



STATE OF CONNECTICUT

STATE DEPARTMENT OF EDUCATION



TO: Child and Adult Care Food Program (CACFP)
Child Care Centers and Homes Sponsors

FROM: Cheryl Resha, Education Manager *Cheryl Resha*
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DATE: June 30, 2010

SUBJECT: Operational Memorandum #10C-10 and #10H-10

- I. Guidance for Accepting Processed Product Documentation for Meal Pattern Requirements
- II. Authorized Manufacturers of Child Nutrition (CN) Labeled Products
- III. Notification That Best Express Foods, Inc. Distributed Unauthorized CN Labeled Products

I. Guidance for Accepting Processed Product Documentation for Meal Pattern Requirements

As indicated in the Connecticut State Department of Education's *Nutrition Policies and Guidance for the Child and Adult Care Food Program (CACFP): Crediting Foods* (June 2010), "the crediting of commercially prepared foods (such as beef stew, burritos, pizza and ravioli) is problematic, due to the difficulty of ensuring that appropriate portion sizes of the various CACFP meal pattern components are provided. When commercially prepared foods are used, it is impossible to tell from the product's label or total weight how much of each CACFP meal pattern component (meat/meat alternates, vegetables/fruits or grains/breads) is contained in one serving. CACFP facilities can avoid serving meals that do not comply with the CACFP meal pattern by: using Child Nutrition (CN) labeled products; or obtaining a product analysis sheet signed by an official of the manufacturer (not a salesperson) stating the amount of a particular meal pattern component contained in each serving of the product."

The purpose of this memorandum is to highlight common issues related to inaccurate or misleading product literature, product labels, and fact sheets; provide guidance about how product literature can be used to make purchasing decisions; and bring attention to a sample Product Formulation Statement that can be used to document a product's contribution to meal pattern requirements.

Fact sheets and product labels provide a way for food manufacturers to communicate with program operators about how their products may contribute to the meal pattern requirements for meals served under the United States Department of Agriculture's (USDA) CN Programs. Complaints to the Food and Nutrition Service (FNS) about inaccurate or misleading product literature, product labels, and fact sheets have become common.

CN Programs are not required to offer processed products with CN labels; however, it is important to recognize that CN labeled products ensure that the food provides the stated contribution toward CN meal pattern requirements. These foods are also processed under a Quality Control (QC) plan administered by the Agricultural Marketing Service or National Marine Fisheries Service using guidelines provided by FNS. CN labels are only available for items that contribute to the meat/meat alternate (M/MA) component and for certain 50 percent juice drinks and juice drink products.

When purchasing a processed product without a CN label, a program operator should have a completed and signed Product Formulation Statement on manufacturers' letterhead that demonstrates how the processed product contributes to the meal pattern requirements. If there is no Nutrition Facts panel on the processed product, nutrient information must be obtained from the manufacturer.

Program operators are ultimately responsible if a menu does not fulfill meal pattern requirements; therefore they must keep records of supporting documentation (original CN product label from the product carton or signed Product Formulation Statements) provided by the manufacturers. It is the program operator's responsibility to request and verify that the supporting documentation is accurate.

General Guidance for Reviewing Product Formulation Statements

An appropriate Product Formulation Statement will provide specific information about the product and show how the credit is obtained citing CN Program resources and/or regulations. Specific policies for Alternate Protein Products and Food-based Menu Planning can be reviewed by visiting www.fns.usda.gov/cnd/cnlabeling/APPindustryfaqs.pdf.

- **Review Product Formulation Statements prior to purchasing processed products.** A *Reviewer's Checklist* (www.fns.usda.gov/tn/resources/smi_checklist.pdf) and an updated sample Product Formulation Statement template (www.fns.usda.gov/tn/resources/smi_appendixl.pdf) for a meat/meat alternate product are available in the online *Road to SMI Success* publication. These documents are only for products with an M/MA contribution and would need to be adapted for the various types of products available in the market place. For example, pizza could include crediting information about grains/breads and vegetables/fruits in addition to the M/MA component.
- **Determine that creditable ingredients listed in the product formulation statement match a description in the 2001 Food Buying Guide for Child Nutrition Programs (FBG) available at:** www.fns.usda.gov/tn/resources/foodbuyingguide.html. If a Product Formulation Statement for a specific product claims to provide a higher credit than what is listed in the FBG, the statement must clarify all crediting ingredients and demonstrate how the product provides that credit according to FNS regulations, guidance or policy.
- **Verify that the amount of credit that a product may contribute to the meal pattern requirements is not greater than the serving size of the product.** For example, a 2.2 fluid ounce (1/4 cup) frozen fruit pop or bar may not credit for more than 2.2 fluid ounces or 1/4 cup of fruit or fruit juice.
- **Assure that the Product Formulation Statement proves how the claimed credit was obtained.** It is never acceptable for a manufacturer to simply state that the product provides a certain amount of credit for the CN meal pattern. For example, fruit filled pancakes may not provide meat alternate because it is not obvious how the product contributes to the meat alternate component. In order for a product to claim an M/MA contribution, the product must have a visible M/MA present such as a sausage link, beans, cheese, or peanut butter.

