

UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ADVISORY COMMITTEE ON
MEAT AND POULTRY INSPECTION

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SUBCOMMITTEE 2

CONSIDERATION OF MANDATORY LABELING FEATURES
FOR CERTAIN PROCESSED NOT READY TO EAT MEAT
AND POULTRY PRODUCTS

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TUESDAY
MARCH 29, 2016

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The Subcommittee met in the Auditorium
at 355 E Street, S.W., Washington, D.C. at 1:38
p.m., Michael Crupain, Chairman, presiding.

MEMBERS PRESENT:

MICHAEL CRUPAIN, Consumer Product Safety and
Sustainability
KURT BRANDT, The United Food and Commercial
Workers International Union
PATRICIA CURTIS, Auburn University
ALICE JOHNSON, Butterball, LLC
KRZYSZTOF MAZURCZAK, Illinois Department of
Agriculture
TANYA ROBERTS, Center for Foodborne Illness
Research and Prevention
MICHAEL RYBOLT, Hillshire Brands Company

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P-R-O-C-E-E-D-I-N-G-S

1:38 p.m.

DR. BOYLE: Okay, can we get it going here? Everybody comfortable, where you need to be? My name is Dr. Bob Boyle. I'm with the Outreach & Partnership Division of the Office of Outreach, Employee Education, And Training. You may have talked to me if you ever stopped at the help desk.

Please check to make sure that you've muted your phones after talking to folks at lunchtime. There is a unisex bathroom to your left, right outside the door here. The other bathrooms, you can kind of navigate your way around there. We can decide, at some point, if we want to have a dedicated break.

We'll leave that up to the chairman. Again, please excuse me for a repetition here, but that's what keeps us all out of trouble. When you do speak, please identify yourself by your name and your organization. We do have a stenographer here. It'll facilitate him making an accurate

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1 record for the archives. Historically, those who
2 have been on committees before all know that
3 oftentimes, we get into time constraints, so
4 that'll probably be my primary modus of operandi
5 as I'm moderating here is to make sure we stay on
6 track. With that said, the primary issue for the
7 folks on the committee right now is to identify a
8 chairman and/or a reporter of some sort to keep
9 notes. Have you gotten together and made that
10 determination yet as a subcommittee?

11 PARTICIPANT: No.

12 DR. BOYLE: Do we have any nominations,
13 any volunteers?

14 MEMBER CRUPAIN: I'll do it.

15 DR. BOYLE: You want to chair?

16 MEMBER CRUPAIN: What am I going to do?

17 DR. BOYLE: Come on up here.

18 MEMBER CRUPAIN: You want me to come up
19 there?

20 DR. BOYLE: Yes.

21 MEMBER CRUPAIN: You want me to take
22 notes? I think Michael's the best note taker.

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1 MEMBER RYBOLT: I can do the notes.

2 MEMBER CRUPAIN: Do the notes? Okay.

3 MEMBER RYBOLT: If you want to do the
4 chair, I'll do the notes.

5 MEMBER JOHNSON: Oh, look, it's
6 Michael and Michael. That'll make it easy.

7 PARTICIPANT: Yes.

8 MEMBER RYBOLT: The M and M show.

9 MEMBER JOHNSON: The M and M show.
10 Thank you, guys.

11 DR. BOYLE: All right, if you would
12 like to take notes up here, you can use this board
13 here. You can edit it as you go under each question
14 as it appears.

15 MEMBER JOHNSON: It's so easy to sit
16 elsewhere.

17 DR. BOYLE: You may want to hit save
18 after we come to some consensus.

19 MEMBER RYBOLT: All right.

20 DR. BOYLE: For the record, Michael --

21 PARTICIPANT: Rybolt.

22 DR. BOYLE: -- Crupain is going to be

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1 the identified chairman of Subcommittee 2. I will
2 turn it over to him right now, and again, make sure
3 that you talk into the microphones on the table,
4 so that the record can be clear and accurate.
5 Thank you.

6 MEMBER CRUPAIN: I had a lot of time to
7 prepare for the role. All right, so I guess we just
8 try to answer the questions, unless anybody wants
9 to discuss something before that.

10 MEMBER BRANDT: Who are you?

11 MEMBER CRUPAIN: I'm Michael Crupain.

12 MEMBER BRANDT: There you go.

13 MEMBER CRUPAIN: Does everybody want
14 to just jump into these points, or is there some
15 other discussion you'd like to have first?

16 MEMBER JOHNSON: I'd like to -- I don't
17 know whether this is getting into -- Alice Johnson,
18 thank you. I don't know whether this is getting
19 into the questions or just a discussion, but I know
20 you two both brought it up in the session. Do we
21 need more information on what people think and what
22 the perceptions are of ready-to-eat versus

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1 not-ready-to-eat versus ready-to-cook? Because
2 we are getting so much on our labels, it's starting
3 to get confusing, and nobody pays attention.

4 MEMBER MAZURCZAK: Kris Mazurczak. I
5 would like to follow up. I think that all these
6 products will have to have safe handling
7 instructions anyway, that's correct? In addition
8 to if you take on, we'll have non-intact
9 beef -- component of non-intact beef, they will
10 have to have validated cooking instructions.

11 One of the questions I do not have an
12 answer for is the Agency, FSIS, will require all
13 those three be separated, or can they be merged?
14 Because again, from consumer point of view, we do
15 not intend to spend half an hour reading all those
16 disclaimers on the label. I'm not sure if it's a
17 way to consolidate those instructions, prioritize
18 to make sure that the message is clear and simple.

19 MEMBER CURTIS: Pat Curtis, Auburn
20 University. I guess one of the questions I have
21 comes up from what I said earlier. Like you're
22 saying, the labels are getting really, really large

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1 and lots of information. Does that mean consumers
2 aren't really reading those because there's too
3 much information on there?

4 I guess one of the questions that I
5 would like to see, at least in pilot studies, or
6 we may be able to ask consumers, is what is it that
7 they perceive -- and I'm not asking for a list of
8 products they perceive to be ready to cook, but what
9 does it -- when they look at that product or that
10 package that tells them, in their mind, that that's
11 a ready-to-eat product?

12 Because if it's ready to eat, is it
13 going to have to have all of these safe
14 handling -- that would be confusing if you're
15 adding all of the same things on to that package
16 that you have to have for non-ready to eat.

17 MEMBER ROBERTS: Just as a
18 consumer -- Tanya Roberts, CFI -- I was thinking
19 about this. Here I am, a consumer, and how do I
20 react to these things? I was eating some chicken
21 taco kind of things, but they're all rolled up, so
22 it's a different name. The ends were getting

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1 totally crisp in the microwave. I realized the
2 chicken in the middle wasn't cooked. It was sort
3 of just warm. If I looked at it from -- I was about
4 ready to eat this stuff. I said wait a minute. I
5 said I know about this stuff. Why am I confused?
6 I think there's a couple of reasons. One is that
7 if you see ready to eat/ready to cook, I think the
8 ready is the same word, and it's confusing because
9 you don't always necessarily -- so I think it would
10 be really important to have raw or uncooked.

11 I like the word raw because it's
12 shorter. It's simpler. It's totally clear.
13 Uncooked means well, it's maybe a little bit
14 cooked, but it's not fully cooked. That gets into
15 that -- so that's one point. The second point I
16 was thinking about -- I'm strongly in favor of raw,
17 just for my own personal knowledge and use.

18 The second thing is I used to take these
19 frozen dinners to lunch all the time when I worked
20 at ERS. My goal there was to eat something that
21 wasn't going to burn my tongue. I had an incentive
22 to undercook these things, even though I knew that

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1 you had to really thoroughly cook the darn things.
2 I think if you're just in a hurry and you're not
3 paying attention -- yes, it's easy to get confused
4 as a consumer.

5 MEMBER CRUPAIN: I guess let's
6 clarify -- this is Michael Crupain. Can we clarify
7 something that Kris said? Question No. 2 says,
8 "Should FSIS require that such products bear
9 validated cooking instructions?" These products
10 that we're talking about --

11 (Simultaneous speaking.)

12 MEMBER MAZURCZAK: They would be --

13 MEMBER CRUPAIN: They don't have to
14 have validated cooking instructions, right, when
15 somebody from the USDA --

16 MR. WHEELER: Right. It's not a ready
17 to eat product. It's not required to have
18 validated cooking instructions.

19 MEMBER MAZURCZAK: But as of June of
20 this year, if this product will contain non-intact
21 beef or ground beef, it will have to have --

22 (Simultaneous speaking.)

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1 MR. WHEELER: If it's mechanically
2 tenderized, then it would have to have validated
3 cooking instructions.

4 MEMBER RYBOLT: Does the product have
5 safe handling instructions? If it has safe
6 handling instructions, I think that would focus on
7 two events, physical and reliable.

8 MEMBER CRUPAIN: Michael Crupain. If
9 it's going to be beef or non-intact beef, then it
10 has to have this in, but chicken doesn't have to
11 have it.

12 MR. WHEELER: No. Well, if it's
13 mechanically tenderized beef, it would need
14 validated cooking instructions, but there's a
15 distinction between what's mechanically
16 tenderized -- needle and blade tenderized and other
17 non-intact product.

18 MR. ENGELJOHN: I think to be -- this
19 is Engeljohn with FSIS. To be clear, the
20 mechanically tenderized beef is not what we're
21 talking about here. It's raw beef. It looks like
22 raw beef. It has not received any kind of cooking

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1 or anything to disguise the fact that it's raw.

2 The products under question here have
3 the appearance, by looking at the package picture
4 or the actual product, to look, externally, like
5 it's been fully cooked. It has that appearance
6 when, in fact, it may just be the exterior is
7 treated, but the inside is raw product. So these
8 products that you're addressing here are products
9 that have not received a full lethality. They look
10 ready to eat, and they would be required to have
11 a safe handling instruction. The problem with the
12 safe handling instruction is that retailers can put
13 that on any product, so it's on ready-to-eat
14 products, it's on your vegetables. That has
15 become an issue for which the consumer can't use
16 a safe handling instruction as a distinction
17 between a ready to eat and a not ready to eat.

18 MEMBER BRANDT: Kurt Brandt, UFCW
19 International Union. I think the biggest question
20 is to differentiate between what's been cooked and
21 what hasn't. So your distinction of raw, I think,
22 is the right way to go. To piggyback on that,

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1 rather than have the cooking instructions -- and
2 I'm a firm believer in this now -- the internal
3 temperature is going to tell them that they've got
4 to cook it, literally.

5 Because that's something that you never
6 used to see on anything. We were having a
7 discussion before we went to lunch. You'd always
8 have a product and it'd say, "Put it in the oven
9 at 350 and cook for a half hour." There's no such
10 instruction anymore that's worth -- it's not worth
11 anything because every oven is different. You've
12 got convection. You've got conventional. You've
13 got this; you've got that. Cooking instructions
14 really, with the exception of the internal
15 temperature, are meaningless. I look at the
16 ladies -- and I bake cakes, also -- but you're
17 constantly sticking the pick in the center of the
18 cake.

19 You might be supposed to have cooked it
20 for 35 minutes, and 45 minutes you're into the
21 process and you've still got a wet stick. That's
22 just how it is. To me, those instructions are

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1 meaningless anymore, as far as preparation. It
2 gives you a general idea, but the actual
3 temperature is what's going to dictate whether it's
4 ready to eat or not.

5 That's also going to be by preference,
6 I would say, when you're talking beef, whether
7 you're talking lean or rare, medium, well,
8 whatever. I think that would -- raw or best at 140
9 or 150 or whatever that temperature is is going to
10 dictate whether or not somebody knows that they
11 have to cook it or they don't have to cook it.

12 MEMBER ROBERTS: This is Tanya Roberts
13 again. I like the idea of marrying the two, so just
14 saying raw, must cook to a temperature da, da, da,
15 whatever that is for that particular meat.

16 MEMBER BRANDT: It's simple. You're
17 not confusing -- sorry, this is Kurt, again, with
18 UFCW. You're not confusing people. You know it's
19 raw, so you have to do X to it. If it doesn't have
20 that label on there, then it's a ready-to-eat
21 product, and you do with it what you want. You can
22 warm it up, like a Cure 81 ham. You can take it

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1 out of the package and slice it and eat it if you
2 want to, or you can heat it in the oven 20 minutes
3 per pound if you want to serve it warm.

4 MEMBER CURTIS: Pat Curtis, Auburn
5 University. Are you just going to assume they're
6 going to cook it in an oven, or are you going to
7 say anything about microwaves? Because
8 microwaves aren't going to heat it particularly
9 even would be my only concern about them.

10 MEMBER ROBERTS: Tanya Roberts, CFI.
11 I think that consumers have some vague
12 understanding of the scale of 100 degrees, 120,
13 140, 160. So if you give them that information,
14 that is something for them to hang their hat on.
15 They know 160's high, relative to -- boiling is 212.
16 Most people learn that at some point in school.

17 MEMBER JOHNSON: Alice Johnson. What
18 we're talking about now, have there been any focus
19 groups? Do we have any input on what consumers do
20 believe the safe handling instructions mean?
21 Because you were talking about they get confused
22 with vegetables, with this and that. Do we have

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1 any idea how they identify that, what they think
2 that means to them? I'd like to
3 recommend -- because it may be -- again, we go back
4 to all this stuff we're putting on the label. What
5 does it mean, and are there recommendations to say
6 cook to internal temperature 160?

