

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 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 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 2013)

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

(Adopted October 10, 2005. Amended 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 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 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.

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 2013)

Source: *Miss. Code Ann.* §69-7-611.

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. ~~No other fish may be sold, labeled, distributed, advertised, or marketed under the name “catfish.”~~
  2. Farm-raised – ~~The term 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.
  3. ~~Imported Catfish~~ means any species within the family Ictaluridae raised ~~outside of the United States. No other fish may be sold, labeled, distributed, advertised or marketed under the name “imported catfish”.~~
  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 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 information identifying it as from the United States of America or as Imported. ~~The label must also identify 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 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 2013)

101.03 Abbreviations, symbols or flags are not acceptable in lieu of country of origin labeling. Labels on catfish products from countries outside of the United States of America must say “Imported Catfish” and list the appropriate country in addition to the method of production that is required by the United States Agriculture Marketing Act of 1946. Imported must directly precede or follow the word catfish in all labeling and marketing information and must be printed in the same size, color and type lettering as catfish. The following are some acceptable examples: —“Farm Raised, Imported Catfish” or “River or Lake Imported Catfish”. The term “wild caught” may be substituted for “river or lake” as provided for in the United States Agricultural Marketing Act of 1946. In addition, the method of production must be in the same locations on the labeling as the words “Imported Catfish” and the same type set to prevent the labeling from misleading the consumer.

(Adopted October 10, 2005. Amended 2013)

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

(Adopted October 10, 2005. Amended 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. The information required by section 101 of this chapter must be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the catfish product or on the package, display, holding unit, or bin containing the catfish product at the final point of sale.

1. Labeled catfish. If the catfish is already individually labeled for retail sale regarding country of origin in a manner that complies with section 101 by the processor or distributor, the person selling the catfish shall not be required to provide any additional information.
2. River or Lake catfish. Any person selling river or lake catfish exclusively and directly to the consumer may have a sign on his premises identifying such product rather than label each container or package as provided in paragraph (1) above. The term “wild caught” may be substituted for river or lake catfish.

(Adopted October 10, 2005. Amended 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.

Source: *Miss. Code Ann.* §69-7-611.

### Sign Requirements

103 ~~If a placard or sign is used on a display, holding unit or bin as permitted in section 102 of this chapter, the sign must be in a prominent position so that the consumer can easily view it. All signs must be placed in such a way that consumers can distinguish which fish the sign is identifying. If a person sells only catfish from one country, one sign stating that fact will suffice as long as it meets the other sign requirements in this section.~~

~~(Adopted October 10, 2005. Repealed 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. —The Commissioner of Agriculture and Commerce may require any person that prepares, stores, handles, or distributes catfish for retail sale to maintain a verifiable record-keeping audit trail that will permit the Commissioner to verify compliance with the Catfish Labeling Law. All records must be legible and maintained in either electronic or hard copy formats. As such, records and other documentary evidence to substantiate origin declarations and designations of wild and/or farm-raised are necessary in order to provide food service establishments with credible information on which to base origin declarations. Any person engaged in the business of supplying catfish to a retailer, whether directly or indirectly (i.e., harvesters, producers, distributors, handlers, etc.), must make available information to the subsequent purchaser about the country(s) of origin and method(s) of production (wild and/or farm-raised). This information may be provided either on the product itself, on the master shipping container, or in a document that accompanies the product through retail sale provided it identifies the product and its country(s) of origin and method(s) of production, unique to that transaction by means of a

lot number or other unique identifier. Any person engaged in the business of supplying catfish to a retailer, whether directly or indirectly, must maintain records to establish and identify the immediate previous source (if applicable) and immediate subsequent recipient of the catfish, in such a way that identifies the product unique to that transaction by means of a lot number or other unique identifier, for a period of 1 year from the date of the transaction. In addition, the supplier of the catfish that is responsible for initiating a country of origin declaration and method of production (wild and/or farm-raised) designation must possess records necessary to substantiate the claim. For imported catfish determined by the US Customs and Border Protection (CBP), the importer must ensure that records: provide clear product tracking from the U.S. port of entry to the immediate subsequent recipient and accurately reflect the country(s) of origin and method(s) of production (wild and/or farm raised) identified in relevant CBP entry documents and information systems; and maintain such records for a period of 1 year from the date of the transaction. Any intermediary supplier (i.e., not the supplier responsible for initiating a country of origin declaration and method of production (wild and/or farm-raised) designation) handling a covered commodity that is found to be designated incorrectly for country of origin and/or method of production (wild and/or farm raised) shall not be held liable for a violation of the Act by reason of the conduct of another if the intermediary supplier could not have been reasonably expected to have had knowledge of the violation. Retailers also have record keeping responsibilities. Records and other documentary evidence relied upon at the point of sale by the retailer to establish a product's country(s) of origin and method(s) of production (wild and/or farm raised), or, if applicable, date of harvest or capture designation, must be available during normal business hours to any duly authorized representatives of the Commissioner for as long as the product is on hand. For pre-labeled products (i.e., labeled by the manufacturer/first handler) the label itself is sufficient evidence on which the retailer may rely to establish a product's origin and method(s) of production (wild and/or farm raised). Records that identify the retail supplier, the product unique to that transaction by means of a lot number or other unique identifier, and for products that are not pre-labeled, the country of origin and method of production (wild and/or farm raised) information must be maintained for a period of 1 year from the date the origin declaration is made at retail. Such records may be located at the retailer's point of distribution, warehouse, central offices, or other off-site location. Any retailer handling catfish that is found to be designated incorrectly as to country of origin and/or the method of production (wild and/or farm raised) shall not be held liable by reason of the conduct of another if the retailer could not have been reasonably expected to have had knowledge of the violation.

(Adopted October 10, 2005. Amended 2013)

Source: *Miss. Code Ann.* §69-7-611.