



United States Department of Agriculture

Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW,  
Washington, D.C.  
20250

Kelsey Eberly  
Staff Attorney  
Animal Legal Defense Fund  
525 East Cotati Avenue  
Cotati, CA 94931

DEC 30 2019

Dear Ms. Eberly,

This letter responds to the June 3, 2013, petition submitted by the Animal Legal Defense Fund (ALDF) requesting that the Food Safety and Inspection Service (FSIS) initiate rulemaking to require that the labeling of meat and poultry products disclose routine antibiotic use during animal production. Specifically, the petition requests that FSIS prescribe in the regulations standard terminology and definitions for the claims “Raised with Antibiotics,” “Raised without Antibiotics,” and “Given Antibiotics for Therapeutic Antibiotic Use Only.” The petition asserts that meat and poultry product labels that do not disclose the use or non-use of antibiotics during raising are misleading because they fail to reveal material facts that would influence consumer’s purchase decisions. The petition was assigned petition number 13-03. As discussed below, we have decided to deny the petition without prejudice.

On December 27, 2019, FSIS published a *Federal Register* notice (FRN) announcing the availability of an updated version of its “Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions” (84 FR 71359). The FRN summarizes and responds to issues raised by comments submitted in response to the original version of the guideline published in September 2016.<sup>1</sup> FSIS received over 4,600 comments in response to the September 2016 guideline. Many of the comments raised issues associated with claims related to the use of antibiotics during animal production that were similar to the issues raised in your petition, including the comments submitted by ADLF. Therefore, to ensure the most efficient use of Agency resources, we have summarized and responded to the issues raised in your June 2013 petition in the December 2019 FRN. The FRN describes in detail our reasons for denying your petition.

As discussed in the FRN, FSIS does not require that meat and poultry product labels disclose the fact that antibiotics were administered to animals as part of the production process because the Agency does not consider animal production

<sup>1</sup> Food Safety and Inspection Service Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions, Sept. 2016. Available at: <https://www.fsis.usda.gov/wps/wcm/connect/6fe3cd56-6809-4239-b7a2-bccb82a30588/RaisingClaims.pdf?MOD=AJPERES>.

practices to be material facts that must be disclosed on the product label. The absence of this information does not make product misbranded under the Federal Meat Inspection Act or Poultry Product Inspection Act. The absence of this information does not make labels false or misleading in any particular (21 U.S.C. 453(h)(1) and 21 U.S.C. 601(n)(1)). Animal-raising claims, including claims about antibiotic use, are voluntary marketing claims that highlight certain aspects about the way source animals used to produce meat and poultry products were raised. These claims do not provide information on the characteristics or components of the meat or poultry products themselves. FSIS conducts testing for residues in meat and poultry to verify the product does not contain any prohibited chemical residues, including antibiotic residues. As explained in the FRN, FSIS believes that its current case-by-case approach for the approval of labels bearing voluntary claims on the use of antibiotics during animal production is effective in ensuring that these types of claims are truthful and not misleading.

For the reasons discussed in the December 27, 2019, FRN, we have decided to deny your petition without prejudice. As mentioned above, the FRN provides a detailed discussion on the basis for our decision. Because our denial is without prejudice, you are not precluded from submitting a revised petition that contains additional information to support the requested action. In accordance with our petition regulations, we have posted your petition on the FSIS website (9 CFR 392.6). We intend to post this response as well.

Sincerely,



Terri Nintemann  
Assistant Administrator  
Office of Policy and Program Development