



## Food Storage –On-site observation during Administrative Review

### Procedure:

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- On-site **school storage** review only: CDE will review 2-3 items in each food category (see list below)
- Off-site **warehouse storage facilities** only: CDE will review 2-3 items in each food category
- **Combination** of on-site and off-site storage options: CDE will review 1-2 items in each food category at 1) the on-site school storage review and 2) the off-site storage facilities review

### Reviewed Food Categories

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1. Bakery, pasta, and miscellaneous (flour, cornmeal, sugar, pasta, rice, cooking oils, etc.)
2. Condiments (salad dressings, mustard, mayonnaise, ketchup, BBQ sauce, salsa, etc.)
3. Herbs and spices
4. Canned fruit and fruit juice
5. Canned vegetables and vegetable juice
6. Frozen fruit and fruit juice
7. Frozen vegetables and vegetables juice
8. Frozen meat/entrée items
9. Refrigerated foods (produce, butter/margarine, other items, etc.)

### SFA is compliant if:

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- The food and beverage label review does not identify any products received by the SFA as being grown and processed outside of the United States/territories
- Documentation exists to support exceptions to the Buy American requirements

### SFA is noncompliant if:

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- SFA does not provide documentation to support exceptions if non-domestic food is identified;
- No documentation is provided to:
  - Support the exception of non-domestic foods purchases  
Example: If the label notes that the product is, a “Product of Mexico,” SFA may be out of compliance if exception was not first approved by the SFA
  - Show consideration for purchase of alternative domestic products as a substitute when the food product ordered is prohibitively costly or sufficient quantity is not available

### Incomplete Label Considerations

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- The label only notes that a product was processed in the USA, but does not note the product origin
- Cannot determine from the label where the product was produced and processed
- If solicitation/contract documents contain the Buy American provision or language on requirement to provide domestic foods then product is compliant with the Buy American

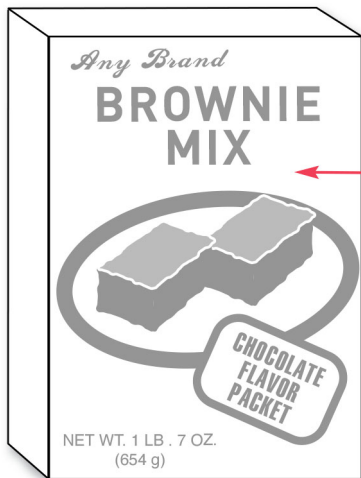
### Technical Assistance/Corrective Action May Include Ensuring:

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- Solicitation and contract language that includes the purchase of domestic foods requirement (7 CFR 210.21(d));
- SFA procurement and receiving staff obtain training to ensure vendor responses to bids/proposals include domestic foods and to review food deliveries to determine the country of origin is the United States or territories, as applicable, prior to accepting foods.

Where can I learn more?

<http://www.cde.state.co.us/nutrition/osnprocurement>



**9. What type size and degree of prominence is required for the word “imitation” in the product name?**

*Answer:* Use the same type size and prominence for the word “imitation” as is used for the name of the product imitated. 21 CFR 101.3(e)

**10. Are there restrictions on label artwork?**

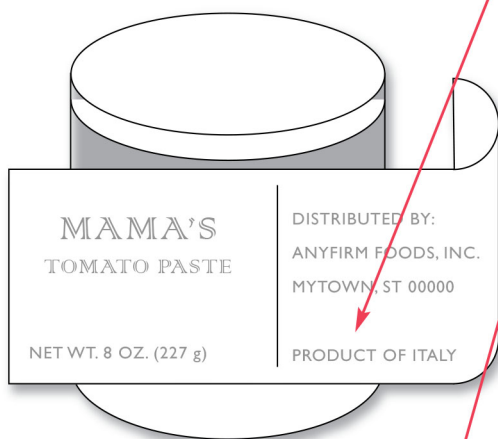
*Answer:* Do not use artwork that hides or detracts from the prominence and visibility of required label statements or that misrepresents the food. 21 CFR 1.21(a)(1), 21 CFR 101.3(a), 21 CFR 101.105(h)

**11. Where should the country of origin be declared on an imported food?**

*Answer:* The country of origin statement must be conspicuous. If a domestic firm's name and address is declared as the firm responsible for distributing the product, then the country of origin statement must appear in close proximity to the name and address and be at least comparable in size of lettering. (FDA/CBP (Customs and Border Protection) Guidance and Customs regulation 19 CFR 134)

**12. Are foreign language labels permitted?**

*Answer:* If a foreign language is used anywhere on the label, all required label statements must appear both in English and in the foreign language. 21 CFR 101.15(c)(2)



**Juices**

**J1. What causes a juice beverage label to be required to have a % juice declaration?**

*Answer:* Beverages that purport to contain juice (fruit or vegetable juice) must declare the % of juice. Included are beverages that purport to contain juice by way of label statements, by pictures of fruits or vegetables on the label, or by taste and appearance causing the consumer to expect juice in the beverage. This includes non-carbonated and carbonated beverages, full-strength (100%) juices, concentrated juices, diluted juices, and beverages that purport to contain juice but contain no juice. 21 CFR 101.30(a)

**J2. Where and how is % juice declared?**

*Answer:* The % juice must be on the information panel (for packages with information panels), near the top. Only the brand name, product name, logo, or universal product code may be placed above it. Use easily legible boldface print or type that distinctly contrasts with the other printed or graphic material. The type size for the % juice declaration must be not less than the largest type on the information panel, except that used for the brand name, product name, logo, universal product code, or the title phrase Nutrition Facts. The percentage juice declaration may be either “contains \_\_\_% juice” or “\_\_\_% juice.” The name of the fruit or vegetable may also be included (e.g., “100% Apple Juice”). If the package does not contain an information panel, the percent juice must be placed on the PDP in a type size not less than that required for the net contents declaration and placed near the name of the food. 21 CFR 101.30(e); 21 CFR 101.30(g)

