




CONTAINS CONFIDENTIAL BUSINESS INFORMATION EXEMPT
FROM DISCLOSURE UNDER 5 U.S.C. § 552(B)(4)

March 18, 2011

U.S. Mail and Electronic Mail

Alfred V. Almanza
Administrator
Food Safety and Inspection Services
US Department of Agriculture
1400 Independence Ave., S.W.,
Room 331-E
Washington, DC 20250

Rayne Pegg
Administrator
Agricultural Marketing Service
US Department of Agriculture
1400 Independence Ave., S.W.
Room 3170-S
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Re: Process Verified Label Claims Approved for Perdue[®] Brand Chicken Products
(Certificate Nos. PVP8075RH, PVP0102JJB, PVP0109JJB, PVP0111JJB,
PVP0112JJB, PVP0110JJB, PVP0256JGS)

Dear Administrators:

Tyson Foods, Inc. ("Tyson") hereby files this formal Petition to request that the United States Department of Agriculture ("USDA") rescind approval for the above-referenced process verified labels (the "PVP Labels") issued to Perdue Farms, Inc. ("Perdue") and Perdue's associated point-of-sale materials ("POS materials"). Copies of the PVP Labels in the various forms that it has appeared in the marketplace and POS materials are enclosed for your reference. (Ex. 1). The PVP Labels and POS materials are misleading and confusing to consumers.

I. Introduction

Tyson regrets having to seek this relief from USDA. We appreciate and respect the work of the agency in ensuring that consumers receive information relevant to their purchase of poultry products. We have previously discussed the PVP Perdue[®] Labels with several representatives of Food Safety & Inspection Service ("FSIS") and the Agricultural Marketing Service ("AMS"). Tyson knows that neither FSIS nor AMS intended to approve a label that would mislead consumers, cause confusion among consumers or grant an unfair competitive advantage to Perdue. Unfortunately, however, we now know that the Perdue's use of the PVP Labels has led to precisely these results.

Tyson has notified Perdue of the deception caused by the claims contained on the PVP Labels and repeated in POS materials and asked Perdue on several occasions to abandon those claims. The Humane Society of the United States ("HSUS") has also filed a lawsuit against Perdue alleging that one of the claims contained on the PVP Labels is false and misleading to consumers. *See Hemy v. Perdue Farms, Inc.*, Superior Court of New Jersey, Monmouth County



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(challenging “Humanely Raised” claim). Unfortunately, Perdue has refused to voluntarily abandon these claims. It is because of that refusal that Tyson now requests that USDA rescind approval of the PVP Labels.

II. Authority and Duty of FSIS To Act

FSIS is the regulatory agency in the USDA responsible for ensuring that the nation’s commercial supply of poultry products is safe, wholesome and accurately labeled. Under the Federal Meat Inspection Act (21 U.S.C. § 601, 607) and the Poultry Products Inspection Act (21 U.S.C. § 451, 457) the labels of poultry products must be approved by the Secretary of Agriculture, who has delegated this authority to FSIS, before these products can enter commerce.

FSIS clearly understands its obligation to deny approval to any label that is false or misleading. The agency has developed and implemented regulations and policies intended “to ensure that . . . poultry . . . products labeling is truthful and not misleading.” FSIS Notice, *Product Labeling: Use of Animal Raising Claims in the Labeling of Meat and Poultry Products*, Fed. Reg. Vol. 73, No. 198 (Oct. 10, 2008) (hereinafter “FSIS Animal Raising Claims Notice”). Current regulations expressly provide that “no product subject to the [Poultry Products Inspection Act] shall have any false or misleading labels.” C.F.R. § 381.129. As such, FSIS must consider whether “labeling misrepresents the product” or results in an “unfair competitive advantage.” C.F.R. § 381.132. Because of the broad definition of “labeling” under the Poultry Products Inspection Act, the agency’s labeling regulations are also applied to “materials that accompany a product but are not attached to it, such as point-of-purchase (‘POP’) materials.” FSIS Labeling and Consumer Protection Staff, *Guide to Federal Food Labeling Requirements for Meat and Poultry Products* (Aug. 2007); see also FSIS Labeling Policy Memo 114A (Aug. 18, 1994) (“We do expect point of purchase materials to be in accordance with the Federal regulations and all current labeling policies.”)

There can be no doubt that FSIS has both the authority and duty to rescind approval of any label or related POS material determined to be false or misleading.