7 MEMBER RYBOLT: Well in the
8 presentation earlier, the safe handling
9 instruction kind of did that for us. They talked
10 about the focus group that they did, and there were
11 some of the seven elements that were not
12 recognizable, or they didn't follow the
13 instructions. I forgot what it was called. So
14 that validates that we still have some work to do.

15 MR. ENGELJOHN: Yes, this is Dan
16 Engeljohn, FSIS. What I will tell you is on the
17 safe handling instruction, it does say cook
18 thoroughly, so that's the only -- it does say this
19 product may contain pathogens, and it says cook
20 thoroughly, so it has those two statements. But
21 we've found those statements are not enough for a
22 person to actually know how to safely prepare the

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1 product.

2 MEMBER JOHNSON: When people see the
3 safe handling instructions, do they realize they
4 have to do something, and then we need to modify
5 the instructions to say here's the temperature you
6 cook to?

7 MR. ENGELJOHN: To get back to your
8 point, Alice -- this is Engeljohn. I know we have
9 the data that says that the safe handling
10 instructions have become so commonplace that that
11 is not a focus of the consumer. They're not
12 looking at that for direction on how to prepare the
13 product. That's the reason why we have a separate
14 cooking instruction that's more explicit.

15 MR. PAINTER: Stan Painter with the
16 National Joint Council. I think something else
17 needs to be factored in here, which is par fry or
18 flash fry. It's not completely cooked, but it's
19 not completely raw. I think something needs to be
20 done in order to deal with that. Like Dan said,
21 you're still going to have to have a safe handling
22 label on there about the cooking and the internal

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1 temperature, but if someone -- if you label it raw
2 and someone takes it out of the package, it don't
3 look raw.

4 (Simultaneous speaking.)

5 MEMBER BRANDT: Go ahead.

6 MEMBER CRUPAIN: Do you want to say
7 anything about that?

8 MEMBER BRANDT: Yes, I was going to.
9 Kurt Brandt with the United Food and Commercial
10 Workers International Union. I understand what
11 you're saying, but if it needs to be cooked, then
12 obviously it's not raw, but if it has a temperature
13 on it, it's going to have to be cooked, so they're
14 going to understand that, I would hope.

15 There's a lot of different ways of
16 looking at things. Back to your point about
17 packaging and stuff like that, I've never went to
18 a grocery store and picked up a package and what
19 I seen on the outside looked anything like what it
20 was on the inside. They show you the product like
21 it's supposed to look once it's prepared. Maybe
22 that's false advertising, in itself. I think

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1 that, like I said, if we keep it as simple as we
2 can, to where people understand that it has to be
3 cooked, and this is why, and it gives that
4 temperature, then they're going to understand
5 that.

6 MR. ENGELJOHN: This is Engeljohn. On
7 the safe handling instruction part of what's been
8 presented to the committee before and what you had
9 a briefing on this morning, I think there, they did
10 present the findings so far that the consumer is
11 asking for a temperature.

12 There is this opportunity to take these
13 two issues of -- would you have two different
14 temperatures on there, one's the safe handling
15 instruction, and one's addressing this issue, or
16 find a way to minimize the information and combine?
17 So the two issues are very directly related. I
18 think giving the temperature, not cook thoroughly,
19 but giving a temperature implies something very
20 specific. I think you're right on that.

21 MEMBER CRUPAIN: Michael Crupain.
22 Building off of something Kris said, I think just

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1 looking at the presentation, it seems to me that
2 the confusion, in my personal opinion, arises from
3 the packages. It looks like the product is already
4 cooked.

5 So when you did the research with RTI,
6 you said that one of the findings was some
7 participants considered all frozen items to be
8 ready to eat, and the non-ready-to-eat products may
9 not be properly -- so they thought non-ready-to-eat
10 and ready-to-eat were exactly the same. How did
11 you get to that? Did you show them two different
12 packages? How did you figure that out?

13 MR. WHEELER: Yes, I wasn't involved in
14 the contract -- Mark Wheeler, FSIS. I wasn't
15 involved in the contract. I'd have to pull out the
16 actual report and see exactly what they did. I
17 think they showed them two different labels and
18 asked them to draw their own conclusions from the
19 two different labels, but I'm not absolutely sure.
20 I'd have to get the report.

21 MR. ENGELJOHN: This is Engeljohn,
22 again. Maybe to give you a little more to think

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1 about. On some of those products, the Chicken
2 Kiev-type products, the industry did voluntarily
3 make changes to the labels, and they did go to the
4 direction of do not microwave in those
5 circumstances where it really wasn't feasible to
6 create a safe product through the microwave.
7 Where they said this is raw, for safety, cook, it
8 had those kind of statements there.

9 It did direct -- in the follow-up
10 investigations for people that got sick,
11 individuals did identify whether or not the
12 labeling, in and of itself, helped them to know
13 whether or not it was ready to eat or not ready to
14 eat, and they had to cook it for safety. They
15 acknowledged the distinctions in the names on the
16 products, not the appearance of the product, but
17 the names of the product helped them to know whether
18 it was ready to eat or not.

19 They still may have gotten sick for a
20 variety of reasons. But in any case, over the
21 course of this last year, I'd say the Agency,
22 through its outbreak investigation follow up, has

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1 found that the consumer, on those kind of products,
2 is able to discern a distinction between when it's
3 ready to eat and when it's not when you use certain
4 terminology, like raw, for safety cook, which is
5 how the products happened to be labeled. So that
6 did help them come to a conclusion. They may not
7 have safely prepared it, but still, they could tell
8 the difference based on that terminology.

9 MEMBER CURTIS: Pat Curtis, Auburn
10 University. Question about -- we're adding and
11 adding to that package. Do we need to go back and
12 evaluate what's on the package and change some of
13 the things that are required on the package, or are
14 we talking about something else? It can't be
15 very -- it's getting to the point you have so much
16 information on that package, it's difficult to
17 read.

18 Do we have some little icon, raw,
19 partially cooked, with the temperature that it has
20 to cook to that's on there, that's on the front,
21 principal display panel? We've got safe handling.
22 Now we're saying people have kind of gotten used

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1 to safe handling, so they're not reading that, so
2 we're adding validated cooking instructions. We
3 keep adding these things on. Do we just keep
4 adding?

5 MEMBER RYBOLT: This is Michael.
6 We're opening up safe handling right now, and
7 there's an opportunity, I think, to combine
8 this -- as Dan indicated -- to combine this with
9 that, as well as with validated cooking
10 instructions. I don't think we need to be
11 pigeonholed and say it's got to be exactly like this
12 for every single product, like safe handling is
13 today. It's very restrictive.

14 We tried to change that years ago and
15 we didn't get there, but we are there now, today.
16 So we have this issue. We have the safe handling
17 instructions, itself, where people aren't
18 necessarily following. Why can't we combine the
19 two issues together? That mitigates the issue
20 with covering up all -- taking up more real estate
21 than we have, really, on the labels today.

22 MEMBER ROBERTS: Tanya Roberts from

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1 CFI. What you're suggesting -- oh, I'm sorry.

2 MEMBER MAZURCZAK: No, go ahead.

3 MEMBER ROBERTS: Were you suggesting,
4 then, that we say -- we take the safe food handling
5 label off and integrate the information that's the
6 temperature duration just on this product, so it's
7 raw --

8 (Simultaneous speaking.)

9 MEMBER RYBOLT: No, I don't think I'm
10 saying taking it off. I'm saying take the two
11 issues and combine them into one and use that same
12 real estate that we already have to accomplish both
13 tasks.

14 MEMBER JOHNSON: Alice Johnson. Make
15 the safe handling mean something --

16 MEMBER RYBOLT: Yes.

17 MEMBER JOHNSON: -- and include the
18 cooking. I think you still have to talk about
19 chilling and cross contamination, but
20 make -- revamp the safe handling so that it means
21 something and you get your temperatures in there.
22 That way we're not adding more to product that we're

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1 going to cover up what the product actually looks
2 like.

3 MEMBER ROBERTS: You can go ahead, and
4 I'll --

5 (Simultaneous speaking.)

6 MEMBER MAZURCZAK: Kris Mazurczak,
7 Illinois Department of Agriculture. After
8 listening what Dan was saying, my concern is on one
9 hand, it would be great to combine those things and
10 come out with a simple message. The question is
11 will it apply and will achieve the same effects on
12 all kind of products? On occasion, the same
13 warning won't apply equally to all types of
14 products that this label will be applied to. I
15 think by the constant exposure of customers to the
16 same warning, the same instruction, sensitivity
17 could go down. That's what's happening with safe
18 handling instructions right now. Nobody's paying
19 any attention to it. It was a lack of space on the
20 principal display panel, it was being stashed on
21 the back, on the side, you name it.

22 MEMBER CURTIS: Pat Curtis. If the

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1 safe handling label, where it said cook, actually
2 applied to that specific product, and every safe
3 handling label was not exactly the same -- it could
4 be for categories of products or whatever -- it
5 seems like it would make more sense. Maybe people
6 eventually go back to reading the safe handling
7 label because it applies specifically to that
8 product.

9 MEMBER ROBERTS: Tanya Roberts, CFI.
10 I have concerns about -- if you want to have some
11 real estate on the front of the package, you might
12 be able to fit raw, must cook to a temperature on
13 the front of the package; whereas, the safe food
14 handling has all that other stuff on it, and that
15 often gets stuck on the back. I'm afraid that if
16 you tried to combine the two together and put them
17 on the front of the package, you wouldn't be able
18 to do that, and people still might say okay, same
19 old-same old safe food handling, even if it says
20 raw in really huge letters, cook to a temperature.

21 I'm afraid if you use an icon -- I don't
22 know what you were thinking of. Sometimes, I think

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1 icons are not as clear as words because it assumes
2 that you understand what the icon means, unless you
3 were thinking of a thermometer with the temperature
4 also mentioned there. I wasn't quite sure what you
5 meant, Pat.

6 MEMBER CURTIS: It would have to be
7 tested. You would have to work with consumers to
8 decide what would be the best thing.

9 MEMBER JOHNSON: Alice Johnson. I
10 think we're all maybe saying the same thing. I
11 think what I'd like to see is just a total -- I hate
12 to say blow up safe handling, but let's take it
13 apart, and then let's see what's the right wording.
14 Because we don't want to just focus on raw and
15 cooked. You've also got to look at cross
16 contamination and chilling. I think all of that
17 needs to be considered, but the safe handling that
18 we have now, from what I understand, is now just
19 noise, and people aren't paying attention to it.
20 So let's blow it up and do some consumer work to
21 say what is it that will get the message across to
22 everybody.

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1 MEMBER ROBERTS: This is Tanya. I
2 think that's a secondary issue. That's not our
3 primary issue. So we could have that as an
4 additional recommendation that we somehow redo it,
5 unless we can think of a clever way to redo the whole
6 thing. I'm afraid it'd just take up too much space
7 to be on the front of the package.

8 MEMBER RYBOLT: I think we have -- this
9 is Michael Rybolt. Kind of to Alice's point, too,
10 we already have some packages where we did
11 voluntarily change and we still had some issues
12 with it. We don't know yet what information is
13 actually going to convey to the consumers how they
14 should handle these products.

15 I think we still have an opportunity and
16 obligation to really understand that. The fact
17 that we're going through the safe handling activity
18 right now, to me, says this is a perfect opportunity
19 to marry those two up, get a safe handling
20 instruction that means something, people paying
21 attention to. Yes, we have this other issue, but
22 that should be combined with that activity. We're

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1 going to go through all that. Michael's supposed
2 to be directing, not me.

3 MEMBER BRANDT: He's the chairman.

4 MR. CORBO: Tony Corbo, Food and Water
5 Watch. On the voluntary labeling that's going on
6 now, where does the label appear?

7 MEMBER RYBOLT: It's on the front of
8 the package. They've got the raw -- the put the
9 raw/uncooked on the primary?

10 MR. ENGELJOHN: Yes. This is
11 Engeljohn. Where they're putting raw or uncooked,
12 that's in part of the product name. It's
13 conspicuous, isn't it? It's the same size as the
14 largest letters.

15 MR. CORBO: On the front?

16 MR. ENGELJOHN: In the front.

17 MR. WHEELER: In the front, yes, on the
18 PDK.

19 MR. ENGELJOHN: So that's part of the
20 product name, being raw or uncooked, as a way to
21 distinguish from the package that's sitting right
22 next to it in the counter that's the same product,

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1 only it doesn't say that, and it happens to be ready
2 to eat.

3 MR. CORBO: How widespread within the
4 industry is this voluntary labeling?

5 MR. ENGELJOHN: This is Engeljohn. I
6 would say the raw or uncooked type statements,
7 those are specific to what the industry that's
8 making the Chicken Kiev are the stuffed chicken
9 breast products -- collectively, that industry has
10 pretty much come to an agreement that they label
11 that product this way.

12 They also have voluntarily agreed not
13 to indicate that you can use a microwave. For that
14 one product, it's that way, but not for the ham,
15 or not for the other products that we know there's
16 a problem of the consumer not knowing whether it's
17 ready to eat. It's just a limited product
18 category.

19 MEMBER BRANDT: Kurt Brandt with UFCW.
20 To piggyback what you said about an icon -- I know
21 it convolutes it a little bit because you may end
22 up confusing people, but the one packaging on here

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1 had a conventional stove as a picture to how it had
2 to be prepared. Why couldn't -- in the example of
3 frozen vegetables, you can cook them on the
4 stovetop, or you can put them in the microwave.
5 Why couldn't those two icons be on there to
6 differentiate product from product? It doesn't
7 take up a whole lot of room, but it shows the proper
8 way to cook it, so people will know. I was thinking
9 about this a little bit further, doing the 140 or
10 the 160, but if you put that on the stove, they'll
11 think, "How long is it going to take to heat this
12 up at 160?"

