



# Consumer Federation of America

RECEIVED  
FSIS DOCKET ROOM  
02 JAN -2 PM 2:11

**Carol Tucker Foreman**  
Distinguished Fellow and  
Director  
The Food Policy Institute

January 2, 2002

13

FSIS Docket Clerk  
Docket #01-018P  
Room 102, Cotton Annex  
300 C Street, SW  
Washington, DC 20250

01-018P  
01-018P-13  
Carol Tucker Foreman

To the Docket Clerk:

The Consumer Federation of America is pleased to support the Food Safety and Inspection Service's proposed rule<sup>1</sup> to rescind the standards of identity for meat and sausage pizza.

CFA is an association of approximately **285** pro-consumer groups formed in **1968** to advance the consumer interest through advocacy and education. CFA's positions are determined by its members, who debate and vote on them at annual meetings, and by its elected board of directors.

Consumer advocates have long argued that many standards of identity inhibit the marketing of healthier food products.<sup>2</sup> As a result, CFA's policy resolutions support reform of both USDA and FDA standards to encourage the production of healthier foods while preventing consumer deception and ensuring product integrity.<sup>3</sup>

The meat and sausage pizza standards are prime examples of standards that need reform. They require pizzas sold in supermarkets—typically frozen pizzas—to be higher in fat, saturated fat, and cholesterol than is desirable. This prevents the marketing of lower-fat products. The standard for meat pizza has a minimum requirement of **15** percent raw meat, and the standard for sausage pizza requires at least **12** percent cooked sausage or **10** percent **pepperoni**.<sup>4</sup> Eliminating

---

<sup>1</sup> *Federal Register*, Nov. 2, 2001, pp. 55601-55603

<sup>2</sup> See, for example, "As Menus Expand, Government May Order New Pizza Rules," *The New York Times*, December 1, 1996.

<sup>3</sup> *2001 Policy Resolutions*, Consumer Federation of America, p. 61

<sup>4</sup> *Federal Register*, p. 55601

these standards will give manufacturers the flexibility to offer pizzas with less meat, sausage and fat. **Both** standards also require full-fat cheese. Rescinding the standards will permit pizzas with reduced-fat cheese or no cheese, provided this is disclosed on the label.

This is more than a matter of consumer choice; it has serious health ramifications. By compelling manufacturers to offer products that are higher in fat and cholesterol, the pizza standards work against the Agriculture Department's own nutritional guidance.<sup>5</sup> In addition, numerous studies have found a clear association between excess weight and a higher risk of dying from heart disease or **cancer**.<sup>6</sup> In mid-December, U.S. Surgeon General David Satcher urged sweeping changes in schools, restaurants, and workplaces to combat the growing epidemic of obesity in this country. **As** Satcher put it, "This is not about aesthetics and it's not about appearances. We're talking about health." Updating or eliminating standards of identity that impede the marketing of reduced-fat food is one way to help counter the nation's obesity problem.

Standards of identity were developed to protect consumers from deception by industry and to ensure that manufacturers have a level playing field. The standards for meat pizza and sausage pizza no longer advance either **of** these goals.

The standards don't ensure a level playing field because the largest segment of the pizza industry—restaurants—is not bound by them.<sup>7</sup> **As** a result, restaurants have been free to innovate, while manufacturers of pizzas sold in supermarkets can only sell products that meet the outdated standards. Rather than helping to maintain a level playing field, the standards disadvantage one segment of the industry at the expense of the other.

The pizza standards do not prevent deception because consumers no longer expect that a meat or sausage pizza will necessarily comply with the standards. Consumer expectations of pizza have changed dramatically in recent years, driven largely by restaurant pizzas, which—again—are not required to comply with the standards of identity. **As** FSIS recognized,

---

<sup>5</sup> One of the most prominent recommendations in the *Dietary Guidelines for Americans* is, "Choose a diet low that is low in saturated fat and cholesterol and moderate in total fat."

<sup>6</sup> For a comprehensive summary, see Chapter 1, High Costs Of Poor Eating Patterns In the United States, in *America's Eating Habits: Changes and Consequences*, Agriculture Information Bulletin No. 750, May 1999, Economic Research Service, U.S. Department of Agriculture.

<sup>7</sup> "National Plan Urged to Combat Obesity," *The Washington Post*, December 14, 2001.

<sup>8</sup> *Federal Register*, p. 55601

consumers today understand pizza to be simply “an open-faced crust that is topped with one or more of a variety of ingredients.”

If the standards are rescinded, **USDA** regulations will still require that the name of the meat or poultry topping—for example, “pizza with pepperoni”—appears as part of the product name.” But what’s to prevent a manufacturer from reducing the meat in a pizza to a minimal amount and still calling it a meat or sausage pizza? **As** noted in the proposed rule, pizza labels will continue to carry the Nutrition Facts panel and ingredients statement,” which lists all ingredients in descending order by weight. This will give consumers useful information, but not prominently enough to be helpful. Can the average consumer be expected to check the ingredients statement before purchasing a sausage pizza to see the relative ranking of sausage? Probably not.

As suggested in the proposed rule, over time a product containing too little meat or sausage “will fail in the **marketplace.**”<sup>12</sup> True, but consumers need more protection than that. The proposed rule seeks comments on a solution that, while well intentioned, seems clumsy and extreme. That is to require the *product name* to include the percentage of meat or poultry the product **contains.**<sup>13</sup> While this would clearly give consumers the information they need, it would result in wordy and unwieldy names. For example, a sausage pizza might be labeled, “Pizza with Seven Percent Sausage.”

A better solution is what is now required for juices—that is, identifying the percentage of the predominate ingredient or ingredients in a product somewhere *outside* the ingredients statement, but *not as* part of the product **name.**<sup>14</sup> *So* the label for a sausage pizza would include the percentage of sausage more prominently than in the ingredients statement but less prominently than in the product name. Two examples of labels meeting the juice requirement are included as Attachment A. **This** solution could be applied in any case when identity standards are rescinded and, to preserve equity, it could even be a menu requirement for pizza served in restaurants.

Standards of identity have a place in the government’s regulatory arsenal. They protect consumers from substandard products and, in some cases, ensure food safety by mandating

---

<sup>9</sup> *Federal Register*, p. 55601

<sup>10</sup> *Federal Register*, p. 55602

<sup>11</sup> *Federal Register*, p. 55602

<sup>12</sup> *Federal Register*, p. 55602

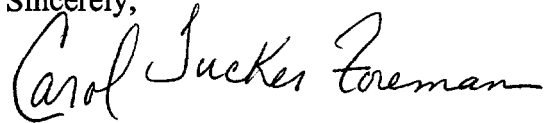
<sup>13</sup> *Federal Register*, p. 55602

<sup>14</sup> 21 CFR 102.5(b)(2)

Docket #01-018P  
January 2, 2002  
Page 4

certain processing steps. Over time, however, some standards have become obsolete and obstacles to innovation. When this happens, they should be revised or rescinded. The standards of identity for meat and sausage pizza fall into this category. In lieu of the standards, consideration should be given to requiring the percentage **of** meat or sausage in a pizza to be specified on the label *outside* the ingredient statement but not as part of the product name.

Sincerely,

A handwritten signature in black ink that reads "Carol Tucker Foreman". The signature is written in a cursive style with a large initial "C".

Carol Tucker Foreman  
Director, Food Policy Institute  
Consumer Federation **of** America