III. Perdue’s PVP Labels and POS Materials are Misleading

Perdue’s PVP Labels make several animal raising claims that are misleading. Perdue has leveraged these misleading claims in POS materials and in a national television and print advertising campaign. Perdue touts its raising practices as though they are unique from and superior to the practices of its competitors. In support of these claims, Perdue points consumers to the fact that its animal raising practices are verified by USDA.

FSIS has previously acknowledged the unique challenges the agency and consumers face when evaluating “animal raising” label claims. “Consumers often have a wide variety of views regarding the meaning of specific animal raising claims.” See *FSIS Animal Raising Claims*



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Notice. As such, FSIS has recognized that animal raising claims are “special” claims that should be closely “scrutinized” by the agency. FSIS Labeling Policy Memo 114A (Aug. 18, 1994) (“[P]romotional materials will be scrutinized for special claims, particularly those related to . . . animal husbandry practices.”) Negative labeling (i.e., touting the absence of an ingredient or practice) is another area recognized by FSIS as presenting a substantial risk of confusing or misleading consumers; particularly when a producer touts the absence of an ingredient or practice that is not utilized by others in the industry either. *See* FSIS Labeling Policy Memo 19B (Aug. 18, 1994). When a producer makes a negative claim on its label (e.g., raised cage free) consumers often infer that other producers must engage in the practice disavowed by the producer on its label.

“Because FSIS does not regulate food animal production, the Agency may not always have all the relevant information necessary to the proper evaluation of the animal raising practices” described in a producer’s application for approval of labeling claims. *FSIS Animal Raising Claims Notice.* As such, FSIS has stated that it will approve an animal raising label claim only “[i]f a company submits information that demonstrates that an animal production claim is truthful and not misleading . . .” *Id.* Tyson is not privy to the information Perdue submitted in support of its label applications. We would be interested in knowing whether Perdue submitted *any* evidence as to how consumers would likely understand the animal raising claims for which it sought FSIS labeling approval. Based on Tyson’s own survey of consumer understanding of the PVP Labels (Ex. 2), it is clear that consumers are being misled and confused by Perdue’s label claims.

A. The Raised Cage Free Claim is Misleading and Confusing

One of the claims on the PVP labels is that the USDA is verifying that Perdue’s broiler chickens are “raised cage free.” This is a negative labeling claim (i.e., absence of a practice) and an animal raising claim. Thus, this claim warrants special attention by FSIS.

In the US poultry industry, broiler chickens are not typically raised in cages. Broiler chickens, whether owned by Perdue or by any of its major competitors, are raised on the floor of large poultry barns, not in cages. Perdue is attempting to mislead consumers by implying that its chickens are raised in a farm setting that is materially different from its competitors when it comes to the confinement of chickens. Perdue knows very well that none of its competitors, including Tyson, employ practices whereby broiler chickens are confined in cages while they are on the farm. The fact that USDA has “verified” Perdue’s “cage free” practice only serves to reinforce the misleading nature of Perdue’s claim. Why would USDA verify the absence of a practice that no one in the broiler industry is utilizing the first place?

Tyson’s consumer survey confirmed the deception caused by the “raised cage free” claim on the PVP Labels. 50% of surveyed consumers presented with the PVP Labels interpreted this claim to mean that only Perdue® brand chickens carrying this logo [i.e., a



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“USDA’s Process Verified” graphic created by Perdue and included on its labels] are “raised cage free.” (Ex. 2, Survey, Q7, p. 5). 31% of consumers agreed or strongly agreed with the statement that “chicken in packages without the logo **are** raised in cages.” (Ex. 2, Survey, Q6, p. 5). Consumers are being misled by this animal raising claim.

B. The Humanely Raised Claim is Misleading and Confusing

The PVP Labels also include a claim that USDA has verified that Perdue has “humanely raised” its chickens. Obviously, the phrase “humanely raised” is a subjective term that is likely to communicate different things to different consumers. Those who work in the broiler industry likely already believe the practices employed on poultry farms throughout the industry are indeed “humane.” But, of course, Perdue’s “humanely raised” claim is not directed at the informed consumer who is familiar with industry practices. It is directed at consumers who have no real understanding as to how broiler chickens are treated and cared for before being processed into the products they buy at the grocery store.

