



NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235

CIRCULAR 934

Rules and Regulations Relating to MEAT FOR SALE AT RETAIL

Pursuant to Articles 5-B and 17
of the Agriculture and Markets Law
Part 272-1 of Title 1 of the
Official Compilation of Codes, Rules and
Regulations of the State of New York

December 21, 2016

PART 272

RETAIL FOOD SALES

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Subpart 272-2	Advertising and Marketing of Food for Sale at Retail
Subpart 272-3	Sale of Small Quantities of Prepackaged Fresh Fruits and Vegetables
Subpart 272-4	Sale of Seafood, Fish, Meat and Poultry in Frozen State

SUBPART 272-1

MEAT FOR SALE AT RETAIL

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Section 272-1.1 Definitions.

As used in relation to meat sold or offered for sale at retail and as used in this Part:

(a) *Sale at retail* means a transaction wherein a person sells meat to the consumer, whether at the place of business of such person or whether such sale is consummated by mail, by telephone, or in writing at a place other than at the place of business. Places of business carrying on the aforesaid transaction include, but are not limited to, supermarkets, grocery stores, butcher shops, food freezer dealers and food plan companies.

(b) *Meat* means the edible part of the muscle of cattle, swine or sheep which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat and portions of bone, skin, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

(c) *Hamburger* means chopped, fresh and/or frozen beef, other than from the heart, esophagus, tongue or cheeks, with or without the addition of beef fat as such and/or seasoning and shall not contain more than 30 percent of fat and shall not contain added water, binders or extenders.

(d) *Ground beef, ground veal, ground lamb or ground pork* means chopped, fresh and/or frozen meat, other than from the heart, esophagus, tongue or cheeks, of the species indicated without the addition of fat as such and shall not contain more than 30 percent of fat and shall not contain added water, binders or extenders.

(e) *Stew beef* means meat, other than from the heart, esophagus, tongue or cheeks, which is derived from cattle, sliced into cubes and commonly used for stewing.

(f) *Hanging tender* means meat derived from the thick, muscular dorsal attachment (pillar) of the diaphragm of cattle. Whenever such meat is labeled or advertised for sale at retail, the term *hanging tender*, and only said term, shall be used in said labeling or advertising and then only if in conjunction with the term *pillar of diaphragm*.

(g) *Skirt steak* means meat derived from the diaphragm of cattle.

(h) *Filet mignon* means meat derived from the tenderloin (psoas muscle) of cattle.

(i) *Sirloin knuckle* or *sirloin tip* means meat derived from the beef round by a straight cut from the knee cap parallel to and along the femur on the inside of the round and the natural seam of the outside of the round.

(j) *Delmonico steak* means boneless meat derived from the anterior end (rib end) of the short loin of cattle or the posterior end (loin end) of the rib. Any labeling of or advertising for "Delmonico steak" shall indicate short loin or rib, whichever is appropriate.

(k) *Club steak* means meat derived from the anterior end (rib end) of the short loin of cattle or the posterior end (loin end) of the rib. Any labeling of or advertising for "club steak" shall indicate short loin or rib, whichever is appropriate.

(l) *T-bone steak* means meat derived from the short loin of cattle and which exhibits not less than one-half inch diameter of tenderloin (psoas muscle).

(m) *Porterhouse steak* means meat derived from the short loin of cattle and which exhibits not less than one and one-quarter inch in diameter of tenderloin (psoas muscle).

(n) *Sirloin steak* means meat derived from the posterior portion of the loin of cattle after removal of the short loin.

(o) *Sirloin* is the posterior portion of the loin of cattle and is obtained by a straight cut made perpendicular to the contour of the outer skin surface and perpendicular to the split surface of the lumbar vertebrae and which passes flush with the ilium (pelvic bone) leaving a small part of hip bone in the short loin.

(p) *Short loin* is the anterior portion of the loin of cattle remaining after the removal of the posterior portion (sirloin) of the loin and is obtained by a straight cut perpendicular to the contour of the outer skin surface and perpendicular to the split surface of the lumbar vertebrae and which passes through the ilium (pelvic bone) leaving a small part of hip bone in the short loin.

(q) *Strip loin steak* or *shell steak* means meat derived from that portion of the short loin of cattle remaining after the tenderloin (psoas muscle) has been removed.

(r) *Top sirloin butt* means meat derived from the posterior portion of the loin of cattle after removal of the short loin and which is the thick upper portion (dorsal side) of the sirloin after removal of the bottom sirloin (ventral side) by a cut following the natural muscle seam (blue tissue).

