

Country of Origin Q&A

Frequently Asked Questions & Answers

Q- Where will this responsibility fall – on the retailer or grower?

A - The retailer will have to label the bin but the supplier must provide the Country of Origin (COO) information to the retailer.

Q- For bulk product, such as potatoes or onions, the bulk bin is marked with the Country of Origin Label (COOL) marking, however, what about the individual product labeling requirements within the bulk bins?

A - Bin signage as to COO information is sufficient. It is also allowable to include labeling on individual pieces.

Q - Can a display of bulk items, example strawberries, be commingled in a display if the display informed consumers that the display contained both US & Mexico products?

A - Yes, but must be labeled accordingly. The bulk bin must identify all sources of product that are currently in the bulk bin.

Q - Do bulk displays with commingled covered products, without individual labels, have to have signs that list the specific countries or can they say MAY be from listed countries?

A - The origin declaration has to be definitive; you cannot use the word “may” in the signage for COOL.

Q - Follow up question on displaying bins of product. For example, we have COO information on cantaloupe, if all the fruit has COO PLU stickers would that be covered under the new law? Or would we need a sign?

A - Signage as to COO is sufficient for bins. Individual labeling of produce is also acceptable. There is no requirement to do both.

Q - Do we need to have the COOL info on grape bags if the cool info is on the master container?

A - No, it does not need to be labeled on grape bags, but retailers would need to provide notice to the consumer and maintain a record of origin some how in case the master shipping container is destroyed.

Q - If the packaged salad shows the ingredients and COO does the retailer have to put a sign up showing "Product of US and Mexico?"

A - As long as the different origins are listed on the package, the retailer will not have to put up an additional sign.

Q - Is an unprocessed commingled product (such as a bag of apples that also contain oranges) excluded as a commingled product?

A - Your example of a bag of apples containing oranges would be considered a processed food item since it contains more than one covered commodity. The country or countries of origin do not need to be identified for commingled products.

Q - Would COOL be required for a single precut item packaged for immediate consumption - for example, a container of cut watermelon?

A - Yes, chopping, cutting and dicing are activities that would not change the character of fruits and vegetables; thus, a cut watermelon must be labeled.

Q - Is in-store, processed, cut fruit covered unless it is in a mix, i.e., cored pineapple?

A - Coring, trimming, cutting, chopping, and slicing any covered commodity such as a pineapple, are activities that do not change the character of the product and therefore a cored pineapple would not be considered a processed food item. However, if the pineapple is part of a mix with other covered commodities, such as strawberries, then it would be considered to be processed and therefore exempt.

Q - We receive commodities from several countries, can we list all the countries or does it have to be a specific country?

A - The product must identify the specific country of origin for that product.

Q - If carrots are grown in California then exported to Mexico to be cut and peeled, can they be brought back to the US for sale as product of United States even though they were processed in Mexico?

A - Yes, in this example they can be sold as product of the United States because the definition of U.S. origin for produce is where the product was grown. However a verifiable audit trail must be maintained to document that the carrots grown in California, processed in Mexico are the same carrots that returned to the United States.

Q - If a store produces its own cut fruit, does it need to label for COO?

A - Yes, if the cut fruit is of the same commodity, i.e., cantaloupes from three countries, but not if the cantaloupe is mixed with berries. The latter example would fall under the definition of processed. If the cut fruit is sold as part of the salad bar, it would not need to be labeled.

Q - If a covered commodity is pasteurized, does that constitute a sufficient "change of character" and thereby making it exempt?

A - Yes, for perishable agricultural commodities, specific processing that results in a change of character includes: cooking (frying, broiling, grilling, boiling, steaming, baking and roasting); curing (salt curing, sugar curing, drying); smoking (hot or cold); and restructuring (emulsifying and extruding).



Q - We slice and pack together peppers from Mexico and onions from USA is this a product of USA?

A - This would be exempt. The mixing of peppers and onions would be considered a processed product not covered by COOL.

Q - We label our retail fresh cuts as "product of California, USA."

A - As long as the origin is California then this is acceptable.

Q - Cut cantaloupe is a covered commodity, but a mix of cut cantaloupe and cut honeydew isn't?

A - By combining covered commodities, this results in a processed food item and is therefore exempt from COOL. USDA invites industry comments on this issue.

Q - And what about fruit and vegetable trays in which cut product is separated into different compartments?

A - This would be considered a processed item and exempt from COOL.

Q - Cut fruit? One item versus two or more items?

A - Just cutting the fruit does not make it a processed item; however, combining two or more covered items does make it into a processed item and therefore exempt.

Q - If you have a mixed bag of salad and the ingredients are coming from different countries, do you have to list all the countries by each ingredient?

A - You should list all the countries of origin unless the mixed bag meets the definition of processed (for example, lettuce, carrots and cabbage in the same bag would be considered processed).

Q - If you have a bowl/container of mixed melons and pineapple, it is not covered under COOL. If you have the same size bowl and it contains a single commodity, is it then covered under COOL?

A - Yes, single covered commodities need COO information whereas combining one covered commodity with at least one other covered commodity does not need COO information.

Q - On bagged salads that do NOT contain another commodity (i.e., spring mix) can you use produce of USA and/or Mexico?