Unfortunately, Perdue’s PVP Labels provide no information by which a consumer can evaluate this subjective concept of “humanely raised” chickens. Consumers are simply told USDA has verified that Perdue “humanely raises” its broiler chickens. According to a spreadsheet found on USDA’s website, the basis of this claim is Perdue’s adherence to general industry practices “based upon the principles outlined in the National Chicken Council’s Animal Welfare Guidelines.” <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=stelprdc5071588>. Tyson, and most of Perdue’s competitors, are members of NCC, were involved in formulating and also adhere to NCC’s Animal Welfare Guidelines. Thus, the “humanely raised” claim is another instance where USDA is verifying that Perdue raises broiler chickens in the same manner as its competitors. However, consumers are misled by the PVP Labels into believing that Perdue’s practices are “humane” in contrast to the supposedly “inhumane” practices of its competitors.

Once again, the deception and confusion of consumers caused by the PVP Labels was verified by Tyson in its consumer survey. 50% of surveyed consumers presented with the PVP Labels interpreted this claim to mean that only Perdue® brand chickens carrying this logo [i.e., a “USDA’s Process Verified” graphic created by Perdue and included on its labels] are “humanely raised.” (Ex. 2, Survey, Q7, p. 5). 28% of consumers agreed or strongly agreed with the statement that “chicken in packages without the logo **are not** humanely raised.” (Ex. 2, Survey, Q6, p. 5). Consumers are being misled by this animal raising claim.

C. The PVP Labels Improperly Imply Government “Endorsement” of Perdue’s Products as Superior in Quality.

Consumers trust USDA and place great confidence (as they should) in the agency’s efforts to ensure that only safe and wholesome poultry products are brought to market in the US.



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Public trust in USDA "approval" is important to the industry as a whole. That public trust should never be used to advance the interests of one producer's products at the expense of other producers regulated by the same agency. This basic principle of fairness has led to a universally recognized view that federal agencies should refrain from "endorsing" one company's products over the products offered by its competitors.

Perdue's PVP Labels impinge upon the fundamental fairness that all regulated parties are entitled to in their dealings with federal agencies because a substantial portion of consumers interpret the PVP Labels as extending an endorsement by USDA to Perdue's products as being superior in quality to its competitors' products. The imprimatur of "USDA endorsement" was clearly detected in Tyson's consumer survey. Over 43% of surveyed consumers agreed or strongly agreed with the statement: "[t]he . . . USDA endorses this brand of packaged fresh chicken over other brands without the same logo [i.e., a "USDA's Process Verified" graphic created by Perdue and included on its labels]." (Ex. 2, Survey, Q6, p. 5). 58% of surveyed consumers believe that USDA has "guaranteed" Perdue[®] products "to be of high quality." *Id.*

While Tyson's consumer survey was limited to testing the impact of the PVP Labels alone, we believe Perdue is intentionally leveraging the misimpression that USDA has endorsed or guaranteed its products in its advertising, including in POS Materials. For example, Perdue's POS postcards displayed in the meat case near its products include the claim "Tenderness Guaranteed" with a checkmark beside it in an inset prominently labeled "USDA Process Verified." (See Ex. 1). Perdue goes on to claim that it obtained USDA's process verification "because we're absolutely committed to providing you with the *highest-quality, best-tasting Perdue chicken.*" And, then Perdue claims that the fact that its process-verified chickens "are guaranteed to be naturally tender *adds up to a tastier Perdue chicken.*" Consumers are then directed to the www.PerdueVerifiablyGood.com website where Perdue says "**TASTE THE DIFFERENCE**":

"We've always known our PERDUE[®] chicken was good, but with our new USDA Process Verified seal, we know it's VERIFIABLY GOOD. . . . This means you can have full confidence in the way we raise our chickens. . . . [W]e've also found that *this means consumers prefer the taste of Perdue Process Verified Chicken.*" (Ex. 3 (emphasis added)).

It is clear that Perdue is misleading consumers through the PVP Labels and related POS material into believing that USDA's bureaucratic review of paperwork submitted by Perdue regarding practices that are industry standard somehow guarantees the quality, taste or tenderness of its finished products. The PVP Labels and POS materials present a false claim that USDA endorses Perdue's products as superior in quality to those of its competitors. We suspect USDA never envisioned Perdue would be making these sort of claims based upon its approval of the PVP Labels, but, unfortunately that is precisely what has occurred.



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IV. Conclusion / Action Requested

Tyson believes all companies are entitled to creatively market their products and we appreciate the efforts of USDA to ensure that approved label claims serve the proper role of educating, but not misleading, consumers. Unfortunately, for the reasons set forth above, the PVP Labels approved for Perdue cross the line separating creative marketing and deception. Consequently, we ask USDA to immediately rescind approval for the PVP Perdue[®] Labels and order the withdrawal of all POS Materials distributed by Perdue with respect to the claims included in the PVP Labels. Given the clear evidence of ongoing consumer confusion surrounding the PVP Labels, USDA should expedite its consideration of this Petition.