13 MR. ENGELJOHN: This is Engeljohn. I
14 will tell you that in the pot pie scenario, in that
15 particular case, that particular manufacturer did
16 use the thermometer with the actual temperature,
17 the 165, or if it was a beef, it was 160 or whatever
18 numbers they came up with. They made them distinct
19 for the product. It was on the back of the package,
20 where the cooking instructions were, but it was a
21 digital thermometer with the numbers in big
22 letters, so they personalized it from that

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1 perspective.

2 MEMBER CRUPAIN: This is Michael
3 Crupain. In that product that had all the icons,
4 as they said -- what they told us was that people
5 were still getting sick from the product. It's
6 covered with icons on the front and the back, and
7 it has the temperature to cook it to and everything.
8 It seems like it's probably the picture that's
9 confusing people. Is there anything we can do
10 about pictures, or that's --

11 MEMBER RYBOLT: This is Mike Rybolt.
12 I'm sitting here reading the question again and
13 thinking how do we know "raw" is going to do the
14 job? How do we know "uncooked" is going to do the
15 job? You just pointed out what I was thinking. I
16 still think there's still an opportunity to get
17 that data, do some consumer focus groups and
18 understand what information or what words or what
19 icons are actually going to convey that information
20 and truly test that out.

21 Safe handling came out however many
22 years ago. Things have changed drastically since

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1 then, so let's get some more contemporary data to
2 evaluate what really is going to convey the message
3 that we want to convey, not just for this issue,
4 but for all the safe handling issues. I don't know
5 that we can say raw will work or uncooked will work.
6 It sounds like it would, but you just pointed out
7 in the back there --

8 MEMBER JOHNSON: So should we put for
9 one bullet -- this is Alice Johnson. Should we put
10 one bullet point conduct focus groups? Does
11 everybody agree that would be a good way for the
12 Agency to at least start looking at this?

13 MEMBER CURTIS: It sounds like a good
14 idea.

15 (Simultaneous speaking).

16 MEMBER RYBOLT: That's what I'm
17 trying. I wrote it down.

18 MEMBER JOHNSON: We've got to have one
19 for you.

20 MEMBER CRUPAIN: Can you guys map my
21 question, Michael Crupain -- the picture, as an
22 industry, folks, is there any -- is that off the

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1 table that you can't change those pictures?

2 (Simultaneous speaking.)

3 MEMBER CRUPAIN: All the products that
4 were in this book, they all have a picture of a
5 chicken oozing something out or a fully cooked ham.
6 That is probably, from the focus groups they've
7 already done, why there's confusion. Because it
8 looks just like an already cooked product. I
9 understand that's how you sell it because it looks
10 good, but is there some room to add a picture of
11 a raw piece, and then going to a cooked piece? I'm
12 not sure, but that seems to be where the confusion's
13 coming from.

14 MEMBER JOHNSON: A lot of our products
15 have a clear film, so you can actually look through
16 and see them, the numbers, of course.

17 MEMBER ROBERTS: This is Tanya
18 Roberts, again. I'd like to suggest a second
19 bullet point up there say to consider, as one of
20 the options, raw and cook to a temperature in the
21 upper left-hand corner, so it's always there in
22 that particular spot, and in contrasting colors to

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1 the rest of the label. Because they have raw down
2 there in the bottom left, and it was in a whole
3 melange of colors. They have school buses are
4 yellow. Maybe it should be yellow with a black
5 background, like school buses, or vice versa.

6 MR. WHEELER: Excuse me. This is Mark
7 Wheeler. On this Shaner's label, the raw product,
8 all that text is in a green color. If this were
9 printed in color, you would see that --

10 MEMBER ROBERTS: Oh, yes, I have black
11 and white.

12 MR. WHEELER: Right. Everybody has
13 black and white, but the actual label, that text,
14 raw product -- I can't read it -- "For safety, cook
15 to a minimum internal temperature of 165, as
16 measured by a meat thermometer," that's all in a
17 green or a light -- I wouldn't say a light green,
18 but it's not a dark, emerald green color.

19 MEMBER ROBERTS: But it's a
20 differentiation from the colors on the label?

21 MR. WHEELER: Somewhat.

22 (Simultaneous speaking.)

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1 MR. WHEELER: It probably could be
2 better. If it were black or red, it'd probably
3 stand out a lot more than a green, but I think it's
4 coordinated with the rest of the label.

5 MEMBER CRUPAIN: Mike Crupain. It
6 says raw three times on the front. It says raw,
7 stuffed chicken breast, raw chicken, raw product.
8 Along with the focus group concept, perhaps this
9 package did work. People got sick, but maybe a lot
10 more people would have gotten sick if it didn't say
11 raw on it three times. Maybe that is working, not
12 as well as we would like it to work, but it could
13 be better than nothing.

14 MEMBER RYBOLT: I'm just putting a
15 bunch of bullet points we've talked about already,
16 so you all just chime in if you all see something
17 you disagree with or want to add to it.

18 MEMBER CRUPAIN: This is Mike Crupain.
19 I would add that I think that FSIS should require
20 some statement about -- that it's not cooked, that
21 it's raw. Then this focus group would be to
22 determine what the best statement is. I think they

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1 should require some type of statement.

2 MEMBER JOHNSON: When you put the safe
3 handling, put the temperature -- to specify
4 temperature because that's something --

5 MEMBER RYBOLT: That would be here.
6 You're talking specific --

7 (Simultaneous speaking.)

8 MEMBER JOHNSON: -- directly to that
9 product.

10 MEMBER RYBOLT: Related to that
11 particular product, yes.

12 MEMBER JOHNSON: Instead of cook
13 thoroughly, which it says now, cook to 165 or
14 whatever.

15 (Simultaneous speaking.)

16 MR. ENGELJOHN: This is Engeljohn.
17 Just something for you to think about. We do have
18 some labels where it's for safety do this, so it's
19 clear that the statement is for safety.

20 MEMBER JOHNSON: Yes.

21 MR. ENGELJOHN: When we changed the
22 cooking temperature for pork to identify that, as

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1 an example, pork could be cooked to 140 degrees,
2 we said 140, I think, for three minutes, but it was
3 cook to a minimum internal temperature of 140, for
4 safety, let rest for three minutes. We tried to
5 add the language that wasn't for quality purposes,
6 although it improves quality.

7 But the real purpose was it needed to
8 sit at that temperature for a period of time for
9 safety. In the case of the rest time, in the case
10 of the cooking temperature, when it was given, it
11 was for safety. Whether or not that's valuable to
12 the consumer is something that can be tested.

13 MEMBER CURTIS: Pat Curtis. The focus
14 group, do we want to ask them just an open question
15 to the consumer, "What would we need on this label
16 to make you realize?" Getting to what it was the
17 consumer -- rather than us taking out things, if
18 you're going to ask them a question -- if you're
19 going to talk to them, ask them what they --

20 MEMBER RYBOLT: Yes, we could put it in
21 there. I would assume that would be part
22 of -- they'll contract somebody to do it, RTI or

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1 whoever, and that would be part of their -- Dan's
2 comment.

3 MEMBER CURTIS: But they're going to
4 ask --

5 MEMBER RYBOLT: Other terms, yes.

6 MEMBER CURTIS: They're going to ask
7 you --

8 (Simultaneous speaking.)

9 MEMBER CURTIS: -- I'm saying just to
10 ask an open-ended question, where the
11 consumer -- not just comparing this or this and what
12 does it tell you, but an open-ended question about
13 what is it --

14 (Simultaneous speaking.)

15 MR. ENGELJOHN: -- cause you to handle
16 this product differently?

17 MEMBER CURTIS: What could we put on
18 the label that would catch your attention?

19 MEMBER ROBERTS: Evaluate mandatory
20 statement.

21 MEMBER RYBOLT: I was trying to
22 put -- Michael was saying -- he was talking about

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1 mandating that we do actually put something on
2 there, and I was trying to think of in the context
3 of --

4 MEMBER ROBERTS: The temperature?

5 MEMBER RYBOLT: No, this is actually
6 putting a disclaimer like raw, for example, he's
7 using, I think is what you were saying is he's
8 thinking we should have something on there. I was
9 trying to put in the same context as doing these
10 evaluations is if we do it and it doesn't have any
11 impact, why do it?

12 If we knew there was an impact, that it
13 actually would effect change, then what is that?
14 Is it mandatory that it makes it effective? Does
15 that make sense? I'm trying to wrap it all
16 together somehow. We'll wordsmith this. I'm
17 just putting general thoughts, and we'll get into
18 the whole paragraph format before we submit the
19 final recommendation.

20 MEMBER ROBERTS: We don't have the
21 temperature up there, then.

22 MEMBER RYBOLT: Yes, it's

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1 down -- sorry.

2 (Simultaneous speaking.)

3 MEMBER RYBOLT: Way down here. It's
4 on the -- combined with the safe handling
5 instructions. Right now, the safe handling
6 instructions --

7 MEMBER ROBERTS: No, let's do it
8 separately.

9 MEMBER RYBOLT: What we're saying is
10 evaluate -- as we go through the safe handling
11 instructions activity, it's very prescriptive and
12 meaningless right now because it says cook
13 thoroughly. So is it an opportunity to
14 incorporate an actual end point temperature within
15 the safe handling instructions maybe for that
16 specific product versus just saying cook
17 thoroughly because that obviously has no impact.

18 MEMBER JOHNSON: Your safe handling
19 instructions may actually be re-worded, to the
20 point it becomes your mandatory statement. It
21 would go beyond -- include the cooking, but go
22 beyond the cooking and talk about the cross

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1 contamination issues, as well. It may not be one
2 and the same. It may be one and the same.

3 MEMBER RYBOLT: It may or it may not be.
4 Some of this is going to be dependent on the
5 research study that's conducted, your focus
6 groups. If it has no impact whatsoever, then
7 obviously there's no need in doing it on either
8 case.

9 MEMBER ROBERTS: This is Tanya
10 Roberts. I would prefer it to have -- it be listed
11 as the temperature as an option up above in the
12 focus group before we get to combining with the safe
13 handling instructions. How do they react to the
14 statement as to what temperature it needs to be
15 cooked to? Raw, must cook to 165 degrees or
16 something like that.

17 MEMBER CRUPAIN: This is Michael
18 Crupain. Michael, why don't you put it in the
19 third bullet, you could determine it raw, uncooked,
20 ready to cook, or another one would be raw, must
21 cook to X degrees.

22 MEMBER ROBERTS: Yes. Okay, I like

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1 that. Raw, must cook to 165 degrees.

2 MEMBER RYBOLT: Excess of whatever that
3 may be?

4 MEMBER ROBERTS: Right.

5 MEMBER RYBOLT: Something like that.

6 MEMBER ROBERTS: Thank you.

7 MEMBER RYBOLT: I'll just put 165 in
8 here as a --

9 MEMBER ROBERTS: Yes, it gives them a
10 concrete example.

11 MEMBER RYBOLT: Yes. Okay. Other
12 thoughts? We're talking about doing focus groups.

13 MEMBER CRUPAIN: Michael Crupain. I
14 think we need to add something here where you put
15 this evaluate mandatory standards, not quite what
16 I meant, but I accept.

17 MEMBER RYBOLT: No, I'm just trying to
18 get this down on paper.

19 MEMBER CRUPAIN: Suppose we go through
20 this process and none of these statements work.
21 Then there's something else going on that's beyond
22 putting a stamp on it, which is probably a picture.

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1 I think we need to have that included in this
2 evaluation somehow, so that if we came up with no
3 statement works, we need to continue to evaluate
4 to figure out what does work, not just we give up.

5 MEMBER MAZURCZAK: Kris Mazurczak.
6 Following what Mike was saying, I think that this,
7 we're talking about, we use the term serving
8 suggestions. I think the concern is that it's
9 really to present the finished product versus from
10 what is actually in the product the moment it's
11 being purchased. Maybe there should be some
12 stipulation that serving suggestions -- I'm not
13 even sure how to go about it and how that
14 could -- from the industry point of view, that's
15 a factor in sales, the way you would present the
16 product. It's very critical. Also, again, we
17 have to weigh it against food safety issues. But
18 it could create a lot of confusion. I agree with
19 you. So maybe to put some stipulation about -- I
20 don't know, additional statement.

21 MEMBER JOHNSON: I think that the focus
22 group can tell us, but how do we word that, Michael,

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1 so we get evaluate mandatory statement impact or
2 label picture? Let's just ask the question to the
3 focus group. What do the pictures mean on our
4 packaging?

5 MEMBER RYBOLT: Picture, icon, all the
6 elements, right?

7 MEMBER CRUPAIN: I think that should be
8 included in the --

9 (Simultaneous speaking.)

10 MEMBER JOHNSON: Yes, picture,
11 icon -- mandatory statement/picture/icon impact.
12 Does that capture it?

13 MEMBER RYBOLT: We can add more.

14 MEMBER CRUPAIN: Yes, we finally get
15 jumbled in and evaluate the impact of the picture
16 on people, determination of whether you need to
17 have how to handle it safely.