(s) *Bottom sirloin butt* means meat derived from the posterior portion of the loin of cattle after removal of the short loin and which is the lower portion (ventral side) of the sirloin after removal of the top sirloin butt (dorsal side) by a cut following the natural muscle seam (blue tissue).

(t) *Tenderloin* means meat derived from the psoas muscle of cattle, sheep or swine.

(u) *Spare ribs* means ribs which are removed from the belly portion of the pork carcass mid-section extending from the scribe line at the fat back side of the belly to and including portions of the rib cartilages, with or without a portion of the split breast bone and with or without the skirt (diaphragm) remaining. Use of such term shall be confined to labeling or advertising the said meat as herein defined.

(v) *Back ribs* means ribs derived from the rib area of pork loin.

(w) *True name* means the species of animal, i.e., beef, veal, lamb or pork and the primal source or area of the animal carcass from which meat is derived and shall consist of one, but not more than one, of the following:

(1) *For beef* --- cheeks, tongue, gullets or esophagus, heart, neck, shoulder, brisket or breast, foreshank, chuck, diaphragm, rib, plate, hind shank, round, rump, loin, flank or pillar of diaphragm. As used in relation to beef herein and as set forth in Chart 1 herein:

(i) *Neck* is derived from the area of the chuck containing atlas bone through the fifth cervical vertebra.

(ii) *Shoulder* is derived from the area of the chuck which includes clod, forearm, brisket muscle and arm bone and may include cross sections of the ribs.

(iii) *Brisket* or *breast* is derived from the area of the chuck which includes part of ribs one through five and the sternum (breast bone).

(iv) *Foreshank* is derived from the upper portion of the foreleg and contains the upper shank bone.

(v) *Chuck* is derived from that area of the forequarter containing ribs one through five without the neck, brisket and foreshank.

(vi) *Diaphragm* is derived from the forequarter and includes the muscles and tendon attachments which separate the thoracic (chest) cavity from the abdominal cavity.

(vii) *Rib* is derived from the forequarter and includes the 6th through the 12th ribs after removal of the plate approximately 10 inches from the chime bone.

(viii) *Plate* is derived from the forequarter and includes the 6th through 12th ribs cut approximately 10 inches from the chime bone.

(ix) *Hind shank* is derived by cutting through the stifle joint severing the shank meat and shank bone from the round.

(x) *Round* is separated from the full beef loin by a straight cut which starts at a point on the backbone at the juncture of the last (fifth) sacral vertebra and the first tail (caudal) vertebra, passes through a second point which is immediately anterior to the protuberance of the femur bone and exposes the ball of the femur and then continues in the same straight line beyond the second point to complete the cut.

(xi) *Rump* is derived from the round and is removed therefrom by a straight cut perpendicular to the outer skin surface immediately posterior to, and parallel with, the long axis of the exposed surface of the aitch bone.

(xii) *Loin* is located between the rib and the round and is removed by a cut between the 12th and 13th ribs (posterior end of the rib) and contains the 13th rib vertebra, six lumbar vertebrae and five sacral vertebrae.

(xiii) *Flank* is derived by stripping the serous membrane from over the abdomines muscles (flank steak) by pulling the abdomines muscles from the thick membrane which lies underneath.

(2) *For veal* --- cheeks, tongue, gullets or esophagus, heart, neck, shank, breast, shoulder, rib, loin, sirloin, rump or leg. As used in relation to veal herein and as set forth in Chart 2 herein:

(i) *Neck* is derived from the shoulder by a straight line cut in front of the blade bone approximately between the fourth and fifth cervical vertebrae and parallel to the rib end of the shoulder.

(ii) *Shank* is derived from the leg bone (tibia) or the arm bone (radius).

(iii) *Breast* is derived by a cut perpendicular to the outer surface which passes through the cartilaginous juncture of the first rib and anterior extremity of the sternum and perpendicular to the long axis of the 12th rib approximately four inches from the eye of rib, and contains the sternum, first 12 ribs and all overlaying muscle, except the foreshank.

(iv) *Shoulder* is the section remaining after removal of the foreshank, breast and neck and contains the first through the fifth ribs.

(v) *Rib* is removed from the shoulder by cutting between the fifth and sixth ribs and contains featherbone, chime bone and rib bones.

(vi) *Loin* is located between the sirloin and rib and is removed from the rib by a cut between the 12th and 13th ribs and from the sirloin by a cut perpendicular to the outer surface immediately anterior to and flush with the ilium (pelvic bone) leaving no part of the hip bone in the loin and includes the 13th rib vertebra and five lumbar vertebrae.

