



National Cattlemen's  
Beef Association

4/10/2018

Carmen M. Rottenberg  
Acting Deputy Under Secretary for Food Safety  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250-3700

Dear Acting Deputy Undersecretary Rottenberg:

**RE: FSIS Petition Number 18-01**

The National Cattlemen's Beef Association (NCBA) is the nation's oldest and largest national trade association for U.S. cattle producers. Producer-directed and consumer-focused, our top priority is to produce the safest, most nutritious and affordable beef products in the world. U.S. cattle producers have always been glad to compete for the center of the plate, as we are confident that due to the unparalleled quality of our products, beef will always be what's for dinner. Nevertheless, NCBA is alarmed by the growing number of flagrantly deceptive food product labels proliferating the marketplace. Consumers have the right to expect that the information on food labels is truthful and not misleading, just as all food products should expect to compete on a fair, level playing field.

That said, NCBA does not support petition 18-01 because we do not believe it will adequately provide meaningful protection for beef nomenclature. However, NCBA appreciates the opportunity to submit comments building on our on-going dialogue with the U.S. Department of Agriculture (USDA) on this important issue and respectfully request consideration of the following:

**USDA should request FDA take appropriate, immediate enforcement action against improperly labeled imitation products.**

NCBA firmly believes that the term beef should only be applicable to products derived from actual livestock raised by farmers and ranchers. NCBA also supports the development of federal standards of identity which are established to promote honesty and fair dealing in the interest of consumers. However, we are unconvinced that simply developing a new standard of identity for beef will effectively address misleading labeling of plant, insect and other non-animal products which fall squarely under the jurisdiction of the Food and Drug Administration (FDA).

USDA is responsible for ensuring the safety and proper labeling of meat and poultry under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), whereas FDA has authority over all other foods such as dairy, seafood, produce and packaged foods including plant-based imitation meat products. Both FDA and USDA's Food Safety Inspection Service (FSIS) are responsible for enforcing a universal standard that labels are truthful and not misleading, and the Federal Food, Drug, and Cosmetic Act (FFDCA) already provides FDA with sufficient authority to address misbranded and mislabeled imitation meat products.



Unfortunately, FDA has an established record of haphazard enforcement and a long-standing history of turning a blind eye to the law.

The reason we have food standards is to preserve the integrity and consistency of each food product, but those standards are effectively meaningless as long as FDA is unwilling to take action against egregiously labeled imitation products. Rather than expending time and resources to develop a standard of identity which we know FDA will blatantly ignore, NCBA believes it would be a more prudent use of time and resources for USDA to engage with FDA to facilitate immediate, appropriate enforcement actions against imitation meat product labels in clear violation of the law.

**USDA should assert jurisdiction over foods consisting of, isolated from or produced from cell culture or tissue culture derived from livestock and poultry animals or their parts.**

In order to protect consumers and beef producers alike, NCBA believes it is critically important that FSIS assert jurisdiction over lab-grown meat products. FSIS is the premier public health regulatory agency that ensures the safety and security, as well as truthful, transparent labeling of meat and poultry products in the U.S.

NCBA has significant concerns that if implemented, the policy being proposed in petition number 18-01 could result in meat food product entering interstate commerce without the benefit of FSIS oversight. Specifically, the petitioners request that FSIS limit the definition of “meat” to tissue or flesh of animals that have been harvested in the traditional manner. If adopted, this policy would exclude lab-grown or cell cultured meat products from FSIS oversight. NCBA believes that the petitioners have conflated issues related to marketing lab-grown meat derived from cell or tissue culture with other synthetic products derived from plants, insects or other non-animal sources being marketed as meat.

The Federal Meat Inspection Act in 21 U.S.C. 601(j) defines a meat food product as “any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry.” While cell cultured, or lab-grown meat products are certainly new, they are nonetheless derived from parts of a carcass, in this case stem cells, and therefore fall within the statutory definition of a meat food products.

While lab-grown meat is not congruent with traditional beef and should not be permitted to be marketed as beef, this novel meat food product is ultimately a perishable product and therefore subject to the same pathogens as all meat food products currently on the market. After nearly a century, FSIS has developed unparalleled expertise and sophisticated systems designed to protect U.S. consumers against intentionally and unintentionally contaminated products. Further, FSIS inspects all foreign meat products. As lab-grown meat reaches commercial scale and foreign countries who have invested in these technologies seek to export said products into the US, FSIS jurisdiction is the only way to ensure consumers are protected from perishable meat food products, and is applicable regardless of the origin or production method.

Further, because FSIS labeling standards are based on fact and do not allow arbitrary marketing claims, it is imperative USDA assert jurisdiction over cultured or lab-grown meat

products to prevent misleading labels like “clean meat.” FSIS requires labeling pre-approval before products enter interstate commerce, and this powerful regulatory tool effectively ensures both the proper flow of information to the public and maximum uniformity of treatment to the regulated industry. Even if the law did not already include these products within the definition of meat food products, FSIS should assert jurisdiction as a means of ensuring regulatory equity. If producers of lab-grown or cultured meat products wish to call these products meat, they must adhere to the same stringent food safety inspection standards and comply with the same set of labeling mandates as all other traditional meat food products.

NCBA empathizes with the sentiments communicated by the petitioners restricting the definitions of meat and beef. However, if USDA is serious about protecting U.S. beef producers and all associated nomenclature, we hope you will give fair and due consideration to the above requests.

Sincerely,

A handwritten signature in blue ink that reads "Kevin D. Kester". The signature is written in a cursive style with a large initial 'K'.

Kevin Kester, President  
National Cattlemen's Beef Association