18 MR. ENGELJOHN: This is Engeljohn.
19 Maybe I'm not understanding, but are you saying
20 that, as an example, if it's a ready-to-eat
21 product, if it's cooked and ready to eat, then
22 that -- a picture on the package of a ready-to-eat

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1 product is fine. If it's a not ready-to-eat
2 product, perhaps it shouldn't be wrapped in a
3 package that's see through, so that when you see
4 it, it looks ready to eat, maybe the picture on that
5 package should either be a raw product or in some
6 fashion depicted. Is that sort of what you're
7 getting at, perhaps?

8 MEMBER CRUPAIN: Yes, I guess in the
9 case of a turkey, you can see it's a raw turkey by
10 looking through the package. In the case of the
11 stuffed chicken breasts, if you could see that it
12 was still raw, that would be good if you had a
13 picture of a raw chicken, obviously you would see
14 it was raw, rather than having hot, oozing cheese
15 coming out of it.

16 MEMBER BRANDT: This is Kurt with UFCW.
17 That ain't going to happen. I've just got to tell
18 you. Because half of the appeal of the product is
19 what it looks like finished. I was thinking we
20 were going more down the road of how we're going
21 to prepare it with an icon that way, like a
22 microwave and a stove, that you can prepare this

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1 product this way. If it's ready to eat, there's
2 not going to be an icon, right?

3 MEMBER RYBOLT: That kind of begs the
4 question -- and maybe you've said it and I just
5 haven't thought of it -- is do we know that it's
6 actually, if that's describing it, that it looks
7 cooked, so I thought it was cooked?

8 (Simultaneous speaking.)

9 MR. ENGELJOHN: This is Engeljohn. I
10 think to some extent, we believe that what the
11 consumer sees in that package is probably to make
12 an opinion correct to see.

13 MEMBER RYBOLT: What they see on the
14 film, or what they see on the package, or what they
15 see in the product, itself?

16 MR. ENGELJOHN: On the package they
17 purchase. The picture that's on there is, to some
18 extent, misleading to them, is that misleading?
19 At some point, the Agency has to make a
20 determination of are there some products the
21 consumer cannot safely prepare, which is a
22 direction that we -- when you try all this and

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1 nothing works, at some point, then, it has to be
2 made into a ready-to-eat product, and you remove
3 that option from the consumer. I think this is a
4 step before that. What can we do to drive
5 consumers to be able to safely prepare this
6 product, with the assumption that they can if they
7 have the right cues.

8 MEMBER JOHNSON: When individuals got
9 sick after eating, after the label changes, after
10 the special group of product that we're talking
11 about, the breaded, when they did their interviews,
12 what did people say they did differently or didn't
13 do? Did they pay attention to the label? Did they
14 microwave?

15 MR. ENGELJOHN: This is Engeljohn. Up
16 until this last summer on the outbreaks associated
17 with this Chicken Kiev type products, the
18 consumers -- it was a mixed -- consumers read the
19 instruction, but they prepared it the way that they
20 prepared it the last 20 years, which was even though
21 it said don't put it in the microwave, they put it
22 in the microwave because that's how they liked, and

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1 they made it the way they wanted to. We had that
2 kind of information that regardless of what was on
3 the label, the consumer was preparing it the way
4 that they were used to preparing it, and the way
5 they wanted to prepare it.

6 However, after all these labeling
7 changes occurred voluntarily by the industry,
8 collectively -- a lot of this product was, for the
9 most part, labeled the same way for the not
10 ready-to-eat products -- for the first time, the
11 majority of consumers that got sick said, "I read
12 the label. I knew it was raw, and I followed the
13 instructions."

14 Whether or not they did or not is always
15 a different issue, but it was a change in the
16 consumers' response. When the epidemiologist
17 investigated it, the consumers actually said, "It
18 was clear. It was raw. I followed the
19 instructions, but still got sick." There's
20 something -- it could be because of the product,
21 itself, or they didn't follow it and they said they
22 did, but there was a change in the consumer response

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1 when we did the investigations since this last
2 summer.

3 MEMBER ROBERTS: Tanya Roberts, CFI.
4 I have a suggestion for -- I don't know if it's a
5 bullet point or if it's a whole different number,
6 but it would be useful for FSIS to collect data to
7 find out how contaminated this raw product is.
8 Because if it's made from mechanically separated
9 chicken, that's shown to have -- those bones and
10 the chicken skins are shown to have much higher
11 salmonella levels than the intact chicken breast.
12 If you don't have that kind of a database, you need
13 one. That's my bullet point.

14 MR. ENGELJOHN: Bite the bullet.

15 MEMBER ROBERTS: Yes. FSIS should
16 collect data on the ingredients for these kinds of
17 products and determine which ones are high risk.
18 You have mechanically separated chicken. You have
19 trim of various kinds. You have skin. Yes, so
20 such as -- I want to know if there's a difference
21 between mechanically separated chicken versus
22 chicken skin versus chicken breast.

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1 MR. ENGELJOHN: This is Engeljohn.
2 Tanya, I would say that the Agency does have that
3 data. What we don't have is data on these products
4 that the consumer purchases and what is the
5 microbiological type and level on that product.
6 Because it may be so high that the cooking
7 instruction itself may not be sufficient.

8 MEMBER ROBERTS: I agree.

9 MR. ENGELJOHN: So it's the entrée
10 itself that the Agency doesn't collect anything on.

11 MEMBER ROBERTS: Okay. Tell me,
12 though, what you do know.

13 (Simultaneous speaking.)

14 MR. ENGELJOHN: -- what we do have
15 voluntarily from the industry is they are not using
16 mechanically separated poultry in a not
17 ready-to-eat product for sale to consumers because
18 of the microbiological level. That product is
19 going and labeled for further processing and is
20 being made into a ready-to-eat product in the
21 federal system. When we have evidence that's not
22 being done, then we would target those operations

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1 because we know it presents a risk to public health.

2 MEMBER ROBERTS: How about pork or
3 beef?

4 MR. ENGELJOHN: We're collecting that
5 kind of information.

6 MEMBER RYBOLT: So what I heard you
7 say, though, is the validated cooking instructions
8 for products, and that's not currently something
9 that's required, correct?

10 MR. ENGELJOHN: Yes, Engeljohn here.
11 Validated cooking instructions are only required
12 by regulation on one category of product, and
13 that's the mechanically tenderized meat.

14 MEMBER ROBERTS: So in other words, Dan
15 was saying FSIS should collect data on the actual
16 entrée, right, rather than just the ingredients and
17 components, which would ---

18 (Simultaneous speaking.)

19 MR. ENGELJOHN: What I had mentioned
20 earlier, during the committee, was information on
21 these not ready-to-eat products is something where
22 we haven't collected data, nor have we established

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1 a standard that we think industry should be doing,
2 nor on the sanitary conditions in those operating
3 facilities.

4 MEMBER CRUPAIN: Michael Crupain.
5 We're going to have that bullet for the FSIS should
6 collect microbiological data on these products.

7 MEMBER ROBERTS: Yes, and the
8 conditions under which they're produced to get at
9 the --

10 MEMBER RYBOLT: I hope FSIS --

11 (Simultaneous speaking.)

12 MR. ENGELJOHN: Record that I'm
13 smiling.

14 (Laughter.)

15 MR. PAINTER: Stan Painter with the
16 National Joint Council. I have a question for the
17 Agency. When the Agency was trying to implement
18 the new poultry inspection system, Vilsack said
19 5,000 fewer people will not get sick with the
20 implementation of this rule. Do we know and have
21 those figures for this issue, and then what will
22 it cost the industry, if we know, to do this

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1 labeling?

2 MR. ENGELJOHN: This is Engeljohn.
3 Stan, that's the really important question. That
4 takes data that we don't have. We have data on the
5 carcasses which based the new poultry inspection.
6 On the new chicken parts and the comminuted poultry
7 pathogen reduction performance standards, we
8 estimated a reduction of 50,000 illnesses from
9 salmonella and Campylobacter because we had
10 food -- we had data on the products, the
11 microbiological level on those products, and we had
12 public health data that directly was associated.
13 We don't have microbiological data on this product,
14 nor have we focused on public health data to say
15 what is the level of illnesses associated with
16 these kind of products because we typically don't
17 ask the question did you purchase a not
18 ready-to-eat product?

19 We generally ask did you purchase a
20 ready-to-eat product, and did you get sick from
21 that? The system isn't really designed to collect
22 the data that would be relevant here to answer your

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1 question, so we need that data.

2 MR. PAINTER: What about the cost?

3 MR. ENGELJOHN: It would be the same.
4 Once we know what the level is, as an example, and
5 what industry is performing at now, then we would
6 make an estimate on what that would cost industry
7 to change their operations. That's how we would
8 go about that.

9 MEMBER JOHNSON: I think if we go down
10 to Question 3 -- because Stan brings up a good
11 point. Where it says, "Other steps FSIS should
12 consider," after we go through and we find out what
13 it is that consumers -- will make a difference for
14 whatever our groups tell us, then there ought to
15 be a phase-in period for use up labels, but you can
16 go ahead and start labeling as soon as you have the
17 information. I think for other steps, we ought to
18 put in how they would phase in because the
19 impact -- if they came up and said, "This is what
20 you're going to do, and you're going to do it now,"
21 there'd be a lot of labeling inventory that would
22 be lost that would not really prevent illness, like

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1 our raw turkeys.

2 DR. BOYLE: This is Bob Boyle, FSIS.
3 Just for continuity, it's 25 minutes to 3:00.
4 You're doing well. You've got a little less than
5 two hours.

6 MEMBER CRUPAIN: Michael Crupain, so
7 put that and then that.

8 MEMBER RYBOLT: I got it.

9 MEMBER CRUPAIN: I just want to go back
10 up to that -- what you've already --

11 MEMBER RYBOLT: Okay. We'll add to it
12 what we don't know.

13 MEMBER CRUPAIN: Does everybody think
14 we've got the bones of this one? We can fix the
15 language and move to -- why don't we just finish
16 this off completely?

17 MEMBER RYBOLT: Number 1?

18 MEMBER CRUPAIN: Yes, No. 1.

19 MEMBER RYBOLT: What I would think we
20 would do is maybe a couple of us could sit down
21 together, because it'd be a little bit easier, and
22 then we present it back and say, "Here's the

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1 answer," and we'll go through it and modify it from
2 that standpoint. Because we're going to get back
3 together in the morning, too?

4 PARTICIPANT: Yes.

5 MEMBER RYBOLT: So we'll have how long
6 in the morning, do you know? We'll get back
7 together as a subgroup in the morning or just --

8 (Simultaneous speaking.)

9 DR. BOYLE: I'll find out for you.

10 MEMBER RYBOLT: Then we'll come back to
11 present the final right before --

12 MEMBER CRUPAIN: All right. I'll just
13 keep going. If we have time today, we can finish
14 it off. All right, why don't we do No. 2? I think,
15 also, we can just -- that bullet that we added about
16 the microbiology testing, we can probably add that
17 to No. 3 because that's another that kind of fits
18 in what other steps.

19 MR. ENGELJOHN: If I could -- this is
20 Engeljohn. I'm not meaning to put words in your
21 mouth, but on that bullet, as it's worded, the
22 Agency would not interpret that --

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1 MEMBER RYBOLT: The way that --

2 (Simultaneous speaking.)

3 MR. ENGELJOHN: -- what's written
4 there, to actually look at the entrees as meaning
5 conditions. We are looking at the ingredients or
6 the components, but we are not --

7 (Simultaneous speaking.)

8 MEMBER CRUPAIN: Take out ingredients
9 and components.

10 MEMBER JOHNSON: Does that just
11 include the meat or poultry ingredients?

12 MR. ENGELJOHN: From the Agency's
13 perspective, we put our mark of inspection on the
14 entrée. It's the entrée that the consumer has to
15 safely prepare. If all those ingredients together
16 are creating a problem --

17 MEMBER JOHNSON: The issue, okay.

18 MR. ENGELJOHN: -- then we need to know
19 that. I would just suggest making sure that that
20 recovers the entree.

21 MEMBER CRUPAIN: It should say, on
22 these, the finished product.

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1 MR. ENGELJOHN: Otherwise, we would
2 just tend to focus on the meat or the poultry, and
3 these are more than just that.

4 MEMBER JOHNSON: Are we jumping to
5 three?

6 (Simultaneous speaking.)

7 MEMBER RYBOLT: Do you want to add
8 something?

9 MEMBER JOHNSON: Yeah, I mean Michael
10 already knows, it's the big standard, continue to
11 educate the consumer.

12 MEMBER RYBOLT: I have some I'm looking
13 at with the consumer focus groups that we do, what
14 information has utility with the consumers.

15 MEMBER JOHNSON: Okay, we can get back
16 to foods.

17 MEMBER CRUPAIN: Okay, let's go back to
18 two. Two says, "Should FSIS require that such
19 products bear validated cooking instructions? If
20 so, aside from the method of cooking and endpoint
21 temperature of 165 degrees, instructions that the
22 endpoint temperature is entered by use of a

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1 thermometer, what other information is needed?" I
2 think Question 1 is should they require these first
3 three bullets? Then Question 2 is is there other
4 information that should be required, as well?
5 Tanya, what do you think?

6 MEMBER ROBERTS: I'm thinking that my
7 No. 1 thing is I want the endpoint temperature.
8 The method of cooking, if the label's not too big,
9 maybe that's an add on. Whether they use a
10 thermometer or not -- a lot of people don't have
11 thermometers. I think the endpoint temperature is
12 the most important thing. I have a priority there.