(vii) *Leg* is removed from the sirloin and rump by a straight line cut perpendicular to the outer skin surface immediately posterior to and parallel with the long axis of the exposed surface of the aitch bone, leaving no part of the aitch bone in the leg. The separation of the sirloin and rump from the leg is completed by sawing through the round bone (femur) immediately posterior to the ball joint.

(viii) *Rump* is removed from the leg as aforesaid and is removed from the loin by a cut perpendicular to the outer skin surface and perpendicular to the backbone at the anterior end of the hip bone leaving all the hip bone in the rump.

(ix) *Sirloin* is derived from the anterior end of the rump by a cut perpendicular to the dorsal side starting at any point on the backbone between the juncture of the last (fifth) sacral vertebra and the anterior end of the ilium (pelvic bone) or between the fifth and sixth lumbar vertebrae.

(x) *Veal cutlet* means a single slice of veal derived from the leg and contains top, bottom, eye and sirloin tip and cross-section of the leg bone. If the word "cutlet" is used in labeling or advertising a single slice of meat derived other than from the leg of veal, the species of animal and primal source from which such meat is derived shall precede the word "cutlet" in at least the same size and style lettering and on the same background as the word "cutlet," for example:

VEAL SHOULDER CUTLET

(3) *For lamb* --- cheeks, tongue, gullets or esophagus, heart, neck, shank, breast, shoulder, rib, loin or leg. As used in relation to lamb herein and as set forth in Chart 3 herein:

(i) *Neck* is derived from the anterior area of the shoulder and contains the atlas and cervical vertebrae.

(ii) *Breast* is cut from the loin, neck and shoulder starting at the cod or udder to and through the shank just above the elbow.

(iii) *Shoulder* is separated from the ribs by cutting between the fifth and sixth ribs. (iv)

Rib is separated from the loin by cutting between the last two ribs.

(v) *Loin* is separated from the leg by cutting just in front of the hip bone.

(vi) *Leg* is the portion remaining after the loin and has been removed as aforesaid.

(4) *For pork* --- cheeks, tongue, gullets or esophagus, heart, tail, jowl, shoulder, shoulder

picnic, shoulder butt, feet, side, spareribs, loin, loin-shoulder end or loin-rib end, loin-center cut, loin-loin end, fat back, ham or hock. As used in relation to pork herein and as set forth in Chart 4 herein:

(i) *Jowl* shall be removed closely to the body of the shoulder on a line approximately parallel to the opposite straight cut side of the shoulder, starting behind the "ear dip" which must remain on the jowl, and continuing the cut so as to remove the entire jowl.

(ii) *Shoulder* includes the shoulder picnic and shoulder butt and is derived by a cut starting at a point in the armpit that is not more than one inch posterior to the elbow joint, but does not expose the elbow joint, and continues reasonably straight across the hog side. The foot, ribs and related cartilages, breast bone, intercostal meat, breast flap, and neck bones shall be excluded.

(iii) *Shoulder picnic* is separated from the shoulder butt by a cut which is reasonably straight and perpendicular to the outside skin surface (not slanted or undercut) and approximately parallel to the breast side of the shoulder leaving all the major shoulder bone (humerus) and not less than one nor more than two inches of the blade bone (scapula) in the shoulder picnic.

(iv) *Side* (belly) shall be separated from the fat back on a straight line not more than three-quarters inch beyond the outermost curvature of the scribe line. The belly must be boneless and the major cartilages of the sternum and the ribs must be closely and smoothly removed without deep scoring. Any enlarged soft, porous, or seedy mammary tissue and the pizzle recess of barrow bellies must be removed.

(v) *Loin* is removed from the middle portion by a cut (scribe) extending from a point on the first rib of the loin which is not more than 1 3/4 inches from the junction of the foremost rib and the foremost thoracic vertebra to a point on the ham end which is immediately adjacent to the major tenderloin muscle. The loin shall be removed from the fat back and shall contain 11 or more ribs, seven lumbar vertebrae and at least three sacral vertebrae.

(vi) *Loin-shoulder end* or *loin-rib end* is derived from the anterior end of the loin by a cut perpendicular to the length of the loin flush with the last rib and usually includes the blade bone.

(vii) *Loin-center cut* is derived from the pork loin after the shoulder end has been removed by cutting crosswise to the length of the loin at a point posterior to the edge of the scapular cartilage and from which the ham end of the loin has been removed by cutting crosswise to its length anterior to the cartilage on the tuber coxae.

(viii) *Loin-loin end* is derived from the posterior end of the loin by a cut perpendicular to the length of the loin flush with the last rib and usually includes the hip (pelvic) bone.

(ix) *Fat back* is the section remaining after removal of the loin and side.

(x) *Ham* is the posterior portion of the hog side removed by a cut 2 1/4 to 2 3/4 inches anterior to the knob end of the aitch bone. The cut shall be at right angles to an imaginary line from the top of the aitch bone through the center of the ham and shank. At the flank pocket the cut shall divert at a 45-degree angle posteriorly.

(a) The true name for pork chops shall consist of one of the following primal sources: shoulder or blade, rib, loin, center, or loin end or sirloin.

Section 272-1.2 Labeling and advertising requirements.

(a) Except as otherwise exempted in this Part, no person shall produce, prepare, package, advertise, sell or offer for sale at retail any meat unless it is clearly and conspicuously labeled or advertised, as the case may be, as to its true name.

(b) This section shall not require the labeling of meat cut to the order of the retail customer.

Section 272-1.3 Exemption for certain meats.

The provisions of subdivision (a) of section 272-1.2 of this Subpart shall not apply to bacon, filet mignon, ground beef, ground veal, ground lamb, ground pork, hamburger, porterhouse steak, sirloin steak, stew beef, t-bone steak, beef tenderloin, pork tenderloin or veal cutlet; provided, in the case of any one of these meats, it is clearly and conspicuously labeled or advertised as to its name set forth in this section.

Section 272-1.4 Exemptions for meat inspected under United States Department of Agriculture.

(a) The provisions of this Part shall not apply to meat which is produced, prepared or packaged for sale at retail within the State of New York under meat inspection of the United States Department of Agriculture until after such meat leaves the premises of a United States Department of Agriculture official establishment for distribution.

(b) The provisions of this Part shall not apply to meat which is produced, prepared or packaged under meat inspection of the United States Department of Agriculture for sale at retail outside the State of New York.

Section 272-1.5 Name in addition to the species and primal cut.

(a) A name in addition to the species and primal cut of a meat as set forth in subdivision (w) of section 272-1.1 of this Subpart, for example, pot roast, oven roast or steak for swissing, may be used in labeling or advertising such meat, provided the requirements of this Subpart are complied with and provided such name appropriately describes the cut of meat to which it refers or the use to which such cut is put or its method of cooking preparation.

(b) Such name shall not be false, misleading, deceptive or confusing in any way. Fanciful names, such as "His and Her Steak," "Chicken Steak," "California Roast" and similar terms shall not be used.

Section 272-1.6 Labeling when additional name used.

If a name in addition to the species and primal cut as set forth in section 272-1.1(w) of this Subpart is used in labeling meat, the species and primal cut of the meat shall appear contiguous to the additional name in at least the same size and style lettering and on the same background as the additional name, for example:

SANDWICH STEAK
BEEF ROUND

Section 272-1.7 Advertising when additional name used.

If a name in addition to the species and primal cut as set forth in section 272-1.5 of this Subpart is used in advertising meat, the species and primal cut of the meat shall be prominently displayed contiguous to the additional name and be shown in the same style lettering and on the same background as the additional name and meet the following requirements as to size:

(a) If the additional name is one inch or more in height, the species and primal cut shall be at least one fourth the size of the additional name in height.

(b) If the additional name is less than one inch in height, the species and primal cut shall be at least one third the size of the additional name in height.

Section 272-1.8 Use of United States Department of Agriculture grading terms.

United States Department of Agriculture grading terms, for example, "prime," "choice," etc., shall not be used in labeling or advertising meat unless the carcass or part thereof from which such meat is derived has been so marked by the United States Department of Agriculture.

Section 272-1.9 Use of United States Department of Agriculture grading terms for pork.

United States Department of Agriculture grading terms, for example, "prime," "choice," etc., shall not be used in labeling or advertising pork.

Section 272-1.10 Labeling or advertising when certain United States Department of Agriculture grading terms used.

If meat is advertised, sold or offered for sale at retail and the carcass or part thereof from which such meat is derived has been marked with a United States Department of Agriculture grade other than "prime" or "choice," the grading term or recognized abbreviation thereof of such meat shall appear contiguous to the true name of such meat and be at least as equal in size to and as prominent as the true name, for example:

BEEF ROUND U.S. COMM'L.

Section 272-1.11 Labeling of certain meat food products.