We would greatly appreciate the opportunity to discuss these concerns further with you at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert W. George".

Robert W. George
V.P. & Associate General Counsel

Enclosures

cc (via e mail): Rosyln Murphy-Jenkins (FSIS Labeling)
David Shipman (AMS)

EXHIBIT 1

**(Labels and POS
Material)**



Fit & Easy



Fresh • All Natural[®]
99% FAT FREE

BONELESS SKINLESS

Chicken Breasts



- ✓ All Vegetarian Diet
- ✓ No Animal By-Products
- ✓ Humanely Raised
- ✓ Raised Cage Free

No Hormones or Steroids Added!

FOOD LION

PERDUE PUP BMLS BREAST

SAFE HANDLING INSTRUCTIONS

THIS PRODUCT IS NOT TO BE EATEN RAW. IT SHOULD BE COOKED TO AN INTERNAL TEMPERATURE OF 165°F. TO CHECK INTERNAL TEMPERATURE, INSERT THERMOMETER INTO THICKEST PART OF MEAT. DO NOT REFRIGERATE OR FREEZE. FOR MORE INFORMATION, VISIT US AT PERDUE.COM

1689	NET WT/WT	UNIT PRICE	DATE
1.35 lb	\$4.49/lb	JUN 26 10	
		EXP/PRN	\$6.06

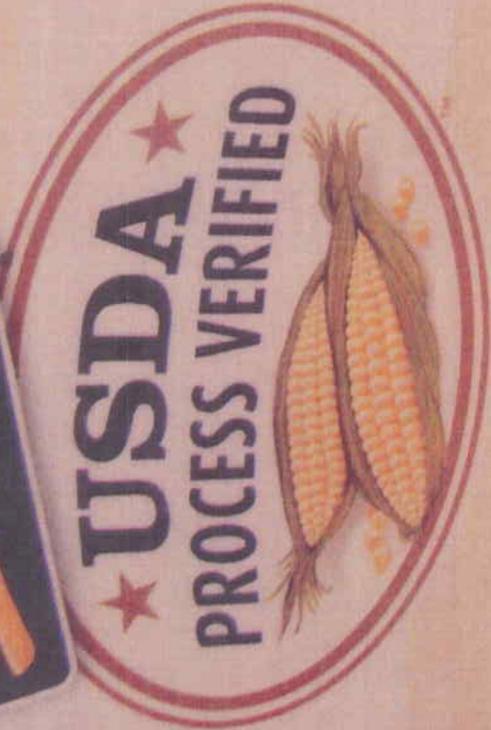
VALUE PICKED!

PERDUE PUP BMLS BREAST

\$4.85



Fresh From Family Farms Since 1970



- ✓ All Vegetarian Diet
- ✓ Humanely Raised
- ✓ Raised Cage Free

No Hormones or Steroids Added

www.PerdueVerifiablyGood.com

TASTE THE DIFFERENCE



www.PerdueVerifiablyGood.com



- ✓ All Vegetarian Diet
- ✓ No Animal By-Products
- ✓ Raised Cage Free
- ✓ Tenderness Guaranteed
Boneless, Skinless Breasts

No Hormones or Steroids Added!

† Federal regulations prohibit the use of hormones or steroids in poultry

PERDUE® Fresh All Natural Chicken – Verifiably Good!

I'm proud to announce that Perdue is the first and only chicken company to have USDA process-verified programs. It's taken years to earn this verification, and we've done it because we're absolutely committed to providing you a high quality, great tasting chicken.

We know that today, Americans don't just care about their own diet; they also care about the diet of the foods they eat. That's why we feed our chickens an all-vegetarian diet including corn, soybeans, and marigolds, with no animal by-products, added hormones or steroids.† Our chickens are also raised cage free on family farms. And the fact they're guaranteed to be naturally tender adds up to a tastier PERDUE® chicken.

People have always said I have a healthy obsession with the quality of my chicken. And when it tastes this good, can you blame me? Learn more at PerdueVerifiablyGood.com.

Jim Perdue



1-800-4PERDUE® (1-800-473-7383)
www.PerdueVerifiablyGood.com

† Federal regulations prohibit the use of hormones or steroids in poultry.

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EXHIBIT 2

(Survey Report)

USDA Processed Verified Screener – Topline Report

September 16, 2010

Unless otherwise noted, the results to the following questions are based to total respondent, n=500.

S1. What is your gender?

Male	47.6%
Female	52.4

S2. What is your age?