FNS has become increasingly more aware of misleading and inaccurate information on product fact sheets. FNS encourages program operators to review product literature carefully since they are responsible if menus they serve do not meet meal pattern requirements. It is important to note that CN labeled products provide program operators with a warranty against audit claims when the product is used according to the manufacturer's instructions. A Product Formulation Statement does not provide any warranty against audit claims.

In response to the complaints of misleading product information, FNS will soon begin a series of guidance documents grouped by product types which will review accurate ways to determine if a product contributes to meal pattern requirements. This information will provide examples of product fact sheets that have been received by FNS, and will explain why the fact sheet is inaccurate and discuss the information the program operator will need to request from the company.

II. Authorized Manufacturers of CN Labeled Products

The USDA's Agricultural Marketing Service (AMS) has published a list of manufacturers that have met the FNS' QC Program requirements for the CN Labeling Program. Additionally, AMS has provided a list of authorized CN labels issued to these manufacturers since January 2005. These lists will be **updated monthly** and posted to the FNS CN Labeling Program Web site at: <http://www.fns.usda.gov/cnd/cnlabeling/authorized.htm>.

The information in these lists will be provided in search capable Portable Document Format (PDF) and limited to the following information: *CN Identification Number; Federal or Equal to Federal (ETF) Establishment (EST) Number; Product Description; Label Approval Expiration Date; and Company Name* (on separate directory list). The following inspection directories with EST number notations can be used to cross reference the EST number with the manufacturer's physical address and in some cases contact information:

FNS assigned EST numbers end with "FNS" e.g.: 12345FNS and ETF establishment numbers end with "ETF":
<http://www.fns.usda.gov/cnd/cnlabeling/FNS ETFdirectory.pdf>

United States Department of Commerce (USDC) - National Marine Fisheries Service EST numbers end with "F" only in the PDF; the "F" is omitted at the following directory:
www.seafood.nmfs.noaa.gov/Participants_List10.pdf

USDA - Food Safety and Inspection Service EST numbers are numeric or alphanumeric and are the remaining majority:
www.fsis.usda.gov/regulations/Meat_Poultry_Egg_Inspection_Directory/index.asp

It is important to note that these lists are updated and reposted monthly; therefore, the data will not reflect newly authorized manufacturers and labels. Please keep in mind that the information about authorized labels does not include CN labeled products issued before 2005. Additionally, the product name on the food carton with the CN label may not necessarily match the product description from the list.

Operational Memorandum #10C-10 and #10H-10
June 30, 2010
Page 4

Questions concerning this information or about a particular product, should be directed to the AMS-CN Labeling Program Operations Office by phone at 202-720-9939 or by e-mail at: CNLabeling@ams.usda.gov.

III. Notification That Best Express Foods, Inc. Distributed Unauthorized CN Labeled Products

Please be advised that Best Express Foods, Inc. has distributed closed-face sandwich-type products with unauthorized CN labels.

The Best Express Foods, Inc., facility located in Williamston, Michigan (USDA EST Number 20735/P20735) does not currently operate under an AMS-approved QC Program required by the FNS for participating in the voluntary CN Labeling Program.

Therefore, any products received from Best Express Foods, Inc. with a CN identification number of less than 078000 do not carry the FNS warranty associated with authorized CN labels. If Best Express Foods, Inc. becomes compliant with FNS-QC Program requirements, the company's name and the USDA EST number 20735, and/or P20735 will appear in the list of *USDA/USDC-authorized CN Label Manufacturers* found at the CN Labeling Program public Web site: www.fns.usda.gov/cnd/cnlabeling/authorized.htm.

Questions regarding this memorandum may be directed to the following CACFP staff:

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