

Subpart 4-Bureau of Regulatory Services
Chapter 02-Catfish Marketing Law Labeling Regulations

Definitions

100 For the purpose of this regulation, the following terms are defined as:

1. Catfish – means any species within the family Ictaluridae.
2. Farm-raised –means any catfish or fish including fillets, steaks, nuggets and any other flesh from a fish that has specifically been produced under controlled environments according to the usual and customary techniques of commercial aquaculture.
3. Fish means species of fish similar to catfish but within the families of Siluridae, Clariidae and Pangasiidae.
4. Menu means any form from which the customer is offered food and beverage, including but not limited to traditional printed listings, white board, chalkboard, and buffet labels.

(Adopted October 10, 2005. Amended September 9, 2013.)

Source: *Miss. Code Ann.* §69-7-611.

Labeling Information

101.01 In general. All persons who sell catfish and/or fish products in all forms including individual product, packaged product and bulk product, must label the catfish in English with its country of origin and the method of production of the catfish and/or fish, i.e., farm-raised, river or lake, catfish/fish. The term “wild caught” may be substituted for river or lake catfish and/or fish. Additional labels in other languages are permissible as long as the requirements of these regulations are met.

(Adopted October 10, 2005. Amended September 9, 2013.)

101.02 Mississippi or United States of America catfish and/or fish products. Labels on catfish and/or fish products must say “Farm-Raised Catfish/fish, A Product of Mississippi,” “Farm-Raised Catfish/fish A Product of the United States” or “Farm-Raised USA Catfish/fish.” However, the appropriate State or “America(n)” may be inserted in lieu of USA. Mississippi or USA must be printed in the same size, color and type lettering as catfish and/or fish.

(Adopted October 10, 2005. Amended September 9, 2013)

101.03 Abbreviations, symbols or flags are not acceptable in lieu of country of origin labeling.

(Adopted October 10, 2005. Amended September 9, 2013.)

101.04 Submission of menu to the department. If requested, the department will review a menu for compliance prior to the product being introduced into the Mississippi Channels of Trade.

(Adopted October 10, 2005. Amended September 9, 2013.)

Source: *Miss. Code Ann.* §69-7-611.

Location of Labeling Information

102.01 In general. The information required by subsection 101.01 above must be provided to consumers on the menu of the food service establishment. The information shall be adjacent to the item on the menu and printed in the same font style and size as the item.

(Adopted October 10, 2005. Amended September 9, 2013.)

102.02 If the food service establishment sells only catfish or fish having a United States country of origin, then the food service establishment may generally disclose the country of origin and method of production of the product if the disclosure is in a prominent location. Some examples of a prominent location include, but are not limited to, table tents or signs around the entry of the restaurant.

(Amended September 9, 2013.)

Source: *Miss. Code Ann.* §69-7-611.

Record Keeping Requirements and Responsibilities

104 (1) General.

- a. All records must be legible and may be maintained in either electronic or hard copy formats. Due to the variation in inventory and accounting documentary systems various forms of documentation and records will be acceptable.
- b. Upon request by Department representatives, suppliers and food service establishments subject to this regulation shall make available to the Department representatives, records maintained in the normal course of business that verify an origin claim and method of production (wild and/or farm-raised). Such records shall be provided within five days of the request and may be maintained in any location.

(2) Responsibilities of suppliers.

- a. Any person engaged in the business of supplying catfish or fish products to a food service establishment, whether directly or indirectly, must make available information to the buyer about the country or origin and method of production. This information may be provided either on the master shipping container, or in a document that accompanies the product through retail sale provided that it identifies the product and its county of origin and method of production. In addition, the supplier of catfish and/or fish that is responsible for initiating a country of origin and method of production (wild and/or farm-

raised) claim must possess records that are necessary to substantiate that claim for a period of 1 year from the date of the transaction. Producer affidavits shall also be considered acceptable records that suppliers may utilize to initiate origin claims, provided it is made by someone having first-hand knowledge of the origin of the catfish and/or fish and identifies the catfish and/or fish unique to the transaction.

- b. Any person engaged in the business of supplying catfish and/or fish to a food service establishment, whether directly or indirectly (i.e., including but not limited to harvesters, producers, distributors, handlers and processors), must maintain records to establish and identify the immediate previous source (if applicable) and immediate subsequent recipient of catfish and/or fish for a period of 1 year from the date of the transaction.
- (3) Responsibilities of food service establishments.
- a. In providing the country of origin and method of production (wild and/or farm-raised) notification for catfish and/or fish, in general, food service establishments are to convey the origin and method of production information provided to them by their suppliers. If the food service establishment physically commingles catfish and/or fish, as defined in Section 100, in preparation for service to the consumer, the establishment must provide the country or countries of origin and methods of production for each fish product. For instance, the commingling of U.S. Farm-Raised catfish and/or fish belonging to the families of Ictaluridae, Siluridae, Clariidae or Pangasiidae, whether in the same container or separately on a buffet line, requires the food service establishment to indicate all countries contained therein and methods of production.
 - b. Records and other documentary evidence relied upon at the point of sale to establish catfish and/or fish's country of origin and method of production must either be maintained at the retail facility or at another location for as long as the products on hand and provide to Department representatives in accordance with §104(1)(b).
 - c. Records that identify the catfish and/or fish, the food service establishment's supplier, the COOL and the method of production must be maintained for a period of one year from the date the declaration is made,
 - d. Any food service establishment handling catfish and/or fish that is found to be designated incorrectly as to the country of origin and/or the method of production (wild and/or farm-raised) shall not be held liable for a violation of the Law by reason of the conduct of another if the food service establishment relied on the designation provided by the supplier, unless the food service establishment willfully disregarded information establishing the country of origin and/or method of production declaration was false.

(Adopted October 10, 2005. Amended September 9, 2013.)

Source: *Miss. Code Ann.* §69-7-611.