18 to 20	1.0%
21 to 24	3.8
25 to 29	9.2
30 to 34	13.6
35 to 39	11.4
40 to 44	13.6
45 to 49	9.0
50 to 54	12.0
55 to 59	8.2
60 to 64	4.4
65 or older	13.8

S4. Which of the following statements best describes who does the grocery shopping for your household?

I do most of the grocery shopping for my household	77.8%
I share the grocery-shopping responsibility with someone else in my household	22.2

S5. Which of the following types of fresh meat (not frozen), if any, have you purchased for your household in the [past three months](#)?

Fresh chicken, such as boneless, skinless chicken breasts or a whole chicken	100.0%
Fresh beef, such as steak or ground beef	88.6
Fresh pork, such as pork chops or pork ribs	68.8
Fresh turkey	39.2

S6. How often do you, personally, typically purchase fresh chicken?

Once a week or more often	33.0%
Once every two to three weeks	41.2
Once a month	16.6
Once every two to three months	9.2

S7. At which types of stores do you shop for fresh chicken?

Regular or full-service supermarket or grocery store	79.4%
Supercenter that combines a grocery store with general merchandise, such as a Super Kmart, Super Target, or a Walmart Supercenter	47.2
Warehouse or club store, such as BJ's, Costco, or Sam's Club	29.6
Butcher or meat shop	15.4
Natural or organic food stores, such as Whole Foods or Wild Oats	12.8
Low-price, no-frills stores with limited assortments, such as ALDI or Save-A-Lot	11.6
Stores specializing in ethnic or international foods	4.0
Military commissary or PX	3.4
Some other type of store	1.4

S9. What is your ethnic background?

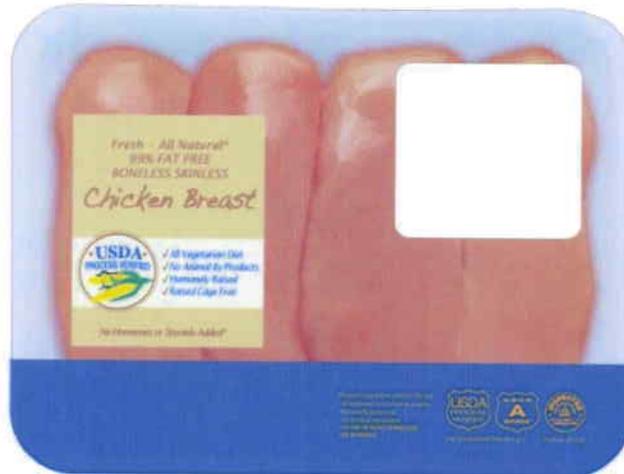
Caucasian or White	76.6%
African-American or Black	14.6
Multi-ethnic	3.6
Asian or Pacific Islander	2.6
American Indian, Eskimo, or Aleut	0.6
Some other ethnic background	2.0

S10. Are you of Hispanic decent?

Yes	8.6%
No	91.4

S11. Which state do you currently reside in? (Region Nets)

South	36.8%
West	23.2
Midwest	22.0
Northeast	18.0



Q1. If you saw this package of fresh chicken in a grocery store, what would it communicate to you?

Feed/Enhancers (Net)	46.4%	Treatment of Animals (Net)	22.8
All natural/no additives	24.0	Humanely raised chicken/cared for chicken/not mass-produced	13.8
No hormones/steroids	10.6	Cage-free chicken	9.4
Organic	10.0	Free-range chicken	3.4
Vegetarian-fed chicken	5.6	Quality Level/Inspection (Net)	19.2%
Safe/safe to eat	5.2	Quality/Grade A	7.8
Healthy/grain-fed diet	3.0	USDA approved/government inspected	7.2
All other specific additive/chemical	3.8	Good/better chicken	3.6
Product Presentation (Net)	41.2	All other positive verification/processing	1.8
Fresh/fresh chicken breast	28.2	Negative Comments (Net)	10.0
Boneless chicken breast	10.2	May be more expensive	3.6
Skinless chicken breast	7.2	Confused about meaning of vegetarian	2.2
Looks appetizing/looks tasty	2.2	All other specific negative comments	4.6
Looks good/good appearance	2.0	Would buy it/try it	4.2
All other product presentation	4.6	Chicken/chicken breast (unspecified)	1.8
Health/Fat Content (Net)	31.6	All other positive comments	3.8
Healthy/better for me	20.4	Other	0.4
99% fat free	6.0	Nothing	0.6
Fat free	5.6	Don't know	0.2
Low fat	3.0		
Good for my family/everyone	2.2		

Q2. How likely would you be to pay attention to the logo on the left of the package if you were walking down the aisle in a grocery store looking at packages of fresh chicken?

