

## **Compliance and Food Safety FAQs**

The information in these FAQs follows our due diligence with Feeding America. The Fair Packaging and Labeling Act must be followed, meaning all charitable food, pet food, and household products must be properly labeled prior to distribution. Please read the FAQs for more detail.

**Annual Agreement Amendment:** The Partner Agency agrees not to repackage any items sourced from MANNA, including food, household products, pet food, retail donations and USDA commodities. MANNA strongly recommends that you contact your local Health Department's Division of Environmental Health to request guidance for your facility and plans for repackaging items not sourced from MANNA. No items sourced from MANNA, including retail donations, may be repackaged.

Partners who choose to repackage non-MANNA food must still abide by all state and federal guidelines including the Fair Packaging and Labeling Act, but MANNA is not going to act as the auditing entity for repackaging non-MANNA food other than making strong recommendations grounded in food safety standards.

### **May we repack food or other products?**

In most cases, no. The only exception for food is whole intact produce. NCDA/USDA Commodities food (TEFAP or CSFP) may never be repacked under any circumstances.

Our Annual Agreement addresses several food safety items, including repackaging. In Section 1 Liability & Release you have agreed to accept MANNA product in "as is" condition and accept full responsibility for the purity and fitness for consumption of all product. "As-is" also means no repackaging of MANNA product. The Partner Agency warrants and guarantees to indemnify, defend and hold the Food Bank, Feeding America, and the original donor harmless from all liabilities, claims, losses, causes of action, suits at law or in equity or any other obligation whatsoever arising out of, or attributed to, any action by the Partner Agency in connection with its conduct, conditions, or activities, in relation to the donated product supplied to it by the Food Bank.

Food Safety language also agreed upon in the Annual Agreement includes:

- The Partner Agency agrees to meet any applicable local, state, and federal health and safety requirements regarding the safe and proper handling, receiving, storage, transferring, and use of food. The Partner Agency is also responsible for ensuring program staff and volunteers are trained properly in hygiene, safe handling of food, and working with the public in a respectful manner. All food safe practices in the trainings must be followed. Food must be stored following the required food safety training

protocol with the goal of reducing possibilities of spreading allergens, cross-contamination, and maintaining appropriate temperature.

- Abiding by the [Fair Packaging and Labeling Act \(FPLA\)](#) which prohibits the distribution of any food item or consumer commodities, such as personal care or household use items and pet foods, without a label, except whole intact fresh fruits and vegetables.

\*Please note that the [USDA has additional requirements for labeling of animal proteins](#).

Again, effective 3/31/23 we are amending the Agreement to: The Partner Agency agrees not to repackage any items sourced from MANNA, including food, household products, pet food, retail donations and USDA commodities. MANNA strongly recommends that you contact your local Health Department's Division of Environmental Health to request guidance for your facility and plans for repackaging items not sourced from MANNA. No items sourced from MANNA, including retail donations, may be repackaged.

Partners who choose to repackage non-MANNA food must still abide by all state and federal guidelines including the Fair Packaging and Labeling Act, but MANNA is not going to act as the auditing entity for repackaging non-MANNA food other than making strong recommendations grounded in food safety standards.

- **What if the product does not come from MANNA?**

MANNA provides partners with food safety training, regulations pertaining to food safety, best practices, and an Annual Agreement detailing our expectations for partnership, service to neighbors, and food safety. If a partner chooses to repackage food when that food is not sourced from MANNA we still cannot endorse unsafe practices. As referred to above, MANNA is held harmless from any liabilities related to the conduct of partners.

We will continue to address any food safety findings in our compliance monitoring site visits, as building and maintaining trust in the distribution of safe and healthy food to our communities is top priority. Keeping in mind, too, that it may be difficult or impossible to tell what food is sourced from MANNA or otherwise. Following food safety guidelines consistently is our standard.

- **May we repackage pet food, or distribute repackaged pet food that has been donated to us by another agency?**

Pet food must be treated the same as food intended for human consumption. Pet food may contain allergens, presenting a safety concern for cross-contact contamination for both people and pets. The same requirements would need to be met to safely repackage pet food. Proper labeling is still required per the FPLA. This is also important in the case of a recall. Again, if you choose to repackage pet food not sourced from MANNA, we are not responsible for any unsafe practices.

- **What if donors want to give us bulk items or do their own repacking events and donate that to us?**

Communication is key! Explain to your donors why you need smaller quantities donated, and give them opportunities to volunteer and give back in a way that is most helpful while maintaining food safety. Anyone doing repacking should have proper food safety training, a Clean Room, and the ability to provide proper labels according to the FPLA. Again, refer to the amended statement above.

- **Can we accept items, such as baked goods, in clear trash bags?**

No, the items must still be properly labeled. Additionally, all packaging material must be new, clean, and food grade. Packaging should also be secured to prevent contamination.

- **Can we accept and distribute local eggs?**

Yes, and if they are small production local eggs the label may be exempt from grading but it is best practice to still include the word “eggs”, the content count, and your agency’s information as the distributor. It is also best practice to include the original source’s name and address. For commercial eggs, the grade must also be included. Please refer to the [NC Egg Law](#).

- **Now that everyone who regularly handles food is required to have food safety training, how is that tracked?**

Simple, we trust you to make sure your staff and volunteers know about this requirement and the resources we offer to complete it. We have a free training and certification quiz on our website for our pantry partners and to supplement food protection manager training for meal sites.

- **May we use food sourced from MANNA to stock our outdoor pantry or Blessing Box?**

No, food from MANNA, including food donated by our retail partners, may not be used to stock outdoor pantries. These units do not meet U.S. Food Code for safety and they are a violation of our contract with Feeding America.