Any meat food product as defined in section 96-g of the Agriculture and Markets Law in the form of chopped and shaped steaks, patties, loaves, loaf mixes, etc. which is uncooked and contains fat, extenders and/or added water, flavorings, batter, breading, etc., shall display a label clearly and conspicuously exhibiting the product name, qualifying statement, if appropriate, and ingredient statement.

(a) The ingredients in such meat food product shall be listed by their common or usual names in the descending order of the amount of each ingredient used in formulating the product, together with the percentage of each such ingredient contained therein, for example:

"BEEF PATTY, Beef fat and cereal added"

Ingredients: Beef 77%, Beef fat added 8%, Cereal 7%, Added Water 6%, Flavoring 1%, Monosodium Glutamate 1%. Total fat not in excess of 30%.

"BREADED VEAL STEAK, Beef fat added, chopped and shaped"

Veal 61%, Breading and Batter not in excess of 30% (Flour, Water, Salt, Nonfat Dry Milk, Baking Powder, Dry Eggs, Monosodium Glutamate, Dextrose, Flavorings), Beef fat added 8%, Monosodium Glutamate 1%. Total fat not in excess of 30%.

(b) Any meat food product to which this section is applicable shall not contain more than 30 percent fat and the label for such product shall so indicate.

(c) The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product and the label for such product shall so indicate.

Section 272-1.12 Qualifying statements.

Whenever a qualifying statement such as "Water added" or "Chopped, shaped and frozen," etc., is required in the labeling of a meat or meat food product by Title 1 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*, then such qualifying statement shall be used in labeling or advertising such meat or meat food product for sale at retail and shall be prominent, contiguous to and in the same style and same color lettering and on the same background as the name of the meat or meat food product.

Section 272-1.13 Fabricated steak.

Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, Chopped, Shaped, Frozen," "Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein, and Flavoring," shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water, binders or extenders.

Section 272-1.14 Supply of meat advertised.

No person shall advertise meat for sale at retail unless such person shall have available at all outlets listed in the advertisement a sufficient quantity of the advertised meat to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that supply is limited and/or the product is available only at designated outlets.

Section 272-1.15 Frozen meat.

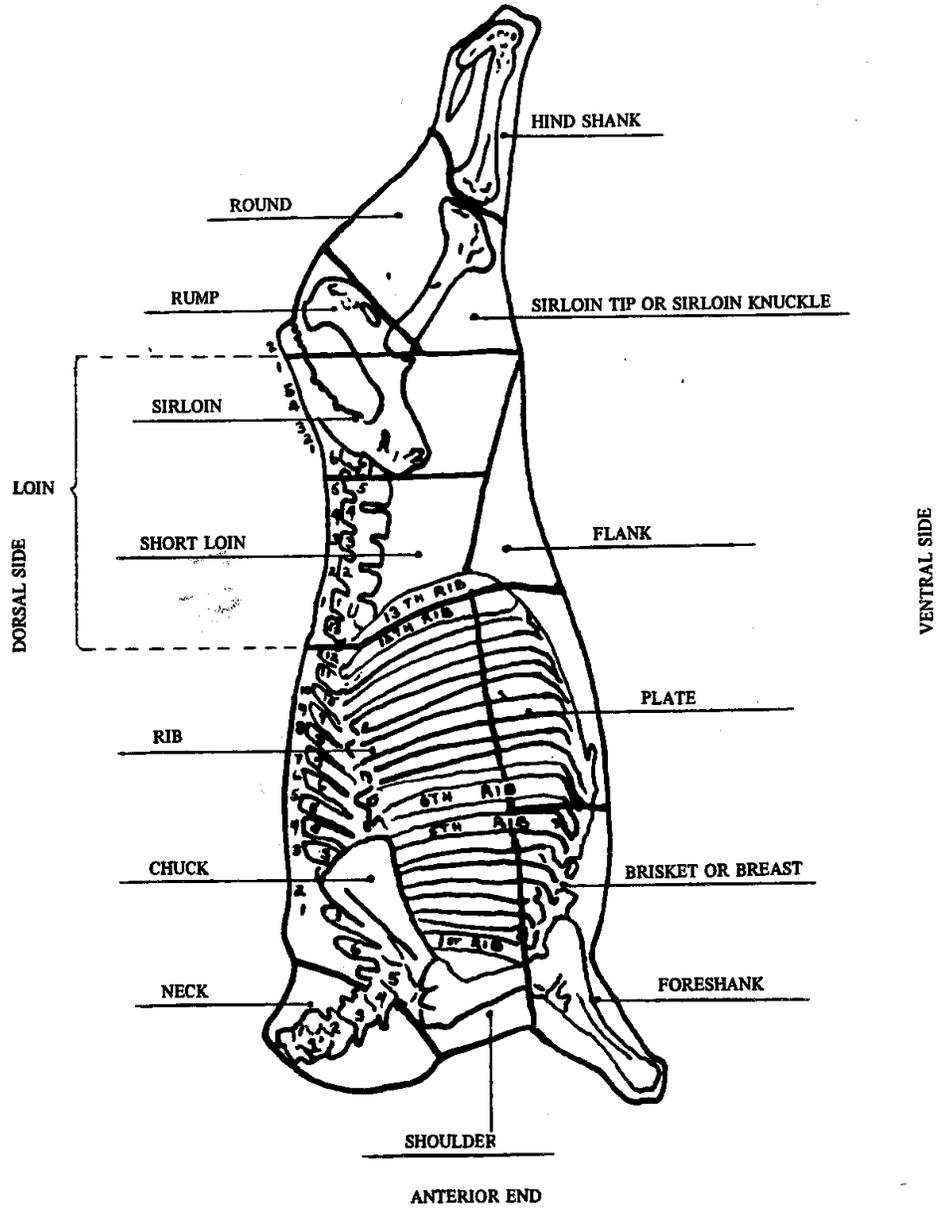
All meat other than that which is used in hamburger, ground beef, ground pork, ground veal or ground lamb which has been frozen at any time prior to such meat being offered or exposed for sale at retail shall be clearly and conspicuously labeled or advertised as "Frozen" or "Frozen and thawed," whichever is appropriate, and such term shall be contiguous to and in the same size and style lettering and on the same background as the product name.