Definitely would pay attention to this logo	28.0%
Probably would pay attention to this logo	36.2
Might or might not pay attention to this logo	28.8
Probably would not pay attention to this logo	6.4
Definitely would not pay attention to this logo	0.6

Q3. How would the logo on the left of the package affect your interest in buying the package of fresh chicken?

Definitely would increase my interest	25.0%
Probably would increase my interest	32.2
Might or might not increase my interest	30.8
Probably would not increase my interest	10.2
Definitely would not increase my interest	1.8

Q4. If you saw the logo located on the left on a package of fresh chicken in a store, would it persuade you to buy that package of fresh chicken over other packages of fresh chicken that did not include the same logo?

Definitely would buy the package with the logo over other packages	18.6%
Probably would buy the package with the logo over other packages	60.2
Probably would not buy the package with the logo over other packages	19.0
Definitely would not buy the package with the logo over other packages	2.2

Q5. What images or impressions of the packaged fresh chicken did you get from the logo on the left of the package? You may choose any number from "1" to "10" to express your opinion. (Top-Box, Top-Two-Box, and Top-Three-Box ratings shown.)

	<u>Top</u>	<u>Top-2</u>	<u>Top-3</u>
Raised Cage Free	49.4%	64.2%	73.2%
Raised Humanely	46.6	64.2	77.6
Very Healthy	40.8	65.6	80.0
Very Natural	40.6	65.2	78.4
Very Fresh	36.8	61.0	79.4
High In Quality	36.2	59.8	78.4
Very Nutritious	35.4	58.4	77.0
Very Safe	35.0	59.8	78.2
Very Pure	32.2	56.8	73.6
Very Good-Tasting	27.0	48.6	68.4
Very Believable	26.8	46.6	66.8

Q6. How strongly do you agree or disagree with each of the following statements? (Top-Box and Top-Two-Box ratings shown. Note: Words highlighted in blue were not shown that way to respondents. Highlighting was added in an effort to make attributes stand out during analysis.)

	<u>Top</u>	<u>Top-2</u>
Packaged fresh chicken with the logo on the left of the package is guaranteed by the U.S. Department of Agriculture (USDA) to be safe	27.0%	60.0%
Packaged fresh chicken with the logo on the left of the package is guaranteed by the U.S. Department of Agriculture (USDA) to be of high quality	26.8	58.4
The U.S. Department of Agriculture (USDA) endorses this brand of packaged fresh chicken over other brands without the same logo on the left of the package	18.4	43.2
Packaged fresh chicken with the logo on the left of the package is guaranteed by the U.S. Department of Agriculture (USDA) to be tender	12.6	27.4
Chicken in packages without the logo on the left of the package are not raised humanely	8.0	27.8
Chicken in packages without the logo on the left of the package are raised in cages	7.6	31.0

Q7. If you saw the logo on the left of the package on a package of fresh chicken in a store, would you think that it is the only brand with the following characteristics? (Yes responses)

Raised cage free	50.4%
Humanly raised	50.0
No animal by-products	48.0
Guaranteeing chicken quality	45.4
Vegetarian diet	40.8
Guaranteeing chicken tenderness	29.2

Q8. Do you think a brand that carries the logo on the left of the package is **better** than brands that do not have this logo?

Yes	64.4%
No	35.6

Q9. Do you think a brand that carries the logo on the left of the package is safer than brands that do not have this logo?

Yes	63.8%
No	36.2

Q10. Do you think a brand that carries the logo on the left of the package is healthier than brands that do not have this logo?

Yes	63.8%
No	36.2

Q11. Do you think a brand that carries the logo on the left of the package is of higher quality than brands that do not have this logo?

Yes	68.0%
No	32.0

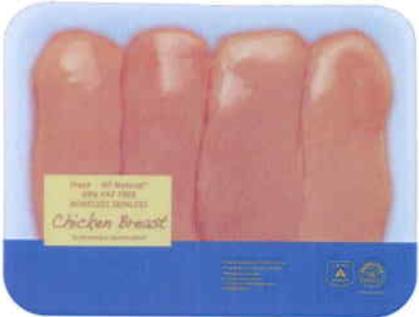
Q12. When you purchase fresh chicken from your local retailer, how much do claims on the package impact your decision in buying the product?