13 MEMBER CRUPAIN: Do you think that
14 the -- the first question is should they be required
15 to have validated cooking instructions?

16 MEMBER ROBERTS: Absolutely.

17 MEMBER CRUPAIN: Yes, okay. Let me
18 just go over it with Kris, what do you think?

19 MEMBER MAZURCZAK: If I may, I would
20 agree with the contents of No. 2, with a disclaimer
21 that that would be repetitious. We may end up in
22 a situation -- I understand what everyone was

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1 saying, it's for a specific group of poultry
2 products, this appearance of fully cooked, but they
3 are not, industry's very creative, and we end up
4 with a product that will be subject to multiple
5 regulations, then again, on the labeling. You
6 acknowledge a lot of people are not using
7 thermometers.

8 I don't know if we can fix it, but I
9 think it's something that should be acknowledged.
10 Also, you mentioned that you strongly believe in
11 specifying endpoint temperature. What I do
12 believe, the consumer should be provided with the
13 option how to achieve this endpoint temperature in
14 lieu of using thermometers. If they crack the oven
15 to 350 and place on the middle rack for 20 minutes,
16 that should be good enough, too. Industry should
17 have this option. Not everybody's using microwave
18 ovens.

19 MEMBER JOHNSON: I think it's very
20 important that on some of these products it says,
21 "Do not use microwave," as they did with some of
22 these products that were causing trouble.

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1 MEMBER CRUPAIN: That's other
2 information?

3 MEMBER JOHNSON: The cooking
4 method -- method of cooking, I guess, is --

5 PARTICIPANT: Right.

6 MEMBER JOHNSON: -- it gets into that,
7 but I think we ought to be sure.

8 (Simultaneous speaking.)

9 MEMBER CURTIS: One of the things on
10 that consumer education is how to use a thermometer
11 because it depends on where they're taking the
12 temperature on that. If they're taking it in the
13 wrong place, it's not going to do any good.

14 MEMBER JOHNSON: Yes, consumer
15 education. First of all, have a thermometer, to
16 Tanya's point, and then use it appropriately.

17 MR. ENGELJOHN: This is Engeljohn.
18 Just information for background, but those bullets
19 really are taken from what we applied to a
20 regulation for the mechanically tenderized beef.
21 There, there was very specific data that showed
22 that if you grilled a non-intact steak versus

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1 broiled it versus baked it, it cooked substantially
2 differently, such that the method of cooking became
3 important. That's the reason why we were able to
4 justify not only an endpoint temperature, but if
5 you're -- what's the most likely way to cook this
6 steak, is it a grill or a broiler or whatever,
7 choose a method, but provide validated
8 instructions for that method because they were
9 distinctly different. That required an
10 additional level of research, but it was
11 informative for that reason.

12 MR. WHEELER: This is Mark Wheeler.
13 Just to add on to that, there's research out there
14 that shows that if you've taken a raw steak or a
15 frozen steak, or you're taking a refrigerated
16 steak, or you're taking a steak that's been sitting
17 at room temperature for ten minutes and you're
18 putting them all on the grill, they're all going
19 to achieve 145 at a different time.

20 That comes into play. Most likely, the
21 consumer, this is over their heads, for probably
22 a majority. I don't want to put down everybody,

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1 but it comes into play. Flipping the steak, if you
2 flip it twice, you could sit there and flip that
3 steak every minute. You're going to come to a
4 temperature more quickly than if you let that steak
5 sit for five minutes on one side, and then flip it
6 over for five minutes on the other side. That all
7 comes into play. It changes everything. It just
8 depends on your preference. If you don't want that
9 steak to turn crispy and cooked on one side, you
10 might flip it a lot. It'll never get charred,
11 you'll never get that charred surface, but it's
12 going to get to 145 a lot quicker.

13 MEMBER CURTIS: But on these products,
14 particularly like that Chicken Kiev or something
15 like that, when you go cook to 165, what are you
16 talking about cook to 165? Are they going to stick
17 the thermometer in there, are we talking about
18 getting the cheese or the broccoli to 165, or are
19 we talking about getting the meat to -- sometimes,
20 I think we need to be specific on what it is we're
21 getting.

22 MEMBER RYBOLT: Could that be part of

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1 the instruction, where to put the thermometer?

2 MEMBER CURTIS: Somewhere you've got
3 to train the consumer.

4 MEMBER MAZURCZAK: Kris Mazurczak. I
5 would like to jump to three.

6 MEMBER CRUPAIN: Before we jump, just
7 to -- does everybody agree that it should be
8 required that they validate cooking instructions?

9 MEMBER RYBOLT: Yes.

10 (Simultaneous speaking.)

11 MEMBER MAZURCZAK: A lot of steps, I
12 would suggest that if everything fails, that --

13 MEMBER ROBERTS: Wait, I thought you
14 were talking about the cooking temperature, right?
15 Isn't that different from the instructions? I'm
16 not sure.

17 MEMBER CRUPAIN: Yes, we'll come back
18 to that.

19 MEMBER MAZURCZAK: It just came to me.
20 On No. 3, other steps, if everything else fails and
21 we'll not be able to reduce outbreaks linked to this
22 product, then probably FSIS will have to consider

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1 changing the standards, which means classification
2 of those products, and mandate that if you call a
3 product Chicken Kiev, it has to be fully cooked.
4 Because as was stated before, and as you pointed
5 out, Michael, the label had three times raw in the
6 name displayed on the principal display panel,
7 didn't work with some of the people. So that's
8 still an option on the table, in my opinion.

9 MEMBER RYBOLT: So is there something
10 you want to put in a bullet on that?

11 MEMBER MAZURCZAK: Maybe other steps,
12 reserve the right to change the standards of
13 identity for those products. In other words,
14 classify them as fully cooked. Don't provide an
15 option to be classified as not ready to eat, not
16 fully cooked.

17 MEMBER RYBOLT: So what does
18 that -- you're suggesting doing some sort of an
19 analysis or evaluation of feasibility or something
20 or like that?

21 MEMBER MAZURCZAK: No, I think that --

22 MEMBER JOHNSON: Agency review of

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1 standard of identity?

2 MEMBER MAZURCZAK: Yes.

3 MEMBER ROBERTS: If outbreaks still
4 occur, right?

5 MEMBER MAZURCZAK: Yes.

6 MEMBER RYBOLT: If all else fails.

7 (Simultaneous speaking.)

8 MEMBER CRUPAIN: We've got, yes,
9 validate cooking. Are there other things that
10 should be -- so, Pat suggested maybe we put the -- we
11 replace the thermometer as part of the new
12 instructions?

13 MEMBER CURTIS: Particularly for those
14 products that -- normally, you're going to think
15 you just stick a thermometer in there and whenever
16 it says 160 or 165 or whatever your endpoint is,
17 that you're doing that. But as we talked about
18 earlier, different products, you don't want them
19 sticking it all the way down to the grill, so you're
20 getting a temperature -- you need to kind of say
21 what you're measuring in, like the Chicken Kiev,
22 are you measuring the chicken, or are you measuring

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1 the interior cheese and stuff in there? Some
2 products, specifically, you need to be more
3 concerned with what you're measuring the endpoint
4 temperature.

5 MR. ENGELJOHN: This is Engeljohn.
6 What I hear you saying is ensure that temperature
7 and the directions to the consumer achieves a
8 safety for that product.

9 MEMBER CURTIS: Right.

10 MR. ENGELJOHN: Yes. Because you're
11 right, if they're sticking it in the cheese in the
12 middle, that may heat up faster than the chicken
13 does, and the chicken's still raw, and the cheese
14 in the middle of it's --

15 (Simultaneous speaking.)

16 MEMBER CURTIS: Part of that may come
17 back to the validated cooking instructions.

18 MR. ENGELJOHN: Yes --

19 (Simultaneous speaking.)

20 MEMBER CURTIS: If that's where you're
21 going to actually take the temperature, then it may
22 be something totally different from the meat. In

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1 order to achieve that meat temperature, you need
2 the center of it to be a different temperature.

3 MEMBER JOHNSON: What about the
4 resting, the use of the term resting? Should we
5 put in -- we were talking about with the pot pies,
6 people didn't understand let it rest. Should we
7 put something to be sure that the -- maybe it's not
8 specific to rest, but that the language is clear
9 and not in terms that we might all understand, but
10 somebody else wouldn't?

11 MEMBER RYBOLT: Should we put that up
12 in the consumer evaluation, too?

13 MEMBER JOHNSON: Okay.

14 MEMBER RYBOLT: Potentially --

15 MR. ENGELJOHN: This is Engeljohn.
16 How best to convey that message. The resting was
17 to achieve safety, let rest for this many minutes,
18 but what that really meant was you have to achieve
19 this minimum internal temperature, and it needs to
20 remain at that temperature or higher for that many
21 minutes, in order for it to be safe. That's a very
22 complicated message, but most cookbooks do talk

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1 about letting your meat rest once it's --

2 (Simultaneous speaking.)

3 MEMBER ROBERTS: I don't know. I
4 think there's a difference between a roast and a
5 quick meal that you want to have a quick lunch with.
6 Having a resting thing, I don't know.

7 MR. ENGELJOHN: It may not be
8 appropriate for that product, too. There may be
9 different instructions --

10 (Simultaneous speaking.)

11 MEMBER RYBOLT: That would come up in
12 validate cooking instructions, right?

13 MEMBER CRUPAIN: For the pot pies,
14 could you cook them to a higher temperature and not
15 let them rest, or that would burn the --

16 MR. ENGELJOHN: It's at or above that
17 temperature, yes. The unfortunate thing on the
18 pot pie is that it was a microwave situation. In
19 order to get the uniformity of heat distributed in
20 a microwave product, you need to let it sit, so that
21 it equilibrates. That was part of the issue there.

22 MEMBER BRANDT: This is Kurt with UFCW.

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1 That goes along with the cooking instructions.
2 Literally, that's how you would describe it, as far
3 as the cooking process. You've already went from
4 a one size fits all label to an individual product
5 label because that's what you're going to have to
6 do. So I think it's covered, isn't it?

7 MEMBER CRUPAIN: The rest concept?

8 MEMBER BRANDT: Yes, because it's
9 included in the cooking instructions. That's part
10 of it.

11 MEMBER CRUPAIN: I would think that it
12 would be best to avoid a rest if you can, right?
13 Because no one wants to do that, and nobody will
14 rest it for as long as you're supposed to or
15 understand why.

16 MEMBER CURTIS: But in some cases it's
17 the only way.

18 MEMBER CRUPAIN: I don't
19 understand -- I don't think that's true.

20 MEMBER CURTIS: Are you going to burn
21 it --

22 (Simultaneous speaking.)

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1 MEMBER CRUPAIN: That's what I meant.
2 Is it because you're going to burn the product that
3 you have to let it rest?

4 MEMBER RYBOLT: But that's where your
5 validated cooking instructions come into play.

6 MEMBER CRUPAIN: Right.

7 MEMBER RYBOLT: When you do a microwave
8 validation, you're going to use multiple different
9 microwave wattages, as we talked about earlier
10 today. I think Kris brought that up. You're
11 going to validate what temperature -- or what time
12 do I cook it, and then how long each one of those
13 to determine what's appropriate. So you should
14 see that. Obviously, they're trying to get a
15 certain quality attribute, as well as the food
16 safety, but in this case, you're doing this
17 primarily for food safety, so you would see that
18 in the validation setting, in my mind. You
19 mentioned microwaves.

20 MEMBER JOHNSON: Yeah, the microwave,
21 on the pot pie, they had talked about doing
22 something with FDA, somebody, about making sure

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1 that microwave instructions were clearer. Did
2 that ever happen? Are there steps that we should
3 consider requiring -- somebody should --

4 MEMBER CRUPAIN: For No. 3?

5 MEMBER JOHNSON: Yes. Because I don't
6 know what my microwave is.

7 MR. ENGELJOHN: What are you referring
8 to?

9 MR. GUMMALLA: Sanjay Gummalla with
10 the American Frozen Food Institute. I believe
11 you're referring to the Cook It Safe program that
12 was done in partnership with the Food Safety
13 Partnership Group -- Food Safety Education
14 Partnership Group. I believe that program ran for
15 about three years. I'm not sure that there's any
16 data before or after to suggest what type of
17 improvements have occurred. Frankly, I think that
18 needs to be continued. I joined the policy world
19 about a year ago, and I was pleasantly surprised
20 to hear that such a program had been put in place,
21 but frankly disappearing.

22 MEMBER JOHNSON: Yes, we're talking

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1 about doing a lot of education on how to cook, but
2 we also have to understand the equipment we're
3 cooking with. I know that was talked about. I
4 don't know if it ever happened or not. But
5 microwaves, people should do a better job of
6 explaining how to use their products.

7 MEMBER CRUPAIN: Do you want to make
8 that a --

9 MEMBER JOHNSON: Bullet point, yes?

10 MEMBER CRUPAIN: -- No. 3?

11 MEMBER JOHNSON: Yes.

12 MEMBER RYBOLT: What do you want me to
13 say?

14 MEMBER BRANDT: Know your appliance.

15 (Laughter.)

16 MEMBER JOHNSON: That includes toaster
17 ovens and microwaves.

18 (Simultaneous speaking.)

19 MR. ENGELJOHN: -- that note that so we
20 could follow up on that. I'm just not sure.
21 If it's related to the --

22 MEMBER JOHNSON: Why do I think it was

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1 FDA? I don't know.