Section 272-1.16 Meat charts.

The meat charts referred to in this Part are as follows:

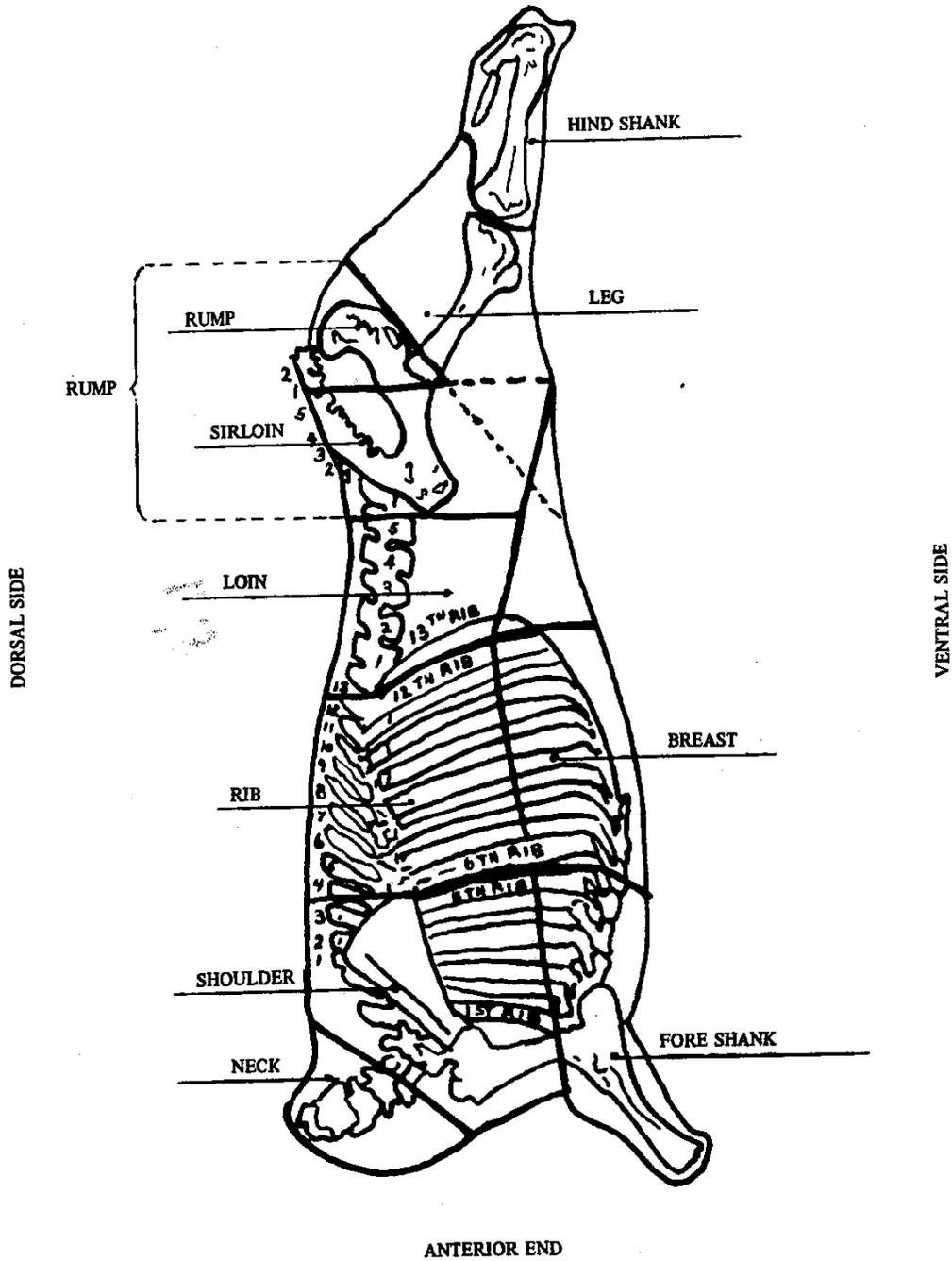
(a) Chart 1: Beef Carcass

POSTERIOR END

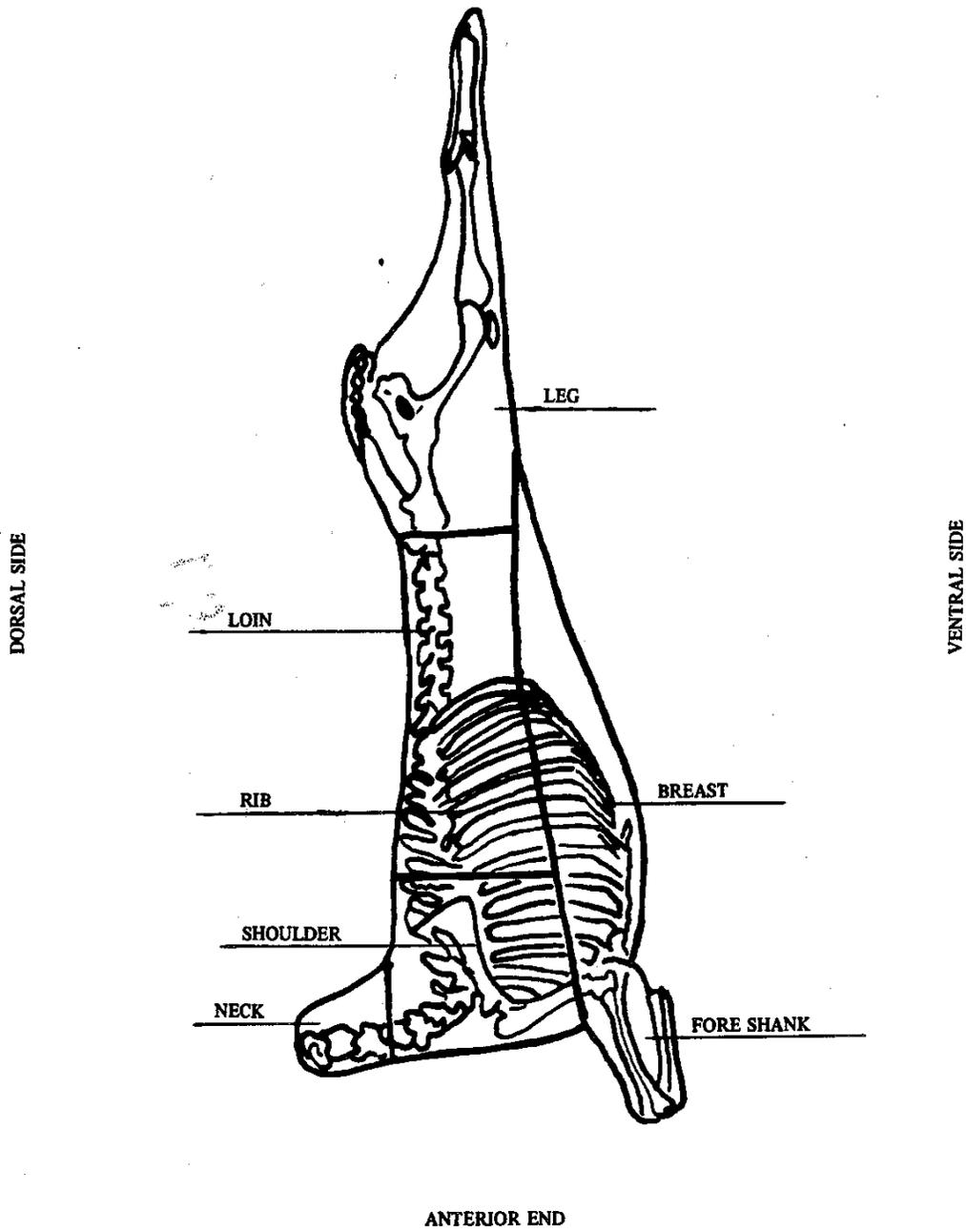


(b) Chart 2: Veal Carcass

POSTERIOR END

