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November 14, 2008

Elizabeth Johnson
Acting Under Secretary for Food Safety
USDA Food Safety and Inspection Service
FSIS Docket Room
1400 Independence Avenue, SW, Room 2534
Washington, DC 20250

Re: Product Labeling: Use of the Animal Raising Claims in the Labeling of Meat and Poultry Products—Docket No. FSIS-2008-0026

Dear Ms. Johnson:

The Keep Antibiotics Working Coalition is pleased to submit the following comments to the U.S. Department of Agriculture Food Safety and Inspection Service (FSIS) as it initiates a process to review its policies regarding the use of animal raising claims on the labels of meat and poultry products.

Keep Antibiotics Working: The Campaign to End Antibiotic Overuse includes concerned health, consumer, agricultural, environmental, humane and other advocacy groups with more than ten million members, all working to reduce the growing public health threat of antibiotic resistance. Our primary goal is to end the overuse and misuse of antibiotics in animal agriculture.

Keep Antibiotics Working focuses primarily on label claims regarding antibiotic use, but we understand that production practices and label claims in the meat arena are interconnected. KAW's member organizations, either individually or through the coalition, have participated in a number of label-related activities over the last few years. **In our view, the underlying problem with regard to labels is two-fold. First there is a lack of a consistent process at FSIS for evaluating and verifying label claims. Second, there is confusion about how FSIS and the Agricultural Marketing Service (AMS) interact in setting and enforcing labels.**

To our first point, strong federal involvement in the establishment of meaningful and consistent labels on consumer products is essential to achieving KAW's goal of protecting drug efficacy by reducing antibiotic use in animal production facilities. KAW organizations, and consumers in general, are increasingly concerned about the widespread use of antibiotics, particularly at confined animal feeding operations (CAFOs). Some consumers are willing to pay a premium to producers who adopt measures that reduce or avoid antibiotic use. Product labels enable consumers to

make these choices and can result in market-driven changes in the livestock and poultry industry. On the flip side, producers cannot benefit from premium prices or other market advantages unless consumers trust that label claims are accurate.

For this reason, USDA's role in regulating and enforcing the truthfulness of animal-raising claims on meat labels is critical. In our view, FSIS' resources and procedures have not kept pace with consumer and producer demands for clear, meaningful information and consistent standards. Recent missteps surrounding the approval and subsequent cancellation of two iterations of a label claim by Tyson regarding antibiotic use have left producers and the public with little confidence in FSIS's ability to evaluate label claims. A new process is needed.

In the past, FSIS staff have explained that the agency's process for evaluating the truthfulness of label claims relies on a case-by-case evaluation of each particular label, not on consistent standards. We feel that this is a mistake. FSIS should establish and use standards for evaluating label claims, not evaluate them case-by-case. We also urge FSIS to publish a list of claims and standards approved by the agency as truthful and not misleading.

Finally, where the label would have a significant commercial impact, FSIS should establish a process, including notice in the *Federal Register* and opportunity to comment, to insure stakeholder input in the development of claims. When stakeholders have different perspectives regarding the standards for a claim like "raised without antibiotics" (e.g. whether this definition pertains to ionophores or in ovo injections), a notice and comment period would allow these considerations to be aired *before* the agency makes a decision. In defining a significant commercial impact, the Agency should consider both the number of producers who may use a label as well as the market share represented by users

A transparent public process, with broad stakeholder participation, would go a long way to avoid a situation like the agency faced in its handling of Tyson's "raised without antibiotics" claim.

In our experience, FSIS is understaffed and unable to deal with the growing demand for establishing and verifying increasingly important animal-raising claims. We urge USDA to increase the staff and resource capacity at FSIS.

Our second recommendation is that USDA clarify the relationship between FSIS and AMS in establishing and enforcing label claims.

We understand, for example, that in order to be considered truthful by FSIS, products claiming to be "grass fed" will have to meet the standards set by AMS for its process-verified grass fed claim. Is this the case? If so, will this become norm for all FSIS claims worded similarly to process-verified label claims? If a policy of synchronized standards is understood to be the norm for grass fed and other process-verified claims, it should be described in public documents.

Understanding the relationship between AMS and FSIS claims will have many benefits, including helping find a satisfactory resolution of the controversy surrounding the use of the term natural.

As the Agency is undoubtedly aware, consumers associate the term “natural” not with the processing definition adopted by FSIS, but with a broader set of animal-raising claims. A July 2007 poll by Consumers Union found that 80 percent of respondents thought that the term “natural” on a meat label should mean, among other things, that “it came from an animal that was *raised* in a natural environment” (emphasis added). Many producers have long used the term natural on labels to refer to how animals were raised, although there are no FSIS standards for the truthfulness of natural as a raising claim.

AMS has now proposed a process-verified “naturally raised” label. While it may make sense to USDA that “naturally raised” and “natural” stem from two different agencies with different missions and regulatory functions, this fact is lost on the public at large. The market created for “naturally raised” products—and thus the desire of consumers for meat from animals raised on a vegetarian diet without antibiotics or added hormones—could be seriously undermined unless FSIS and AMS work in tandem to create harmonized label standards for the term “natural,” and adopt a coordinated mechanism for auditing and enforcement.

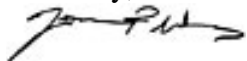
So far, there is no indication that AMS and FSIS are working together to provide label claims using the term natural that are clear and meaningful to consumers. On the contrary, the agency stated in its *Federal Register* notice on the proposed “naturally raised” process-verified label that this standard would “remain independent of FSIS use of the term ‘natural.’”

KAW urges FSIS and AMS to reconsider this position. We urge FSIS and AMS to work together to establish two new claims—“naturally raised” and “naturally processed”—and to no longer allow the use of the term “natural” standing alone on meat labels. “Naturally raised” would be available both as a FSIS claim and a process-verified claim with identical standards in both cases. This approach would clear up the confusion between processing and raising claims and ensure consistent standards in the marketplace.

In conclusion, clear and meaningful labels are vital to the growth of the market for meat produced in a way that safeguards the effectiveness of antibiotics for future generations. FSIS can insure such labels by adopting new transparent processes for establishing the truthfulness of animal-raising claims and clarifying its relationship with AMS.

Thank you for considering our comments.

Sincerely,



Jennifer Palembas
Outreach Coordinator