2 MR. ENGELJOHN: I can tell you FSIS did
3 work with a manufacturer's -- microwave
4 association -- there's a frozen food association
5 and microwave where there's been a lot of effort
6 there. I don't know as if there's anything other
7 than voluntary activity.

8 MEMBER JOHNSON: When we look at
9 education, maybe that needs to be revamped and keep
10 the education program going.

11 (Simultaneous speaking.)

12 MEMBER RYBOLT: We have an hour and a
13 half left. Do you want to take a break real quick?

14 MEMBER JOHNSON: Yes.

15 MEMBER RYBOLT: Consumer Report or
16 something?

17 MS. WILLIAMS: The consumer focus
18 group that was part of Mark Wheeler's presentation.
19 This is Natasha Williams, FSIS, for the record.

20 MEMBER CRUPAIN: All right, so let's
21 take a break.

22 (Whereupon, the above-entitled meeting

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1 went off the record at 2:55 p.m. and resumed at 3:10
2 p.m.)

3 DR. BOYLE: This is Bob Boyle at FSIS.
4 Just for some continuity, we have until 4:30.
5 We're going to reconvene in the big auditorium. At
6 that point, we'd like to be done here. We would
7 like to give the committee a copy of your
8 considerations and conclusions, per the questions
9 that were presented to you. There'll be more
10 wordsmithing that can happen tomorrow, after the
11 combined committees come together and come to some
12 conclusion. With that, I'll turn it over to
13 Michael again, as the chairman, and we'll forward.

14 MEMBER CRUPAIN: Okay. I think we
15 left off -- Alice, do you want to finish with --

16 MEMBER BRANDT: The FDA microwave
17 thing.

18 MEMBER JOHNSON: It's not FDA
19 microwave.

20 MEMBER BRANDT: Okay.

21 MEMBER JOHNSON: It's just -- you guys
22 are going to investigate what was in the past and

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1 look at microwave -- clarifying microwave cooking
2 instructions or educating microwave use, something
3 like that.

4 MR. ENGELJOHN: It was a joint activity
5 with the frozen food industry and the microwave
6 industry.

7 MEMBER RYBOLT: With the who, frozen
8 food?

9 MR. GUMMALLA: There's a Cook It
10 Safe -- Sanjay Gummalla. There's a Cook It Safe
11 program.

12 MEMBER RYBOLT: Okay, so just go back
13 to the Cook It Safe program?

14 MEMBER JOHNSON: Do we know if the Cook
15 It Safe was --

16 MR. GUMMALLA: It was done with the
17 Partnership for Food Safety Education.

18 MEMBER JOHNSON: Was it successful?

19 MR. GUMMALLA: I don't know. That's
20 why --

21 (Simultaneous speaking.)

22 MEMBER JOHNSON: Or review, evaluate

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1 programs such as Cook It Safe.

2 MEMBER RYBOLT: For what, microwaves?
3 Something like that?

4 MR. GUMMALLA: Sanjay Gummalla again.
5 I do know that a number of industry participants
6 have also done extensive studies to look at
7 microwave safety and consumer campaigns for their
8 own. So I'm just suggesting that perhaps that
9 could be another resource, so we don't reinvent the
10 wheel.

11 MEMBER JOHNSON: Yes.

12 MEMBER ROBERTS: Other resources?

13 MEMBER RYBOLT: Yes, I guess. Does
14 that sort of capture what we're talking about?

15 MR. ENGELJOHN: This is Engeljohn.
16 Consider not just microwave. It's a frozen food
17 issue, as well. It's microwave and frozen.

18 MEMBER CRUPAIN: For cooking frozen
19 foods?

20 MEMBER RYBOLT: Something like that.

21 MEMBER CRUPAIN: Did we finish No. 2?

22 MEMBER RYBOLT: No, we jumped right

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1 down to No. 3. I don't think. Maybe we did finish
2 it.

3 MEMBER CRUPAIN: Does anybody have an
4 opinion to add to No. 2?

5 MEMBER ROBERTS: This is Tanya. I'm
6 wondering if that first bullet says, yes, validate
7 cooking instructions, include temperature and
8 appropriate method means we want A, B, and C.
9 Whereas, I want B for sure, and A and C are optional.
10 I guess what I'm asking is what is does the group
11 consensus feel about what does that yes mean?

12 MEMBER CRUPAIN: Does everybody think
13 it means A, B, and C?

14 MEMBER RYBOLT: I think it means
15 validated cooking instructions, that the label
16 that's being applied by the establishment, the
17 instructions to cook have been validated to a
18 whatever set endpoint temperature for that
19 product, that they also have validated the various
20 ways of taking temperatures. What we're
21 recommending, as well, is that there should
22 be -- include appropriate methodology for taking

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1 product temperatures. So it would say the center
2 of the Kiev, or just below the surface, or whatever
3 that may be for that product, but it would include
4 a temperature. It would include the method for
5 cooking, as well. That would also be don't
6 microwave, for example. If that product shouldn't
7 be microwaved, that should be on -- it should say
8 use the oven and use the thing, or say don't use
9 microwave.

10 MEMBER CRUPAIN: Michael, why don't
11 you just make that say yes, validated cooking
12 instructions should be required and get rid of the
13 parentheses part, and then just move it after
14 the -- above the what other information. Move that
15 bullet up.

16 MEMBER RYBOLT: Move this up?

17 MEMBER CRUPAIN: Delete that.

18 MEMBER RYBOLT: Yes.

19 MEMBER CRUPAIN: Put that yes bullet
20 above what other information.

21 MEMBER RYBOLT: Oh, I see, just put -- I
22 got it. Up here, you're saying.

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1 MEMBER ROBERTS: Or what if it says
2 validated cooking instructions for the
3 temperatures?

4 MEMBER CRUPAIN: It includes all of
5 those things.

6 MEMBER ROBERTS: All three? Okay, so
7 A, B, and C are in a bundle?

8 MEMBER CRUPAIN: Yeah, aside from
9 those, so we said yes, those are included. The
10 other information is additional.

11 MEMBER RYBOLT: I think if we really
12 answer this in the traditional format, we'll
13 probably spell that out, and that would be the
14 official -- think what you're trying to get at a
15 little bit. It's not just going to say validate
16 cooking instructions. I think we'll get at more
17 of the crux of it. Is there anything else that
18 should go in here in this question from anybody
19 that's not already covered?

20 MEMBER CRUPAIN: I'm good.

21 MEMBER RYBOLT: I'm good.

22 MEMBER CRUPAIN: Everybody? Okay, so

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1 why don't we --

2 MEMBER RYBOLT: So we'll say two is
3 done. We've got one and two, so we're going to
4 three?

5 MEMBER CRUPAIN: Three.

6 MEMBER RYBOLT: Sorry, you told me --

7 MEMBER CRUPAIN: No, I'm good. Does
8 anyone want to add anything to three?

9 MEMBER ROBERTS: I suggest moving the
10 FSIS bullet up to the top because I think that's
11 the most important one, in my opinion.

12 PARTICIPANT: Okay, well --

13 MEMBER ROBERTS: Up to the top of
14 three.

15 MEMBER RYBOLT: Yes.

16 PARTICIPANT: Up to the list.

17 MEMBER RYBOLT: This here.

18 MEMBER CRUPAIN: Why don't we
19 just -- does anybody have anything they want to add,
20 and then we can clarify the language on the ones
21 that are already there?

22 MEMBER RYBOLT: Anything else on

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1 consumer education -- I mean, one, have a
2 thermometer, how to use a thermometer. Are there
3 any things from the Agency standpoint, Dan, from
4 a consumer education standpoint, that we should be
5 aware of or should consider including, initiatives
6 that we're not thinking about?

7 PARTICIPANT: I can't think of anything.

8 PARTICIPANT: Alice do you -- include
9 your cooking instructions, microwave, know your
10 appliance in consumer education there?

11 MEMBER JOHNSON: Yes, you need to put
12 that --

13 MEMBER RYBOLT: Up here, know your
14 appliances, that's what you're talking --

15 MEMBER JOHNSON: Yes, know how to use
16 your appliances.

17 MEMBER RYBOLT: Know your wattage.
18 Like Kris said, he didn't know his. Mine's 1100.

19 MEMBER MAZURCZAK: Sorry.

20 (Laughter.)

21 MEMBER RYBOLT: I recall looking, but
22 I don't remember what it is.

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1 MR. WHEELER: This is Mark Wheeler. I
2 think the points you all were making earlier about
3 some of the recalls and what happened as a result
4 of the change in the labeling in the stuff chicken
5 breast, I think once you have these very specific
6 instructions on that product, people still got
7 sick, so why?

8 I wonder how accurately consumers are
9 following these instructions in the end. When you
10 tell them not to use a microwave, how many of them
11 absolutely do not use the microwave? How many of
12 them actually use a thermometer? There's some
13 research out there, some documents from
14 college -- Kansas State that indicates
15 there's -- consumers don't do very good at this kind
16 of thing.

17 MEMBER CURTIS: They probably never
18 calibrated the thermometer.

19 MR. WHEELER: Right, yes. Actually, I
20 bet they don't use a thermometer, so they don't need
21 to calibrate it.

22 PARTICIPANT: Who was first?

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1 MS. LEWIS: Glenda Lewis, FDA. I
2 think maybe No. 1 under that continue to drive
3 consumer education might be read the label, educate
4 them to go back and ---

5 MEMBER CURTIS: Understand the label,
6 that's a good one.

7 MEMBER RYBOLT: Know your label?

8 MS. LEWIS: Not just understand it, but
9 read it- that you do actually need to read it.

10 MEMBER ROBERTS: Read it first, and
11 then understand it, right.

12 MEMBER RYBOLT: That could come with
13 the safe handling instructions work that's going
14 on, some sort of education comes out of that.

15 MR. CORBO: Yes, Tony Corbo, Food and
16 Water Watch. We're going to go do additional focus
17 groups. I think it's going to be important to look
18 at different labels. Because I've been looking at
19 this Shaner's package. Not having the actual
20 package in front of me, what I see here, the
21 emphasis on raw, keep frozen on the front part of
22 the package is mentioned three times in larger font

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1 than the cooking instructions.

2 The cooking instructions on the back
3 are also in smaller font. Maybe on the front of
4 these packages -- if we're going to do another focus
5 group, to possibly change the font size or
6 emphasize, but thoroughly mention it more than once
7 on the front of the package could help.

8 Because right now, I'm looking at this
9 package, this package has got raw, and you have keep
10 frozen mentioned three times in the same font size.
11 That's the message that I'm getting as a consumer,
12 that the important thing is to keep it frozen. The
13 cooking instructions, it has raw product, and then
14 in smaller font, it goes through the recommended
15 cooking temperature.

16 MEMBER RYBOLT: I think that's fair --
17 it's part of the evaluation that I think the focus
18 group is doing. They're looking at what the best
19 way to convey it -- if it's all in red and it's all
20 in purple, whatever, on the package, or it's got
21 to be a certain size. That should be part of it.

22 MEMBER CRUPAIN: Are we done with No.

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1 3? Did anybody have any other things to add? If
2 not, does anybody have any questions about things
3 that are already on the list that they don't
4 understand?

5 MEMBER RYBOLT: We'll go backwards,
6 three, then two, then one.

7 MR. ENGELJOHN: This is Engeljohn.
8 Again, just as a suggestion for you, but I think
9 there is -- it was mentioned this morning, but I
10 think there's a need to make sure that FDA and FSIS
11 are consistent on whatever we do when we talk about
12 what's ready to eat and what's not a ready-to-eat
13 food because there's need for that.

14 I think if you were to make a
15 recommendation that there needs to be this
16 collaboration/interaction, it makes it more real
17 for us to have to come up with a plan to deal with
18 that. I'm sure FDA's dealing with the same issues.
19 I just participated in their food advisory
20 committee, in which they were reassessing whether
21 or not they should maintain a zero tolerance -- or
22 maintain a tolerance for listeria in ready-to-eat

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1 foods after the ice cream outbreak. The
2 discussion on that committee of FDA centered on the
3 fact that, what is a ready-to-eat FDA food.

4 When you're dealing with carrots, and
5 those carrots may be a smoothie drink, or it may
6 be in a cooked item, the consumer doesn't know when
7 is it ready to eat, when is it not, and are they
8 handled differently by the manufacturer? I think
9 there are reasons for us to have a collaboration
10 here. It would be very helpful, I think if you
11 considered making a recommendation.

12 MEMBER RYBOLT: That's kind of -- this
13 is kind of captured. We'll wordsmith it.

14 MR. GUMMALLA: Sanjay Gummalla again
15 -- I have submitted written comments, echoing the
16 comments that Dr. Engeljohn stated. We do believe
17 that the products in question here today are -- many
18 of them are dual jurisdiction. We're talking
19 frozen entrees, pizzas, side dishes. Some of
20 them, by virtue of being a little more than 2
21 percent meat fall into the USDA jurisdiction. I
22 request that you consider that the food industry,

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1 particularly the frozen food industry, has
2 developed a diverse group of products, really, to
3 meet consumer needs. Frozen foods are convenient.
4 They remain safe. For decades, they've been
5 considered to be safe. Lastly, taste. Our
6 caption is frozen is how fresh stays fresh.

7 I really believe that some of that needs
8 to be taken into account. There are hazards. You
9 have to identify where those hazards can be most
10 effectively mitigated in the supply chain. In
11 some cases, yes, the consumer is responsible. In
12 a lot of cases, as we have with RTE foods, the
13 industry is taking that burden off. I just wanted
14 to provide that perspective. Thank you.

