

This table summarizes information concerning jurisdiction overlap for commercial products regulated by either or both FDA and USDA. It does not cover products made for on-site consumption such as pizza parlors, delicatessens, fast food sites, etc.

FDA JURISDICTION	USDA JURISDICTION		
<p>21 USC 392(b) Meats and meat food products shall be exempt from the provisions of this Act to the extent of the application or the extension thereto of the Meat Inspection Act. FDA responsible for all non-specified red meats (bison, rabbits, game animals, zoo animals and all members of the deer family including elk (wapiti) and moose)). FDA responsible for all non-specified birds including wild turkeys, wild ducks, and wild geese.</p>	<p>The Federal Meat Inspection Act regulates the inspection of the following amenable species: cattle, sheep, swine, goats, horses, mules or other equines, including their carcasses and parts. It also covers any additional species of livestock that the Secretary of Agriculture considers appropriate. Mandatory Inspection of Ratites and Squab (including emu) announced by USDA/FSIS April 2001</p>	<p>The Poultry Products Inspection Act (PPIA) defines the term poultry as any domesticated bird. USDA has interpreted this to include domestic chickens, turkeys, ducks, geese and guineas. The Poultry Products Inspection Act states poultry and poultry products shall be exempt from the provisions of the FD&C Act to the extent they are covered by the PPIA. Mandatory Inspection of Ratites and Squab announced by USDA/FSIS April 2001</p>	<p>The Egg Products Inspection Act defines egg to mean the shell egg of domesticated chicken, turkey, duck, goose or guinea. Voluntary grading of shell eggs is done under USDA supervision. (FDA enforces labels/labeling of shell eggs.)</p>
<p>Products with 3% or less raw meat; less than 2% cooked meat or other portions of the carcass; or less than 30% fat, tallow or meat extract, alone or in combination.</p> <p>Products containing less than 2% cooked poultry meat; less than 10% cooked poultry skins, giblets, fat and poultry meat (limited to less than 2%) in any combination.*</p> <p>Closed-face sandwiches.</p>	<p>Products containing greater than 3% raw meat; 2% or more cooked meat or other portions of the carcass; or 30% or more fat, tallow or meat extract, alone or in combination.*</p> <p>Open-face sandwiches.</p>	<p>Products containing 2% or more cooked poultry; more than 10% cooked poultry skins, giblets, fat and poultry meat in any combination.*</p>	<p>Egg products processing plants (egg breaking and pasteurizing operations) are under USDA jurisdiction.</p>
<p>FDA is responsible for shell eggs and egg containing products that do not meet USDA's definition of "egg product." FDA also has jurisdiction in establishments not covered by USDA; e.g. restaurants, bakeries, cake mix plants, etc.</p> <p>Egg processing plants (egg washing, sorting, packing) are under FDA jurisdiction.</p>			<p>Products that meet USDA's definition of "egg product" are under USDA jurisdiction. The definition includes dried, frozen, or liquid eggs, with or without added ingredients, but mentions many exceptions. The following products, among others, are exempted as not being egg products: freeze-dried products, imitation egg products, egg substitutes, dietary foods, dried no-bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, French toast, sandwiches containing eggs or egg products, and balut and other similar ethnic delicacies. Products that do not fall under the definition, such as egg substitutes and cooked products, are under FDA jurisdiction.</p>
<p>Cheese pizza, onion and mushroom pizza, meat flavored spaghetti sauce (less than 3% red meat), meat flavored spaghetti sauce with mushrooms, (2% meat), pork and beans, sliced egg sandwich (closed-face), frozen fish dinner, rabbit stew, shrimp-flavored instant noodles, venison jerky, buffalo burgers, alligator nuggets, noodle soup chicken flavor</p>	<p>Pepperoni pizza, meat-lovers stuffed crust pizza, meat sauces (3% red meat or more), spaghetti sauce with meat balls, open-faced roast beef sandwich, hot dogs, corn dogs, beef/vegetable pot pie</p>	<p>Chicken sandwich (open face), chicken noodle soup</p>	<p>Homogeneous cheese and meat products, e.g., cheese balls with pepperoni, must contain more than 50 percent meat to be amenable to USDA inspection. Cheese products that contain 50 percent or less meat are considered products of the dairy food industry and, thus, are exempt from federal inspection. When cheese and meat are separate components in a package, the packaged product is amenable, provided, it contains 2 percent cooked meat.</p>

Jurisdiction for products produced under the School Lunch Program, for military use, etc. is determined via the same algorithm although the purchases are made under strict specifications so that the burden of compliance falls on the contractor. Compliance Policy Guide 565.100, 567.200 and 567.300 provide additional examples of jurisdiction. IOM 3.2.1 and 2.7.1 provide more information on our interactions with USDA and Detention Authority.

* These percentages are based on the amount of meat or poultry product used in the product at formulation.