Always impacts my decision	22.6%
Sometimes impacts my decision	56.8
Rarely impacts my decision	15.6
I do not read the claims on the package when I buy the product	5.0

Q13. Of these packages, which package of fresh chicken would you be most likely to purchase if they were available at a store where you normally shop?



84.8%



15.2

Q14. Please rank the logos in the order they would be most likely to make you purchase a package of fresh chicken. You may use each answer only once.

	<u>Most</u>	<u>Most/ 2nd</u>	<u>Most/ 2nd/3rd</u>	<u>Least</u>
 <ul style="list-style-type: none"> ✓ All Vegetarian Diet ✓ No Animal By-Products ✓ Humanely Raised ✓ Raised Cage Free 	44.6%	75.4%	89.6%	10.4%
 <ul style="list-style-type: none"> ✓ Humanely Raised ✓ Raised Cage Free ✓ No Animal By-Products ✓ Vegetarian Fed <p>http://processverifiedusda.gov</p>	34.6	75.8	94.6	5.4
 <p>http://processverifiedusda.gov</p>	10.8	19.2	32.2	67.8
	10.0	29.6	83.6	16.4

Q15. In the past three months, which brand(s) of fresh chicken have you purchased?

Tyson	58.2%
Private label/store brand	46.8
Perdue	39.4
Foster Farms	21.2
Pilgrim's Pride	13.8
Sanderson Farms	9.2
Some other brand	15.0
Do not recall	5.6

Q16. Which **one** brand of fresh chicken do you purchase most often?

Tyson	24.6%
Private label/store brand	26.4
Perdue	19.6
Foster Farms	11.8
Pilgrim's Pride	3.8
Sanderson Farms	3.0
Some other brand	5.2
Do not recall	5.6

Q17. What is your educational background?

High school or less	15.4%
Trade/technical school	4.2
Some college or Associate degree	33.4
Graduated college/Bachelor's degree	26.2
Attended graduate school	4.8
Advanced degree (Master's, Ph.D.)	16.0

Q18. Are you...?

Married	57.2%
Single	17.2
Single and living with partner	13.2
Divorced or separated	8.2
Widowed	4.2

Q19. Do you have any children under age 18 living in your household?

Yes	43.0%
No	57.0

Q20. What is your household's total annual income before taxes?

Under \$35,000	22.4%
\$35,000 but less than \$50,000	18.4
\$50,000 but less than \$75,000	19.8
\$75,000 but less than \$100,000	19.6
\$100,000 but less than \$150,000	13.4
\$150,000 but less than \$200,000	4.0
\$200,000 or more	2.4

EXHIBIT 3

**(Perdue Verifiably
Good Website)**

PERDUE
perdue.com[®]
A Family Commitment to Quality Since 1920[®]

Our Products | Recipes | Our Tips | Safe Food Handling | Behind The Scenes | Our Company

Products / **USDA Process Verified**



Search Products

TASTE THE DIFFERENCE



- ✓ All Vegetarian Diet
- ✓ No Animal By-Products
- ✓ Raised Cage Free
- ✓ Tenderness Guaranteed

No Hormones or Steroids Added*

We're proud to announce that Perdue is the first chicken company to have USDA process-verified programs. It's taken years to earn this verification, and we've done it because we're absolutely committed to providing you with the highest quality, best tasting PERDUE[®] chicken.



Learn more about USDA Processed Verified >>



Find PERDUE[®] USDA Process Verified Products >>

The **PERDUE** Verifiably Good Video Contest!

PERDUE[®] chicken is Verifiably Good.

\$5,000
in cash prizes!

ARE YOU?

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Win free
PERDUE[®] chicken
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Show us your tips,
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for preparing
PERDUE[®] chicken.

Submissions end at Noon Eastern Time on March 28, 2011



Products / [USDA Process Verified](#)



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PERDUE® Fresh All Natural Chicken - Verifiably Good!

We've always known our PERDUE® chicken was good, but with our new USDA Process Verified seal, now we know it's VERIFIABLY GOOD. Perdue is the FIRST poultry company to have a Process Verified seal. The seal verifies that the chickens have been raised without cages and fed an all-vegetarian diet. This means you can have full confidence in the way we raise our chickens. In taste tests,** we've also found that this means consumers prefer the taste of Perdue USDA Process Verified Chicken.

Who says so?

The United States Department of Agriculture regulates all meat, poultry and pasteurized egg products. A poultry product label may carry a number of USDA "seals," for instance, indicating that it has passed USDA inspection for wholesomeness; that it has been graded and meets a certain quality standard such as Grade A; and now, unique to PERDUE® Fresh All Natural Chicken, that the processes used to produce the product have been verified by the USDA.