15 MEMBER RYBOLT: So we'll move back up.

16 MEMBER CRUPAIN: I don't understand
17 the second bullet.

18 MEMBER RYBOLT: Oh, this is the
19 existing labeling. As we were talking about
20 implementation, as we go through, what about
21 uniform compliance or whatever -- I don't know how
22 you worded it.

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1 MEMBER JOHNSON: We can phase in and
2 use up existing inventory. It's not that a new
3 rule comes out and tomorrow, you have to be
4 compliant. You have time to make changes.

5 MEMBER RYBOLT: I've got -- compliance
6 or whatever. That was something -- uniform
7 compliance for labeling.

8 PARTICIPANT: Uniform compliance --

9 MEMBER RYBOLT: Yes, so we'd have
10 whatever phase-in period is. Go ahead.

11 MR. PAINTER: Stan Painter with the
12 National Joint Council. I'm sitting here and I'm
13 hearing everyone comment. It's all good. The
14 package is going to be as big as a car to put all
15 of this on it. Just like when you go and you get
16 a bottle of Xanax -- did I say that out loud?

17 When you get a prescription filled,
18 then you unroll the leaflet that's on it, and it's
19 about as long as your arm with the instructions.
20 I don't know if that's something that might work
21 here. I don't know. But just to throw that out
22 there because the package, like I said, is going

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1 to be as big as a car trying to get all this
2 information on it. It's good information.

3 MEMBER ROBERTS: Do you ever read any
4 of those -- I never do.

5 MR. PAINTER: Actually, no, I don't,
6 and shame on me because knowledge is power.
7 Probably if I knew that my toenails were going to
8 fall off and my eyes were going to turn green and
9 purple, I probably wouldn't take it. Anyway,
10 that's -- I'm hearing good comments, but where's
11 it all going to go? A chicken is only big. A
12 turkey's only so big.

13 (Simultaneous speaking.)

14 MR. ENGELJOHN: Stan, I think that's a
15 great point. It does get down to the issue of
16 what's the most important thing a consumer needs
17 to know to treat this product differently, and how
18 does that get relayed to them?

19 It can't be -- the real estate on the
20 label is pretty valuable to a marketer because
21 that's what we fight every day is just trying to
22 get the mandatory stuff on there in a way that you

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1 can see it, and it's fighting to make sure it's
2 obvious to the consumer. We do need to know what
3 is the most critical thing the consumer needs to
4 know to handle this product differently because
5 it's not safe if they don't.

6 MEMBER RYBOLT: Which is here, I think.
7 Maybe add more to that, but this --

8 (Simultaneous speaking.)

9 MEMBER MAZURCZAK: Back to the first
10 one that will go to --

11 MEMBER ROBERTS: I think we should
12 include, though -- yes.

13 MEMBER CRUPAIN: Let's go back to two.

14 (Simultaneous speaking.)

15 MEMBER CRUPAIN: Are we done with
16 three?

17 MEMBER RYBOLT: We've got to wordsmith
18 that statement, too.

19 (Simultaneous speaking.)

20 MEMBER CRUPAIN: Feels good, that No.
21 3, we're done?

22 MEMBER RYBOLT: Moving up, moving up,

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1 moving up.

2 MEMBER CRUPAIN: All right, so let's do
3 No. 2. Is there anything that people have now
4 thought about that they wanted to add to these
5 bullets at the end, or does anybody have any
6 questions about something that's there?

7 MEMBER ROBERTS: Where it says where
8 the information is needed, rather than is needed,
9 maybe we should change the question, what other
10 information might be considered. Because needed
11 sounds like we've got to do it.

12 MEMBER CRUPAIN: I think we all thought
13 these were things that were important too.

14 MEMBER JOHNSON: I'm not so sure.

15 (Simultaneous speaking.)

16 MEMBER RYBOLT: I think --

17 MEMBER CRUPAIN: Which thing do you
18 think is not needed?

19 MEMBER ROBERTS: I think the
20 temperature's the only thing you really have to
21 have. I'm really stuck on Endpoint B. Raw, cook
22 to 165 degrees.

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1 MEMBER RYBOLT: But if they don't know
2 how to use a thermometer --

3 MEMBER CRUPAIN: I think the point we
4 were making before is if you don't know where to
5 put the thermometer, then how do you know where the
6 endpoint --

7 (Simultaneous speaking.)

8 MEMBER ROBERTS: To me, you understand
9 from using an oven what 165 is. It's a lot hotter
10 than 140.

11 MEMBER CRUPAIN: Yes, but you don't
12 have any way of actually -- that's one of our big
13 food saving problems is people don't actually cook
14 their food to the temperature that they're supposed
15 to.

16 MEMBER ROBERTS: But they know if they
17 turn the oven on how hot that is. If they don't
18 have a thermometer -- I guess I think -- that, to
19 me, is the bare bones. If you're worried about
20 label crowding, I would argue just say raw, cook
21 to 165 degrees. Then you could say do we have extra
22 room on the label for all this other stuff, which

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1 would be nice, but if it's going to crowd out so
2 they don't pay any attention to it at all, then
3 forget it, or put it on the back, or do consumer
4 education some other way. We'll have a handout
5 leaflet in the frozen food counter that says this
6 is what we mean by blah, blah, blah. I'm willing
7 to just go with raw -- I said in the --

8 MEMBER CRUPAIN: But that was for the
9 front. This is for the validated cooking
10 instructions, so this is the list of instructions.

11 MEMBER ROBERTS: On the back?

12 MEMBER CRUPAIN: Yes,
13 probably -- wherever.

14 MEMBER ROBERTS: I thought the
15 validation part had to do with the industry had to
16 validate that this was going to work?

17 MEMBER CRUPAIN: Yes, the industry has
18 to validate this is how you cook their product, and
19 these are the steps --

20 MEMBER ROBERTS: But they don't share
21 it with the consumer, do they?

22 (Simultaneous speaking.)

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1 MEMBER RYBOLT: The cooking
2 instructions we put on the package should be
3 validated to be effective, they're reaching a same
4 temperature.

5 MEMBER ROBERTS: Okay. I'm sorry. I
6 guess I just thought the 165 was what was validated.

7 MEMBER CRUPAIN: No, this is going to
8 be the -- I think maybe that's implied there, but
9 missing from here. You have to put it in your oven
10 at X temperature for X amount of time. That needs
11 to apply to a variety of ovens.

12 MEMBER ROBERTS: Oh, we can't just
13 leave it up to them how to get to 165? You can use
14 a thermometer. You can --

15 MEMBER CRUPAIN: I think that's -- I
16 don't know. Isn't that why you would validate
17 cooking instructions to give them exactly --

18 (Simultaneous speaking.)

19 MEMBER RYBOLT: We have certain
20 cooking processes that we validate the product for
21 food safety and quality, to meet, and that's what
22 we put on the labels.

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1 MEMBER ROBERTS: Okay. What if you
2 could -- if you've got 165 degrees, whether you used
3 a microwave, a thermometer, or an oven, it would
4 be okay.

5 MEMBER CRUPAIN: Because it could
6 be -- I guess if you cooked it in the microwave,
7 it could cook the food in different ways, so part
8 of it's 165, and part of it's not.

9 MEMBER ROBERTS: They rotate it a
10 number of times or something.

11 MEMBER CRUPAIN: You have to have -- to
12 validate it for the microwave, you'd have to do many
13 different steps, as opposed to validating it for,
14 I guess, oven, which would probably be more
15 straightforward. Is that right?

16 MEMBER RYBOLT: Yes, whatever
17 temperature for however long, right -- for the
18 microwave is however long you microwave it, at
19 whatever power, and you let it sit, if you do let
20 it sit, for however long. If you have that on the
21 label, then the plant, the establishment has data
22 to support the label that they put out there is what

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1 this is saying.

2 MEMBER CRUPAIN: So the disclaimers to
3 not use a microwave may or may not be -- if the
4 company decided we're going to create microwave
5 instructions only and give you those in exact
6 steps, then it would be a microwave disclaimer. If
7 it's an oven instruction, and that's how they
8 validated the method, and then they're going to say
9 don't use the microwave. Use the oven and cook it
10 at this temperature for this long.

11 (Simultaneous speaking.)

12 MEMBER CURTIS: There are only certain
13 products that you wouldn't want to use a microwave
14 for --

15 (Simultaneous speaking.)

16 MEMBER JOHNSON: Know your appliance.

17 MEMBER CRUPAIN: Okay, so is there any
18 other thing that's important to add here? I guess
19 my question is does the method of cooking mean also
20 the time and temperature that you cook it for, or
21 does that just mean put it in --

22 MEMBER RYBOLT: Microwave oven,

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1 broiler --

2 (Simultaneous speaking.)

3 MR. CORBO: I have a question. Are
4 there any beef or mutton or pork products that fall
5 into this product category, and would 165 also
6 apply to those products?

7 MR. ENGELJOHN: Yes, this is
8 Engeljohn. The 165 applies to poultry. Beef is
9 160. All meat would be 160, I think, is what you
10 normally would say, although for the roast and
11 steaks and chops, we know that -- it's our
12 understanding the consumer is not going to cook
13 them to those temperatures, so that's where the 145
14 for three or whatever -- where that came from is
15 validated to be equivalent to the 160. But
16 livestock products are 160, and poultry's 165.

17 MEMBER RYBOLT: That's a good point.
18 I think it ought to be the industry -- the producer
19 ought to establish what that temperature is to
20 reach that safety --

21 (Simultaneous speaking.)

22 MEMBER RYBOLT: -- validated cooking

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1 instructions.

2 MEMBER JOHNSON: Yes, we'll put an
3 endpoint temperature of 165 or appropriate for --
4 (Simultaneous speaking).

5 PARTICIPANT: For whichever product.

6 PARTICIPANT: Yes.

7 MR. ENGELJOHN: From the Agency's
8 perspective, we go out in the industry to determine
9 how best they think the product should be prepared.
10 But if we were to give consumer guidance, we try
11 to minimize that by just here's what it is for
12 ground meat, here's what it is for poultry, here's
13 what it is for pork, so that there's not all this
14 confusion out there about all the different ways
15 --

16 MEMBER RYBOLT: That makes sense, just
17 for the product, unless you have --

18 PARTICIPANT: Yes.

19 MEMBER CRUPAIN: Okay, any other
20 comments?

21 MEMBER RYBOLT: Should I move it?

22 (Simultaneous speaking.)

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1 MEMBER CRUPAIN: -- No. 1. I have a
2 comment about No. 1, now that we got the -- we didn't
3 get to really look at it, but we got the focus group
4 report that was referenced in the presentation.
5 Do you guys consider that to be insufficient? We
6 didn't get to really look through the whole thing,
7 but was there -- did they not address well the
8 issues that we're creating a new focus group to
9 address on that?

10 MEMBER RYBOLT: I think they already
11 identified what it did. I don't think they said
12 what will work. I didn't read it -- we haven't
13 looked at the whole thing, but I don't know that
14 they've actually went to that next step to say now
15 we know this doesn't work, and we know what the
16 results are of what we currently do, but what will
17 work? That's the part we're trying to say now, or
18 at least that's what I'm thinking.

19 MEMBER CRUPAIN: Maybe we could add a
20 bullet to use results of previous focus group to
21 design this next focus group. It looks like they
22 had some good insight in there. 25 percent of

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1 people think ready-to-eat
2 products -- non-ready-to-eat products don't need
3 to be cooked in the one page we looked at, so there's
4 a lot of confusion.

5 MEMBER RYBOLT: This is the next step,
6 so we'll -- does that make sense, using that
7 previous study, knowing what worked or what didn't
8 work or whatever?

9 MEMBER CRUPAIN: I'd say using the
10 results from the previous focus group, or building
11 on the results --

12 MEMBER RYBOLT: You're the writer.
13 You should be up there. What else?

14 MEMBER CRUPAIN: The first bullet, use
15 open-ended question that would have impact should
16 be a little more specific.

17 MEMBER ROBERTS: Maybe -- what was that
18 on impact? What would have them cook the stuff to
19 not have illnesses?

20 MEMBER CURTIS: But wasn't that first
21 part where we were trying to get to what it was about
22 the package that made them think it was ready to

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1 eat, going back from whether --

2 (Simultaneous speaking.)

3 MEMBER BRANDT: That's what -- all
4 those bullets are the question, literally, right?

5 MEMBER CRUPAIN: I think it was
6 two -- maybe there's two things. I think it's use
7 open-ended question, maybe we could specify the
8 question or something, like the question is what
9 would make you realize that this product needs to
10 be cooked? That's what we want to know. Then it
11 would be -- the other question would be what about
12 this product made you think it doesn't need to be
13 cooked, if they thought that.

14 MEMBER RYBOLT: So what do you want to
15 say?

16 MEMBER CRUPAIN: Just maybe put
17 another -- put a sub-bullet. Say what about this
18 product -- or what would you -- what information
19 on this package would help you to understand that
20 this product needs to be cooked -- or is raw and
21 needs to be cooked? How about that? Make that a
22 sub-bullet of the one above it. There you go.

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1 MEMBER JOHNSON: All right, and then
2 you said to reverse it, what information on this
3 package would help you understand that this product
4 is ready to eat?

