:

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

1. The authority citation for part 319 would be revised as follows:

Authority: 7 U.S.C. 450, 1901-1906; 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

2. Section 319.312 would be amended to revise the first sentence to read as follows:

§ 319.312 Pork with barbecue sauce and beef with barbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall consist of not less than 50 percent cooked meat of the species specified on the label. * * *

Done at Washington, DC, on August 26, 1997.

Thomas J. Billy,
Administrator.

[FR Doc. 97-23248 Filed 9-2-97; 8:45 am]

BILLING CODE 3410-DM-P