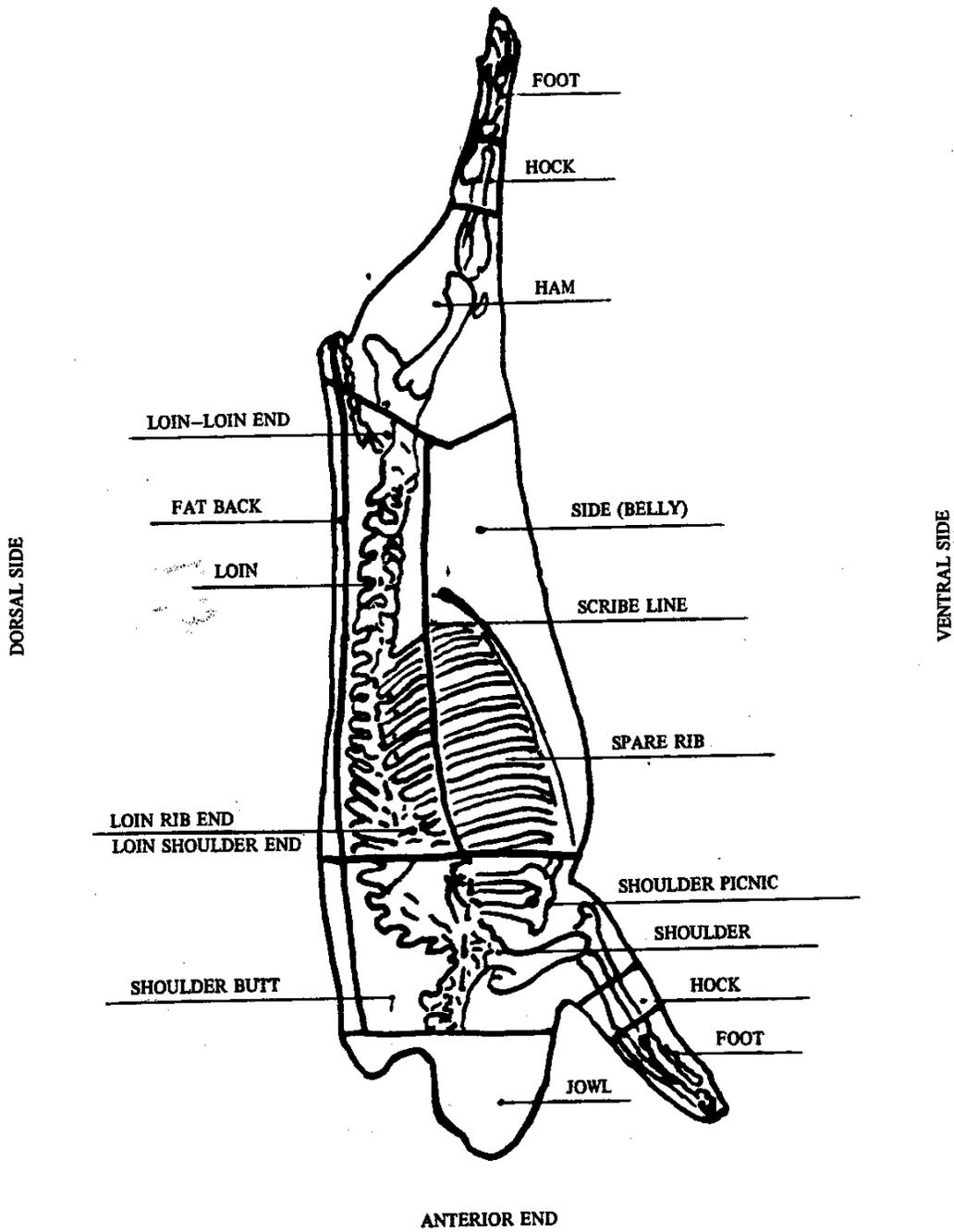


(c) Chart 3: Lamb Carcass
POSTERIOR END



(d) Chart 4: Pork Carcass

POSTERIOR END



ANTERIOR END