



November 16, 2023

Mary Porretta
Petitions Manager
Regulations Development Staff
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Via Email to fsispetitions@usda.gov

Re: *Response to Petition No. 23-03, To Amend Labeling Compliance Regulations under the Poultry Products Inspection Act to remove “pasture-raised” from “free range” synonymous claims and to Define “pasture-raised”*

Dear Ms. Porretta:

FMI – The Food Industry Association appreciates the opportunity to comment on Petition No. 23-03 submitted to USDA FSIS on March 16, 2023 by Perdue Foods, LLC. FMI submits these comments in accordance with FSIS’ regulations on petitions, including 9 C.F.R. § 392.7 and we appreciate the opportunity to comment on this petition.

As the food industry association, FMI works with and on behalf of the entire industry to advance a safer, healthier and more efficient consumer food supply chain. FMI brings together a wide range of members across the value chain — from retailers that sell to consumers, to producers that supply food and other products, as well as the wide variety of companies providing critical services — to amplify the collective work of the industry. www.FMI.org

As an association representing retailers, wholesalers and product suppliers, we have a few simple requests as the agency considers this petition.

Open and Transparent Engagement with All Stakeholders

We strongly recommend that the agency embark on an open and transparent process to engage all stakeholders if changes to policy are contemplated. We encourage the agency to use a formal process of notice and comment rulemaking starting with an Advance Notice of Proposed Rulemaking (ANPR) to allow for a comprehensive review of the options including the agency’s current thinking.

It is also important that FSIS engage with FDA regarding labeling policies as well as consider other USDA agencies and other FSIS regulations and policies related to labeling changes (Meat Inspection Act and Egg Products Inspection Act.)

Changes to labeling policies should be evaluated with a comprehensive evaluation of all factors beyond the words on the labels. Considerations include but are not limited to existing and emerging production practices; economics of production, products and labels; exclusions or limitations of changes in policies and impact on the industry and most importantly evaluation and impact of any changes to consumers. USDA should approach rulemaking with the goal of understanding the scientific consensus around the appropriate definitions of these terms as agreed upon by experts such as veterinarians, animal behaviorists and food safety professionals.

Consideration and Evaluation of Consumer Perceptions of Labeling Terms

While some research exists on consumer perceptions of labeling terms for meat, poultry and egg products, we know that different interpretations exist and can change over time. We recommend evaluation of consumer perceptions of existing terms as well as any changes to terms allowed on labels.

Truth in labeling is important and foundational to the federal food labeling regulations. When consumers have questions about labels and specifically claims, they often reach out to their trusted food retailer. Clear and consistent information along with educational tools are needed with any changes to labels.

Summary

FMI and its members encourage the agency to seek broad stakeholder feedback in a transparent process as well as evaluate consumer's understanding of the current and any proposed labeling terms prior to making changes. Please also consider the impact to the industry of changes to labels, the label review process and any verification required to document label accuracy.

We appreciate your consideration of these comments and look forward to working with you on this issue in the future.

Sincerely,

A handwritten signature in cursive script that reads "Hilary S. Thesmar".

Hilary Thesmar, PhD, RD, CFS
Chief Science Officer and SVP Food & Product Safety