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FSIS Docket Clerk  
Docket #01-018P  
Room 102  
Cotton Annex  
300 C Street, **S.W.**  
Washington, D.C. 20250-3700

01-018P  
01-018P-17  
Robert Garfield

Re: Docket No. 01-018P; Definitions and Standards of Identity or Consumption: Elimination of the Pizza Standard; Proposed Rule; 66FR 55601

The National Frozen Pizza Institute (NFPI) respectfully submits these comments in strong support of the Food Safety and Inspection Service's (FSIS) proposal to eliminate the standard of identity for pizza products containing meat (currently codified at 9 C.F.R. § 319.600).

NFPI is the national trade association representing the major manufacturers of frozen pizza. Our members produce meat-topped pizza and have been restricted by the pizza standard in developing innovative products. For this reason, NFPI petitioned for rescission of the standard. Accordingly, NFPI is very interested in this proceeding and urges FSIS to act expeditiously to remove the current standard for the reasons discussed in our petition and these comments. Attached to these comments we have also provided recommended modifications to FSIS labeling policies.

To put it simply, the current standard of identity no longer serves its function. Indeed, its antiquated requirements hinder frozen pizza manufacturers in providing consumers the variety they have come to demand in pizza products. It is in the best interests of consumers to permit **them** to select the pizzas they want, just **as** it is in industry's interest to provide such products. Moreover, elimination of the standard would be consistent with the agency's current thinking on how to handle other consumer protection activities.

#### The Current Standard Does Not Serve Its Function

Standards of identity are government approved "recipes" for common products. Their purpose is to ensure that a product labeled with a recognized name meets consumer expectations. Under the current standard of identity for pizza adopted in 1970, "pizza" is a four-component product (meat, cheese, dough-based crust and tomato sauce). However, **this** "traditional" product no longer represents consumer expectation of a "pizza."

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**As** discussed and documented in our petition, the vast majority of pizzas sold in the United States are not manufactured by inspected establishments; rather approximately **85%** are manufactured and sold at the retail level, primarily by restaurants and delivery operators. FSIS has not applied the standard to these products. **As** a result, these manufacturers have been free to modify the "traditional" product.

There have been numerous new pizza products introduced in restaurants that do not contain the four components. There are "ethnic" or specialty pizzas which may use a hot sauce or a pesto sauce rather than tomato sauce. There are pizzas which are not made with the flour dough crust, rather are formulated with corn meal. White pizza contains no sauce and new varieties of pizza contain no cheese.

We respectfully submit that the variation of pizzas sold in the restaurant and delivery settings and the magnitude of such sales have changed consumer perceptions of "what is a pizza," so that the term "pizza" represents any product with one or more toppings on an open-faced crust. Since the existing FSIS pizza standard does not incorporate the new consumer expectations, it is hindering rather than protecting consumer choice. Consequently, it **has** out lived its usefulness and should be rescinded.<sup>1</sup>

In addition, the elimination of the standard can benefit consumers from a nutritional perspective. Frozen pizza manufacturers would be able to specially formulate products to be more consistent with nutritional guidance, such **as** enhancing the nutritional profile with the reduction of undesirable nutrients, such as fat and cholesterol. For example, it is not always economically viable to use leaner meats, which are more expensive on a per pound basis, when a manufacturer has to comply with a percentage minimum weight. However, when there is no minimum percentage, a manufacturer can use leaner meats to enhance the nutritional profile. **This** allows a manufacturer to cut out the fat while providing the same amount of "meat."

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<sup>1</sup> We respectfully submit that it would not be advisable simply to modify the standard. Pizza has shown itself to be a dynamic product, constantly evolving. Mere modification now will inevitably result in the need to modify the standard later in light of future developments.

### Pizza in the Absence of a Standard

As the agency correctly notes in the preamble to the proposal, merely because the standard is rescinded, the issue of product name remains. Under the Federal Meat Inspection Act,<sup>2</sup> in the absence of a standardized name, the product should bear either the common or usual name, or an appropriate descriptive name.

In general, we agree with the agency's proposed approach on naming pizzas.

- For the product containing the "traditional" four components, the term "pizza" with a designation of the meat component would be adequate to convey the nature of the product to the consumer.
- For products that vary in terms of the four components, a descriptive qualifier following "pizza" should specify the principal components?