Verifiably true?

Today's shopper is faced with a wide variety of labels and is often left perplexed by the claims and options they face at the grocery store. To help clear things up, Perdue has created a list of labeling terms you might see on fresh chicken in your supermarket. USDA Defined Terms are those that USDA has defined through regulations and ensures are used appropriately on product packaging. Terms that have not been defined by USDA are subject to the manufacturer's interpretation. Smart shoppers look for third-party verification of any non-USDA defined term used on poultry packaging.



Read through the definitions and learn more about what's on a poultry label.

USDA Defined Terms

Source: U. S. Department of Agriculture, except where noted.

Certified - The term "certified" implies that the USDA's Food Safety and Inspection Service and the Agriculture Marketing Service have officially evaluated a meat product for class, grade, or other quality characteristics (e.g., "Certified Angus Beef"). When used under other circumstances, the term must be closely associated with the name of the organization responsible for the "certification" process, e.g., "XYZ Company's Certified Beef".

Chemical Free - The term is not allowed to be used on a poultry label.

Free Range or Free Roaming - Producers must demonstrate to the Agency that the poultry has been allowed continuous, free access to the outside for over 51 percent of their lives. Producers can demonstrate this through testimonials and affidavits, or through certifications from certifying entities if USDA has evaluated the entity's "free range" or "free roaming" animal raising standards and determined that they are truthful and not misleading. (Source: [USDA Presentation on Animal Raising Claims](#))

Fresh Poultry - The product's internal temperature has never reached below 26°F. Below 26°F, raw poultry products become firm to the touch because much of the free water is changing to ice. At 26°F, the product surface is still pliable and yields to the thumb when pressed.

Glossary

- [Certified](#)
- [Chemical Free](#)
- [Free Range or Free Roaming](#)
- [Fresh Poultry](#)
- [Frozen Poultry](#)
- [Natural](#)
- [No Hormones](#)
- [No Antibiotics](#)
- [Organic](#)
- [USDA Process Verified](#)

Frozen Poultry - Temperature of raw, frozen poultry is 0°F or below.

Natural or "All Natural" - If a product containing no artificial ingredient or added coloring ingredient or chemical preservatives, and the product and its ingredients are only minimally processed (a process which does not fundamentally alter the raw product), that product may be labeled "natural." However, the label must also explain the use of the term natural (such as - no added colorings or artificial ingredients; minimally processed.) (Source: [USDA Food Standards and Labeling Policy Book](#), p.116)

No Hormones - Hormones or steroids are not allowed in raising hogs or poultry. Therefore, the claim "no hormones added" cannot be used on the labels of pork or poultry unless it is followed by a statement that says "Federal regulations prohibit the use of hormones."

No Antibiotics - The term "no antibiotics added" may be used on labels for meat or poultry products if sufficient documentation is provided by the producer to the Agency demonstrating that the animals were raised without antibiotics.

Organic - Products labeled as "100 percent organic" must contain (excluding water and salt) only organically produced ingredients and processing aids. Products labeled "organic" must consist of at least 95 percent organically produced ingredients (excluding water and salt). Any remaining product ingredients must consist of nonagricultural substances approved on the National List including specific non-organically produced agricultural products that are not commercially available in organic form.

For more information about the National Organic Program and use of the term "organic" on labels, refer to these factsheets from the USDA Agricultural Marketing Service (AMS):

- [Organic Food Standards and Labels: The Facts](#)
- [Labeling and Marketing Information](#)

USDA Process Verified - Companies with approved USDA Process Verified Programs are able to make marketing claims associated with their process verified points such as age, source, feeding practices, or other raising and processing claims and market themselves as "USDA Process Verified" with use of the "USDA Process Verified" shield and term. (Source: <http://www.ams.usda.gov/AMSV1.0/PYProcessVerifiedPrograms>)

To receive approval for a Process Verified Program, a company is obligated to:

1. Present a detailed program to USDA with support for why this program is appropriate and accurate
2. Implement the program successfully
3. Pass continual audits from the USDA AMS auditors
4. If new validated practices evolve in the future, the program must change to include these new practices

Perdue is the FIRST poultry company to have a "USDA Process Verified" program. Process Verified means that Perdue has been evaluated and verified by USDA in the following two areas:

- **All Vegetarian Fed** - Chickens are fed a high quality vegetarian diet, with no animal by-products.
- **Raised Cage Free** - Perdue chickens are free to roam within the chicken houses.

** Source: Perdue Sensory Testing Research, July 2007 - September 2009.