5 MEMBER CRUPAIN: I think it was what
6 information on this package made you think this
7 product is ready to eat?

8 MEMBER CURTIS: Do we want to limit it
9 to this package? What information on a package
10 would help you -- because maybe that package
11 doesn't have it, but maybe there's some other
12 package --

13 (Simultaneous speaking.)

14 MEMBER CRUPAIN: So what information
15 on a package makes you think the product is ready
16 to eat?

17 MEMBER RYBOLT: What information on a
18 package makes you think --

19 MEMBER CRUPAIN: The product is ready to
20 eat. Then in parentheses, you can put not raw.

21 MEMBER RYBOLT: Do we know what that
22 means?

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1 MR. PAINTER: Stan Painter with the
2 National Joint Council. There is one company that
3 uses heat and serve, not cook and serve, heat and
4 serve. Warm it up. That's what I'm taking from
5 it. I don't know if that's something that could
6 be used here that could be helpful, wouldn't be
7 helpful, File 13, whatever, just throwing it out
8 there.

9 MEMBER CRUPAIN: Heat and serve, to me,
10 sounds like something that would ready to eat. You
11 just need to warm it up.

12 (Simultaneous speaking.)

13 MR. PAINTER: That would be fully
14 cooked.

15 PARTICIPANT: Like hot dogs.

16 MEMBER RYBOLT: These are some of the
17 Agency suggestions that we put in here the raw, must
18 cook. I don't know if -- that would be the focus
19 group team needs to decide what -- and cook and
20 serve, would that be one of the suggested -- I don't
21 know. Do we want to put it on here?

22 PARTICIPANT: I don't think that heat

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1 and serve --

2 (Simultaneous speaking.)

3 MEMBER RYBOLT: I said cook. I didn't
4 say heat. Heat and serve is ready to eat, to me.
5 You just heat it up for quality purposes. Cook,
6 does that --

7 MEMBER JOHNSON: Do people understand
8 what raw means? People eat -- they eat apples raw.
9 They eat -- we said not raw. Is there something
10 that people think about oh, it's raw, don't eat it?
11 Is that just a word we're all used to? Because it
12 has a different meaning in FDA, I assume, with the
13 vegetables.

14 MEMBER ROBERTS: Well, you can eat them
15 raw, and they won't make you sick because they
16 aren't as likely to have pathogens and you, I mean
17 there's still some probability, depending on
18 products.

19 MEMBER RYBOLT: But does that lead to
20 confusion, I think, is what you're saying. Does
21 that lead to confusion to the consumer that raw for
22 apples is okay? Is raw for chicken okay --

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1 (Simultaneous speaking.)

2 MEMBER JOHNSON: Yes, we assume
3 everybody has an understanding. People eat --

4 MEMBER RYBOLT: Somebody was feeding
5 their baby raw chicken livers, so --

6 MEMBER CRUPAIN: But I think in this
7 Shaner's package it said raw chicken. Is that what
8 you're saying? You could say raw meat or raw
9 chicken?

10 MEMBER JOHNSON: No, we assume
11 everybody understands raw, don't eat it.

12 MEMBER CRUPAIN: Well, it's a
13 three-letter word.

14 MEMBER BRANDT: Well, but that's the
15 point of the focus group. That's the question
16 they're going to answer. We're throwing a narrative
17 out there. How do you feel about this, literally?

18 (Simultaneous speaking.)

19 MEMBER BRANDT: For us to overthink
20 it --

21 MEMBER JOHNSON: I was just sitting
22 here -- we're using the word raw all the time, and

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1 I started to think about apples and milk, raw milk
2 versus pasteurized milk versus -- we have a
3 different perspective because we're meat and
4 poultry.

5 MR. ENGELJOHN: This is Engeljohn.
6 Alice, there is a bullet there that says should we
7 determine if raw, uncooked, ready to cook, raw,
8 must cook to 165 -- sort of gets at does there need
9 to be qualifiers with the term? I think that helps
10 us know if we need to do something.

11 MEMBER CRUPAIN: Yes, but I think it's
12 a pretty low-literacy word. I think most -- I
13 don't know for sure, but I think people understand
14 what that word means. Whether, then, they do
15 something with that word is completely different.

16 MEMBER JOHNSON: Some people think raw
17 is more healthy.

18 MEMBER RYBOLT: Yes.

19 DR. BOYLE: This is Bob Boyle, FSIS.
20 We've got 45 minutes left. I appreciate your
21 efforts. Please continue to identify yourself and
22 your agency when you talk and let's move forward.

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1 Thank you.

2 MR. ENGELJOHN: This is Engeljohn.
3 One more thing to just throw out there. This
4 morning there was a statement -- or maybe this is
5 happening but I thought it was this morning where
6 someone indicated that in the frozen counter at the
7 grocery store, the ready-to-eat and not
8 ready-to-eat packages are sitting right next to
9 each other and is there some value, perhaps, in
10 effort by the Agency to focus on perhaps working
11 with best practice at retail that would help at
12 least put all the ready-to-eat foods in one place
13 and all the non-ready-to-eat foods in another, so
14 that that's --

15 MEMBER RYBOLT: We tried that with --
16 foods and didn't get very far with that.

17 MEMBER BRANDT: This is Kurt Brandt
18 from UFCW. I understand where you're going with
19 that. Me not being in the industry, per se, in that
20 aspect, people fight for shelf space in retail
21 outlets. They're not about to give up part of
22 their space so somebody else can be right next to

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1 them. They like to have their product line all
2 together, if they can. I think that'd be pretty
3 tough.

4 MEMBER JOHNSON: Alice Johnson.
5 There is something in the food code that says how
6 you place, and you can't put raw over cooked,
7 ready-to-eat product and that type of thing, right?
8 So maybe it's an enhancement of the food code.

9 MS. LEWIS: Yes, this is Glenda Lewis,
10 FDA. We do speak to storage of meat and poultry
11 products and how they're stored, the order and the
12 location of them in Food Code. Depending on how
13 it ends up, whether it's a question of real estate
14 versus safety and how that's positioned, it could
15 be a possibility, probably go to the Conference for
16 Food Protection for stakeholder input.

17 MEMBER RYBOLT: So FSIS should
18 consider partnering with FDA and the retail
19 industry on how best to shelve products to mitigate
20 possible confusion, something like that? Michael
21 Rybolt, sorry. I saw Bob looking at me.

22 MEMBER ROBERTS: Some possible

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1 confusion between raw and ready-to-eat, cooked --
2 ready-to-eat, and raw. I hate that language not
3 ready-to-eat. I know the companies use it all the
4 time, and I know that's industry lingo, but I don't
5 like it.

6 MEMBER CRUPAIN: We can make that
7 another suggestion.

8 (Simultaneous speaking.)

9 MEMBER ROBERTS: Yes, not ready to use,
10 raw.

11 MEMBER CURTIS: It might not be --

12 MEMBER RYBOLT: So we were back -- I
13 think your comment was best for No. 3, other. Back
14 to No. 1? It seems like we've got to sit and
15 wordsmith this. Anything else to add, edit?

16 MEMBER CRUPAIN: I think there was
17 something I said that changed a little bit, the
18 evaluate mandatory statement. I don't know how
19 you would do that?

20 MEMBER RYBOLT: I don't know. I
21 couldn't understand what you said, yes.

22 MEMBER CRUPAIN: I was saying -- the

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1 question we're being asked is should FSIS require
2 a statement? -- trying to say, yes, they should
3 require a statement, and then we should do these
4 things to figure out what the statement is.

5 MEMBER RYBOLT: So it would really be
6 the first -- so take this out. That would be here
7 -- the focus group will tell you whatever or
8 something like that. Does that make sense? This
9 isn't final, but is this what you're saying now?

10 MEMBER CRUPAIN: Yes.

11 MEMBER RYBOLT: We'll edit this. I
12 can't do it on the fly like this.

13 MEMBER ROBERTS: I-N-G.

14 MEMBER RYBOLT: No, I know. I was just
15 trying to think is that really the right word here?

16 MEMBER CRUPAIN: Well, we could say
17 differentiate.

18 (Simultaneous speaking.)

19 MEMBER BRANDT: Define?

20 MEMBER RYBOLT: -- makes sense, but
21 that gets what you were saying.

22 MEMBER CRUPAIN: That's good.

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1 MEMBER RYBOLT: Let's go down and
2 finish this.

3 MEMBER CRUPAIN: I would just add
4 evaluate the impact of pictures on consumer --

5 MEMBER JOHNSON: Labels. Evaluate
6 the pictures on the labels.

7 MEMBER CRUPAIN: Yes, evaluate the
8 effect of pictures on the label -- or package or
9 whatever have on --

10 MEMBER RYBOLT: You're talking
11 finished product picture. You're talking --

12 MEMBER CRUPAIN: Yes.

13 MR. WHEELER: This is Mark Wheeler.
14 You're talking vignette that's on the -- too?

15 MEMBER CRUPAIN: Okay, use that, then.

16 MEMBER RYBOLT: That's the
17 terminology, vignette?

18 MR. WHEELER: Yes.

19 MEMBER RYBOLT: Vignette, spell that.
20 (Simultaneous speaking.)

21 MEMBER RYBOLT: So we're saying evaluate
22 everything from color to font to some other display

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1 option. We're also talking about looking at the
2 vignette. We're also talking about words, like raw,
3 uncooked, ready to cook, raw, must cook to whatever
4 temperature, and what impact they have on consumer
5 -- that's what we're asking them to do -- find a
6 solution -- we know what's there doesn't work, now
7 we're asking them to go find out what does work and
8 look at all the options.

9 MR. WHEELER: This is Mark Wheeler
10 again. I guess it's Bullet No. 2, do you want to
11 question the detail that the validated cooking
12 instructions are going to need, aside from cook to
13 165, as measured by a thermometer? Do you want to
14 tell them what temperature the oven or the skillet
15 needs to be?

16 MEMBER RYBOLT: That'll be all part of
17 the validated cooking instructions. As you go
18 through the process, the processors actually will
19 test out their ovens, their microwaves, their
20 skillets or whatever, at whatever temperature.
21 That's the way I view it. It should be in the
22 validate cooking instructions.

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1 MR. WHEELER: All that information
2 would be, then, required? Are you going to require
3 all that type of information -- that specificity?

4 MEMBER RYBOLT: That's what I'm
5 thinking, yes. Is that interpreted, Dan, to you,
6 from a policy standpoint, are we talking about
7 validated cooking instructions, that's what's
8 expected now from validated cooking instructions.

9 MEMBER JOHNSON: And the method of
10 cooking.

11 MEMBER RYBOLT: Yes, which includes --

12 MEMBER JOHNSON: Grill, skillet.

13 MEMBER RYBOLT: -- yes, the device, the
14 temperatures --

15 MEMBER JOHNSON: The appliance.

16 MEMBER RYBOLT: -- is that what you're
17 asking about?

18 MR. WHEELER: Yes, whether -- well, the
19 specificity as to whether the product needs to be
20 raw or refrigerated, whether you need to -- if
21 you're going to say you're going to cook it in the
22 oven, what temperature the oven is going to be, and

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1 how long will we leave it in the oven?

2 Because Tanya was saying just cook it
3 in the oven 'til it hits 165. Well, how long is
4 it going to take to hit 165? You need to
5 provide -- do you need to provide the consumer that
6 it's going to take 20 minutes or 25 minutes or 30
7 minutes for that particular product to reach that
8 temperature, or do you just say put it in a
9 350-degrees oven until it hits 165?

10 MEMBER RYBOLT: No, I think that's --

11 MEMBER CRUPAIN: I thought that was
12 what the method meant.

13 MEMBER RYBOLT: Yes.

14 MEMBER JOHNSON: Yes, you have to be
15 cooking so many minutes per pound.

16 MR. WHEELER: So you're going to have
17 to give them the temperature or time period that
18 it's going to need to be --

19 (Simultaneous speaking.)

20 MEMBER RYBOLT: Yes, go for 20 minutes
21 to reach 165 and measure with a thermometer is an
22 example of what the label potentially would say.

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1 You would give all the parameters required to get
2 that -- and it may not even be 165. It may be 158
3 or whatever, whatever that temperature is.

4 You would tell them how to get there in
5 a time frame. It could be five minutes, it could
6 be 30 minutes, whatever. Then you also say you can
7 measure it once -- whatever the temperature is.
8 That's what I'm thinking that means. So combine
9 activity with that involving evolution of
10 the -- oh, this is saying working with the -- as
11 we go through the safe handling instructions
12 activities, which is --

13 (Simultaneous speaking.)

14 MEMBER ROBERTS: This is Tanya. I
15 suggest we say consider combining this activity
16 because I don't think it has to be combined. I
17 don't know. What does --

18 MEMBER RYBOLT: I think it would be
19 hard to make changes to the safe handling
20 instructions and not combine it. Because you
21 could potentially get mixed messaging.

22 MEMBER JOHNSON: I think the safe

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1 handling instruction maybe whittles down to where
2 it's your mandatory statement. If we totally blow
3 up safe handling and look at it from a different
4 perspective, it may end up being exactly what we
5 need as the raw, uncooked, ready to cook.

6 MEMBER CRUPAIN: Any other additions,
7 subtractions, modifications?

8 MEMBER RYBOLT: -- one, two, three,
9 three, two, and one, done, now we need wordsmith.
10 Michael, do you want to come up? We can start
11 working on this together real quick.

12 MEMBER JOHNSON: Thank you, leader and
13 scribe.

14 MEMBER CURTIS: Yes.

15 (Whereupon, the above-entitled meeting
16 went off the record at 3:57 p.m.)

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