We also agree with the agency's tentative determination that existing label information, including descriptive names, ingredient statements (which list all ingredients in descending order of predominance), and nutritional information will provide consumers with adequate information **as** to product formulation.

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<sup>2</sup> Obviously, **as** the agency recognized in its proposal, there are poultry topped pizzas which have been informally regulated under the meat pizza standard. Elimination of the meat pizza standard will permit poultry pizzas to enjoy the same flexibility in composition.

<sup>3</sup> We are unclear as to the example used by the agency in terms of the descriptive name/qualifier. The example appearing on page **55,602** of the Federal Register, top of column **2**, lists all components of the "non-traditional" pizza, including the crust. We would respectfully suggest that since FSIS is proposing that the term "pizza" represents one or more toppings on a crust, the descriptor need not include the crust unless the crust is different than the traditional dough-based crust.

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In response to the agency's request for comment on whether meat percentage should be included, we respectfully submit such information should not be required. *First*, as the agency has tentatively determined, it is not necessary given the mandatory ingredient and nutrition information on the label. *Second*, to the best of our knowledge, mandatory percentage labeling is not required by any FSIS regulation or policy. *Third*, it would not be required on the pizzas sold by restaurants and delivery operators, thereby re-establishing differing regulatory treatment. *Fourth*, unlike some other products, the meat content is readily apparent with even a superficial visual examination; allowing the consumer to assess value versus price. *And fifth*, percent ingredient labeling could lead to a counter-productive horsepower race... which pizza has the most meat?

There is also the issue of how the elimination of the standard will affect existing informal policies, primarily those contained in the Standards and Labeling Policy Book. Obviously, those which are based on the standard, such as the minimum amount of bacon in a bacon pizza or calculation of compliance for combination pizzas, would no longer be appropriate. However, other policies, such as the relative type size of the word "pizza" versus other words in the product name will remain relevant. We have taken the liberty of identifying all entries in the Labeling Policy Book that deal with pizza and have noted whether, in our view, the entry needs to be eliminated or retained, and if retained, whether it would need modification (attached).

Finally, there is the issue of generic approval of pizza labels. Currently, labeling of meat and poultry products that are covered by a product standard under 9 C.F.R. ~~Part~~ 319 or the Standards and Labeling Policy Book (Policy Book) -- such as pizza and pizza burgers -- may be generically approved if they do not contain any special claims. However, labeling of products not covered by a product standard or bearing special claims must be submitted to FSIS for formal label approval. If the pizza standard and some of the product standards set forth in the Policy Book are eliminated, there is some concern that labeling for pizza products will require formal approval.

Over the last six years, most labeling for pizza and pizza products has been generically approved with little or no problems. In keeping with this practice and in conformity with FSIS's stated goal of gradually streamlining and modernizing the label approval system (see **60 Fed. Reg. 67444, 67448**), we respectfully submit that labeling for pizza and pizza products should continue to be generically approved. Not only will permitting generic approval not affect the safety of pizza products, it will be consistent with the agency's focus on using resources to address public health risks. To that extent, FSIS should clarify in any final rule eliminating the standard of identity for pizza or any pizza product that labeling may continue to be generically approved.

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Elimination of the Standard In Keeping With Other Agency Efforts

As part of the post-HACCP inspection modernization, FSIS has indicated its intention to focus more attention at the plant level to food safety concerns and grant greater flexibility (and responsibility) to the plant on other consumer protection activities (OCP). See generally **65 Fed. Reg. 14486** (March **17,2000**).

Moreover, on September 9, 1996, FSIS published an Advance Notice of Proposed Rulemaking on standards of identity generally, questioning whether prescriptive standards still served a function and how to proceed with changes. **61 FR 47453**. We respectfully submit that the NFPI petition has not only shown that the pizza standard no longer serves a function, but also exemplifies how to justify a request for change. NFPI met with the frozen pizza industry to gain consensus. It gathered evidence on the relevant market to demonstrate consumer expectation **as** to "what is a pizza." It shared its intention with representative of consumer organizations and obtained their support, **as** witnessed by letters filed with the agency in support of the NFPI petition.

Conclusion

We wish to thank the agency for publishing this proposal and for considering these comments and the attached recommended modifications to FSIS labeling policies. We look forward to continuing to work with the agency on this elimination of an antiquated regulation.

Respectfully submitted,



**Robert Garfield**  
Executive Director