

March 5, 2018

FSIS Docket Clerk  
United States Department of Agriculture  
Food Safety and Inspection Service (FSIS)  
Room 2534 South Building  
1400 Independence Ave., SW  
Washington, DC 20250-3700  
Attention: Ms. Mary Porretta, Petitions Manager; Mr. Matthew Michael, Director,  
Issuances Staff, Office of Policy and Program Development;  
E-mails: Mary.Porretta@fsis.usda.gov; Matthew.Michael@fsis.usda.gov

*Re:* Letter in Support of the February 9, 2018 Petition to Establish Beef and Meat Labeling Requirements: To Exclude Product Not Derived Directly from Animals Raised and Slaughtered from the Definition of “Beef” and “Meat” filed by the United States Cattlemen’s Association (USCA); Petition 18-01

Dear Ms. Porretta and Mr. Michael:

National Farmers Organization is an agricultural commodity marketing organization, founded in 1955. We primarily serve livestock, dairy and grain producers in the Midwest, Plains, Northeast, and California. As you can imagine, we are highly interested in matters affecting the integrity of our member producers’ commodities, and our farmer members regard consumer needs as a top driving force for what they focus on in their farm businesses.

National Farmers Organization supports the petition filed on Feb. 9, 2018, by the U.S. Cattlemen’s Association (USCA) which requests the Department of Agriculture, Food Safety and Inspection Service (FSIS) to establish certain beef labeling requirements. In particular, National Farmers supports the petition’s request that the FSIS limit the definition of “beef” to products from cattle, born, raised, and harvested in the traditional manner.

National Farmers also supports the request to exclude products derived from alternative sources from being labeled as “beef,” as well as the definition of “meat” being limited to the tissue or flesh of animals that have been harvested in the traditional manner and not to include alternative sources, such as synthetic product from plants, insects, or non-animal components and any product grown in a lab from animal cells. Clear, traditional definitions for beef and meat, and accurate labeling, are very important concerns for our livestock producers, and dairymen and women who also supply meat in the beef value chain.

There are currently no labeling requirements applicable to products labeled as “beef”, or more broadly as “meat”, mandated by law. As changes in food products available occur, legislation regarding existing and new products requires updating, as well.

## **Statutory and Regulatory Framework**

FSIS has primary responsibility for the regulation of food labeling for meat producers under the Federal Meat Inspection Act (FMIA). The FMIA states that meat or meat food products shall be “misbranded” if its “labeling is false or misleading in any particular.” *See* 21 U.S.C. § 601(n)(1).

Products are considered to be mislabeled where, amongst other things, they are “offered for sale under the name of another food,” are “an imitation of another food, unless {the} label bears, in type of uniform size and prominence, the word ‘imitation’ and immediately thereafter, the name of the food imitated,” or “purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations” without conforming to the applicable definition and standard. *Id.* at § 601(n)(2)-(3), (7).

FSIS regulations for the “labeling and preparation of standardized products” further provide that “{a}ny product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products{.}” *See* 9 C.F.R. § 319.1.

Currently, FSIS regulations at 9 C.F.R. §§ 412.1 – 412.2 require that modifications to the labeling requirements be submitted to the FSIS for approval. The FSIS considers labeling claims for meat on a case-by-case basis.

In assessing whether the labeling is misbranded or misleading, FSIS will look to whether the food labeling practices are causing consumer confusion.

### **NCBA Petition Conclusions Accurate and Reasonable**

In our experience, consumer confusion occurs when the alternative products identified in the petition are placed next to beef products and are labeled as ‘beef.’ The petition’s accompanying exhibits explain that this is already happening. The petition explains the situation well. Non-beef products which use the term “beef” in the product name are very likely to cause customer confusion.

Again, at the core of our request is that no alternative protein: soy-based, vegetable-based, synthetic protein, cultured cells, *etc.* should be permitted to use the terms “meat” or “beef” on its products. Accurate, well-considered naming and labeling of these products is possible for the companies producing them. These products need to create their own identities.

The definition of “meat” should be limited to the tissue or flesh of animals that have been harvested in the traditional manner. Food products derived from alternative sources such as a synthetic product from plants, insects, or other non-animal components and any product grown in labs from animal cells should not be labeled as “meat.”

Those of us in agriculture, whether in agribusiness, the non-profit sector or government agencies, share in the intent to communicate wholly accurate information to consumers.

However, certainly this particular request pertains to the governmental aspect of assuring clarity. Using the terms “beef” and “meat” on alternative protein products that are not derived from livestock is misleading and inaccurate. The petition seeks to establish accurate labeling of all products and asks for clear direction about what can be labeled as “beef” or “meat.”

Similar concerns are being raised in the dairy sector, with widespread use of the word “milk” used to describe beverage products derived from soybeans and almonds, for example. Grocery store placement of imitation products next to meat or beef, leads consumers to believe the products are the same, offer the same nutritional value or are more similar than they are in reality. Many brands of milk are placed adjacent to one another in the dairy case, and various types of ice cream and frozen pizza, are purposely placed together, because they are different choices of the same product foundationally. This can cause consumers to blur meat and its imitations into one category, when, in fact, they are food products that should be differentiated.

To summarize, it is our opinion that consumers should not face confusion caused by misleading labeling at the meat counter or in the freezer section. Current use of terms “beef” and “meat” on products not derived from cattle raised in the traditional manner creates confusion in the marketplace.

We at National Farmers appreciate your work toward accuracy in beef and meat definitions and labeling. Thank you for your attention to this concern of food and agriculture.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul Olson".

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