A - No, you may not use the terminology "and/or." The origin must be definitive.

Q - Does a supplier have to maintain 3 different packages one for produce of USA, one for produce of Mexico, and one for produce of USA and Mexico depending on time of year?

A - You could provide the origin information on the invoice or by using check boxes. The retailer will also have to ensure that the correct origin is displayed to its customers.



Q - Is a bagged salad that contains both Romaine lettuce, Butter lettuce and then also Radicchio or Cabbage exempt?

A - Yes, a bag of salad that contains lettuce and cabbage would be exempt. However, at this time, if the bag of salad only contains mixed lettuce, it would be covered by COOL. Agricultural Marketing Service, (AMS) requests your comments on the issue which can be forwarded to COOL@usda.gov.

Q - What is the difference between processed combined commodities versus single commodities of different varieties? What would be the status are the following: 1)- mixed herb retail packs of three different varieties (i.e., oregano, thyme, rosemary) versus; 2)-mixed mint retail packs: three varieties of mint (i.e., spearmint, peppermint, and other mint)?

A - Herbs and mints combined in this manner would be considered processed and exempt from COOL requirements.

Q - What kinds of records does a supplier need to keep in order to be COOL compliant?

A - Suppliers must provide COO information to their customers. Various forms of documents are acceptable; generally the records maintained in the normal course of business should be sufficient as long as they contain COOL information for the retailer. The supplier also needs to retain these records for one year.

Q - Are they the same records needed for traceback and recall?

A - For records needed for traceback and recall, please contact the FDA at www.fda.gov.

Q - Does including COOL on the invoice satisfy retailer notification?

A - Yes, if you are the supplier.

Q - What are the requirements to include the country of origin on the Bill of Lading given to the trucker?

A - The bill of lading is one of many types of documents on which you can declare the country of origin information but it does not have to be there if it appears in other places.

Q - Does the labeling have to be on the BOL and the carton?

A - No, the labeling does not have to be on both. Labeling may be on individual boxes, labels on the product or via other documentation.

Q - For shipper record keeping, is a bill of lading for fresh produce containing the correct COOL information acceptable?

A - Yes.



Q - In reference to record keeping: Are Supplier invoicing and Bills of Lading required to Notate Country of Origin? Even if Packaging and Shipping containers so notate? If not by USDA, will retailers require for their record keeping?

A - Suppliers must maintain records to establish and identify the immediate previous source and immediate subsequent recipient of a covered commodity for one year from the date of transaction. Suppliers may label the master container, pre-label the product or provide supplier contact information and product country of origin information in documents (bills of lading or invoices) accompanying the product. For retailers, for covered commodities that are not pre-labeled, their records must identify covered commodity, the retail supplier and country of origin. Such records may be maintained at the store or at the corporate office.

Q - According to the Interim Final Rule, “records maintained in the normal course of business that verify an origin claim” will suffice. However, do the existing records (inventory, BOL, invoices, passings, etc.) need to declare item-level COO to satisfy the verification process should USDA representatives and/or retailers request such proof from a producer and/or supplier?

A - The records must list all the origins if there is more than one origin.

Q - Does each line item on a bill of lading need to state the COO or if all line items are from the same COO can one statement be used?

A - One statement can be used if the items are all from the same origin, however if there is more than one origin then you would have to list the different origins appropriately.

Q - Furthermore does that declaration need to follow thru on each passing (ie: Bill of Lading, Customer Sale Confirmation, Invoice, etc.)

A - At each level of the supply chain, each supplier must maintain records to establish and identify the immediate previous source and immediate subsequent recipient of a covered commodity. However, COO information does not have to be on every document associated with the transaction, *i.e.*, it does not need to be on both the invoice and the bill of lading.

Q - Will retail suppliers have to have COOL on their invoices by product and will that be sufficient for store record keeping?

A - COOL on an invoice by product supplied would be sufficient record keeping.



Q - When the retail warehouse puts together an order to be delivered to a store, does the BOL or picking document to the store have to have COOL?

A - If it is a retail owned warehouse such as a Wal-Mart that is distributing the item to their stores, it would not be necessary as long as the retail warehouse has the appropriate documentation to indicate country of origin information.

Q - Regarding the "One step forward / One step back" requirement: Does this mean that the supplier or grower needs to maintain their own records for harvest (one step back) and shipping (one step forward), in addition to just supplying COOL information to the retailer?

A - Yes. The supplier must maintain records to establish and identify the immediate previous source and immediate subsequent recipient of covered commodity for 1 year from the date of the transaction. If the supplier is licensed by or subject to the PACA, the records must be maintained for 2 years.

Q - If the product's country of origin identification is only on the container, how does the retailer keep records for one year?

A - The supplier must provide some type of documentation. The retailer can maintain documentation to provide information as to the origin of the product while the product is on hand at retail. Documentation may be kept at the retail store or at corporate level.

Q - As a supplier, as an attempt to reduce the number of pages of a Bill of Lading, can we group mix product on the BOL by COO and just print a divider between each COO groups of product instead of having to print 2 lines for every product?

A - The regulations do not specify how the information should be listed on the BOL, as long as all the COO information is provided.

