



NATIONAL CATTLEMEN'S BEEF ASSOCIATION

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USDA Food Safety and Inspection Service
Room 102, Cotton Annex
300 12th Street S.W.
Washington, DC 20250-3700

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01-018P-14
Sonia K. Voldseth

RE: Docket No. 01-030N: Proposed Rule, "Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard"

On behalf of the National Cattlemen's Beef Association (NCBA) I want to express our appreciation for the opportunity to comment on Docket No. 01-030N Proposed Rule, "Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard."

Producer-directed and consumer-focused, NCBA is the trade association of America's cattle farmers and ranchers, and the marketing organization for the largest segment of the nation's food and fiber industry.

The National Frozen Pizza Institute's (NFPI) petition, which initiated the proposed rule, indicates that their members hope to increase marketing by changing the standards of identity for "pizza with meat" and "pizza with sausage". NCBA understands the intent, but believes the approach is misguided. The intended purpose of standards of identity is to protect consumers from economic deception. Both consumers and industry have relied on the current system of standards of identity since the original enactment of food protection statutes in 1906. These standards ensure product integrity and prevent economic adulteration. We believe changes in current meat and poultry standards would have a largely negative impact on business and consumer purchasing decisions.

In June of 1997 the NCBA and the National Pork Producer's Council (NPPC) commissioned consumer research (Attachment A) on the meaning of food names and the assumptions underlying them. "The identities of particular foods are distinct to consumers and consumers are so used to the products being labeled as such that it was difficult for the respondents to grasp the concept of a simulated change to the names or the composition of the products."

NCBA identifies with NFPI's statement that today's consumer possesses a broader understanding of what "pizza" contains, than when the meat and sausage pizza standards were established. However, by reducing the amount of meat required in a product eligible for a "pizza with meat" or "pizza with sausage" label, the potential exists to destroy valuable product equity established through a formal rulemaking process. Minimums provide a degree of uniformity in products with a similar name and directly support consumer expectations of a product class.

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The pizza industry, subject to **FSIS** inspection, is free under current regulations to manufacture pizza with any ingredients adhering to Federal Standards, which include four traditional components (meat, cheese, tomato sauce, and bread-based crust). However, to label a product containing only **2%** cooked meat a “meat pizza” is not appropriate. To represent such a product as “meat pizza” is false and misleading to consumers. Consumers expect a certain amount of meat, and to provide significantly less than the **12%** cooked meat standard is offensive to consumers.

Additionally, FSIS implies that elimination of this standard would allow pizza manufacturers to market a more healthful product. A wide variety of healthful, low-fat meat products are already available, to provide consumers choice in their food selection.

The Federal Meat Inspection Act (FMIA) states: “ a product is misbranded, in part:

(7)if it purports to be or **is** represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section **607** of this title unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

Additionally, the Federal Meat Inspection Act (FMIA), **21 U.S.C**, Chapter **12**, Subchapter I, Section 601 (m) (8), states relative to the definition of adulterated product:

if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

The Poultry Products Inspection Act (PPIA) contains the very same language concerning both misbranded and adulterated product.

NCBA believes that both misbranding and adulteration constitute economic deception. The establishment of standards **of** identity was to ensure compliance with the intent of the FMIA and PPIA. To allow either is both misleading and untruthful to consumers. We must not backtrack on such an important concept.

Rather than eliminating standards, NCBA would like to see them implemented in a more harmonized way. To avoid doing so creates confusion and inequities among products. **An** example of where change is needed is the “Regulations Concerning Compositional Requirements of Processed Poultry Products”. The regulations governing the poultry content, that is, the amount of poultry in processed food products containing poultry are substantially different from those governing the meat content of similar processed products containing meat.

A list of such similar products, and their respective meat or poultry content requirements is set forth below:¹

Meat Stew:	at least 25% meat
Poultry Stew	at least 12% poultry meat
Chili Con Carne	at least 40% meat
Chicken Chile	at least 28% poultry meat
Meat Soup	at least 5% meat
Poultry soup	at least 2% poultry meat
Meat Pies	at least 25% meat
Poultry Pies	at least 18% cooked poultry meat
Baby Food (High Meat Dinner)	at least 26% meat
Baby Food (High Poultry Dinner)	at least 18.75% cooked poultry meat, skin, and giblets
Baby Food (Meat w/ Broth)	at least 61% meat
Baby Food (Poultry w/ Broth)	at least 43% cooked poultry meat, skin, and giblets
Ravioli (meat)	at least 10% meat
Ravioli (poultry)	at least 2% poultry
Egg Foo Yung (meat)	at least 12% meat
Egg Foo Yung (poultry)	at least 3% poultry meat
Egg Roll (meat)	at least 10% meat
Egg Roll (poultry)	at least 3% poultry meat
Won Ton Soup (meat)	at least 3% cooked meat or 5% uncooked meat
Won Ton Soup (poultry)	at least 2% cooked poultry meat
Meat Stock or Broth	moisture protein ratio of 135 to 1 and 67 to 1 for condensed product
Poultry Stock or Broth	no special requirements

The Secretary’s maintenance of disparate standards of identity and composition for products which differ only in regard to whether they contain meat or poultry **is** inconsistent with the Secretary’s obligations under the FMIA and PPIA, and violates the intent of the legislation.

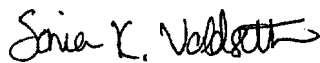
¹ Petition submitted by the National Cattlemen’s Beef Association, the National Pork Producer’s Council, and **the American Sheep Industry Association for initiation of rulemaking** proceedings.

A subcommittee of the National Advisory Committee on Meat and Poultry Inspection (NACMPI), established to provide advice and recommendations to the Secretary of Agriculture concerning meat and poultry inspection programs and to address food safety concerns and policy issues affecting **USDA**, reviewed the standards of identity issue in November of 2001. Their final paper is attached (Attachment B). The primary conclusion states that “standards of identity are necessary, but should be flexible enough for industry to meet new consumer expectations, but must continue to be truthfully and inclusively labeled.”

This statement may seem to allow for reducing the amount of meat required for a standard, in order to meet new consumer expectations. However, NCBA maintains that reducing the amount of meat does not meet the expectation of truthful and inclusive labeling, based on the intent of standards of identity. New ingredients and low-fat alternatives are available in the marketplace today, and are a viable option if consumer expectations warrant such use. But these alternatives must not be labeled as “meat”.

In conclusion, NCBA does not support the elimination of the current standard of identity for meat and sausage pizza, or any change in the standards of identity established to protect consumers.

Sincerely,



Sonia K. Voldseth
Associate Director, Food Policy