

New York Food Labeling Requirements

Pre-packaged seafood (not weighed in front of the consumer) for retail sale in NY State must be labeled in accordance with the [Federal Food Labeling Laws](#) adopted by the state (21 CFR Parts [1](#), [101](#) and [102](#)) and those outlined in [1 NYCRR 221](#).

Food Labels

The information illustrated below is required on all food labels, additional information can be found on the [Department of Agriculture and Markets website](#) or in the [FDA Food Code 3-602](#).

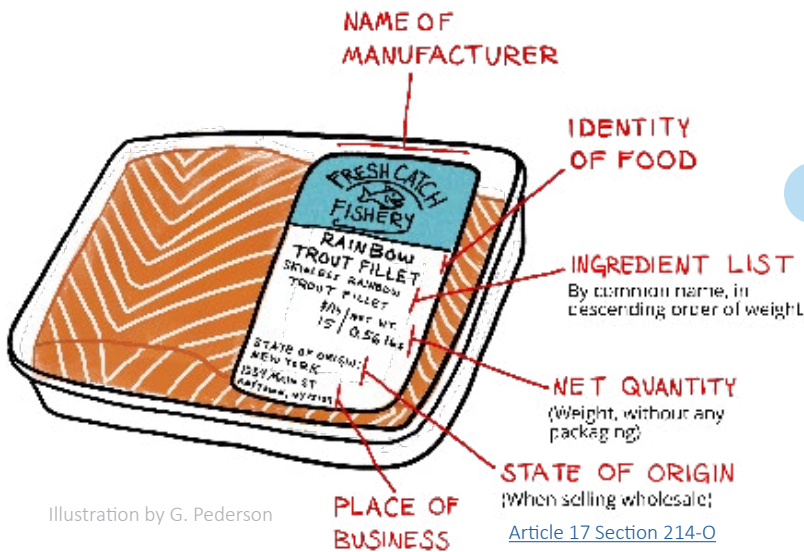


Illustration by G. Pederson

Principal display panel (PDP) - Part of the food label that is most likely to be displayed to customers at point of sale. The PDP must include the statement of identity (identity of food) and net quantity.

Information panel - Part of the food label to the right of the PDP where additional required information that is not included in the PDP can be placed (i.e. ingredients, name of manufacturer, address, etc.)

Nutritional information is not required for seafood unless processing into prepared or value-added (salads, smoked, pickled etc.) products. You may want to use the FDA [seafood nutrition guide posters](#) to inform your buyers on seafood nutrition.

Misbranding

Foods are considered misbranded and subject to legal action when they do not contain all required information (illustrated on the left) and if the labeling is false or misleading. Specific information on what constitutes misbranding can be found in [Section 201 of Article 17](#) of the AgM Laws. For example, Escolar (*lepidocyium flavorbrunneum*) or oilfish (*ruvettus pretiosus*) sold under the name tuna, albacore tuna, white tuna, or any other species name other than the recognized common or scientific species names for such species is considered misbranded according to [Article 17 Section 201-I](#) of the AgM laws.

Fish must be properly labeled using the approved market name (common name) found on [The Seafood List](#), additional information on federal seafood labeling requirements can be found on the [Food and Drug Administration website](#).

Frozen Seafood

Any seafood (food fish or shellfish) that has been frozen prior to sale or distribution to the ultimate consumer must be labeled: "This product was previously offered for sale in an unfrozen state" if sold in a package or container or "These products were previously offered for sale in an unfrozen state" if sold from bulk in accordance with [Article 17 Section 214-G](#) of the AGM laws and [1 NYCRR 272-4](#).

Note: this rule/regulation does not apply to cities with populations greater than 1 million (i.e. New York City).

FDA requires frozen vacuum packed seafood in federally licensed facilities have a label that states "keep frozen and thaw under refrigeration immediately before use"

Note that large seafood retailers may be subject to [Country of Origin Labeling \(COOL\)](#) Laws. Small scale retail outlets, such as fish stands, and foodservice establishments are exempt.

Processed Seafood

[1 NYCRR 262.8](#) specifically describes additional labeling requirements for processed (cured, salted, marinated, dried, or smoked) fish and shellfish.

- Shipping containers, retail packages, and shipping records must indicate the perishable nature of the product and must feature an identifying code that indicates the packing establishment, the product contained therein, and the packing year, date, and period.
- When frozen the label must state “the product shall remain frozen until thawed at refrigerated temperatures and shall not be refrozen”.
- When refrigerated the label must state “Keep Refrigerated at 38 degrees fahrenheit or below.”

Food Service

Mobile food service and temporary food service establishments that offer raw or undercooked fish or shellfish in a ready-to-eat form must inform consumers that there is significantly increased risk associated with certain, especially vulnerable, consumers eating such foods in raw or undercooked form” ([1 NYCRR 271-2.25](#)).

Check with your local DOH for specific advisories that might be necessary. For example, New York City requires: “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.” [24 RCNY § 81.11\(a\)](#).

Shellfish Labeling Requirements

In accordance with [Title 7 CFR 60](#) fish and Shellfish sold at retail must feature written labels/notices informing consumers of the country of origin and method of production information (wild and/or farm-raised). This does not apply to foodservice establishments and seafood that has been further processed for sale and consumption.

Blue Point Oysters - Only oysters that have been planted and cultivated at least three months in the waters of the Great South Bay can be labeled or branded as “Blue Point Oysters” for shipment or sale according to [Environmental Conservation Law 13-0323](#).

Shellfish Dealer Tags - Shellfish sold wholesale must have dealer tags attached which include the following information in accordance with [6 NYCRR 42.11](#).

PERISHABLE KEEP REFRIGERATED	Company Name:	Cert. #:
	Company Address: City, State, Zip Code:	
Original Shipper's Cert. No. if Other than Above: _____		
Harvest Date: _____		Shipping Date: _____
Harvest Location: _____		
Type of Shellfish:	Little Necks _____	Top Necks _____
	Cherrystones _____	Mussels _____
	Chowders _____	Oysters _____
Product of:	USA _____	Canada _____
	Farm Raised _____	Wild _____
Quantity of Shellfish:	Pounds _____	Count _____
<p>This tag is required to be attached until container is empty OR is retagged and thereafter kept on file, in chronological order, for 90 days. Retailers: Date when last shellfish from this container was sold or served: _____</p>		

PERISHABLE KEEP REFRIGERATED

RETAILERS, INFORM YOUR CUSTOMERS
“Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain