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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-19
Rosemary Mucklow

Re: pocket No. 01-018P] Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard, Proposed Rule, Federal Register November, 2, 2001

National Meat Association (NMA) respectfully submits the following comments on [Docket No. 01-018P] *Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard, Proposed Rule*. NMA represents over 300 firms who have a USDA grant of inspection. These firms manufacture a significant portion of the meat and poultry components that are included in the pizza standards and pizza products.

The USDA standards of identity for "Pizza with Meat" or "Pizza with Sausage" were promulgated in the 1970s to ensure that these common "traditional" products with recognized names met consumer expectations. These 30-year old standards no longer represent consumer expectation of a "pizza." The National Frozen Pizza Institute submitted data in its petition to the Agency that demonstrates that consumers' expectations of what is meant by the term "pizza" are broader than what is prescribed by the current USDA standards. This fact is evident by the variation of pizzas sold in the restaurant and delivery settings and by the magnitude of such sales, yet the existing standards, "a bread based meat food product with tomato sauce, cheese and meat topping," (9 CFR §319.600), imposed only on USDA inspected pizza manufacturers, restricts these firms from producing and marketing the new styles of pizzas and limits consumers' choice when they buy USDA-inspected products.

By eliminating the standards, the Agency will enable USDA inspected firms to compete with the many restaurants that are unrestricted by the USDA pizza standards, thus leveling the playing field, and providing the consumer a broader variety of pizza products they demand.

Product Labeling

The Agency has pointed out in this proposed rule that under section 7 of the Federal Meat Inspection Act (FMIA), USDA is authorized to prescribe definitions and standards of identity or composition to protect the public (21 U.S.C. 607(c)), and that the standards of identity are intended to protect consumers from economic deception, i.e., from purchasing meat food or poultry products in which inferior ingredients have been substituted for more valuable ones. NMA cautions that there is a fine line between allowing consumers to choose which product they want and protecting consumers from economic adulteration, and that in the absence of standards USDA has a duty to ensure that the consumers choice is an informed choice.

If USDA determines that it should terminate the standard for Pizza with Meat and Pizza with Sausage, then it becomes really important that consumers be properly informed and consideration given to alternative truthful information about the meat or sausage constituent that will permit them to make an informed choice. Further, it would be appropriate that USDA work with its sister agency, Food & Drug Administration, to encourage it to develop parallel information in the Food Code so that consumers could make informed comparison choices for pizzas produced at foodservice and restaurant locations. For instance, all USDA products are required to bear labeling of ingredients in the order of predominance. Unless the meat or sausage is the primary characterizing ingredient, it might be appropriate not to allow it in the product name, but to permit it in a qualifying statement in letter size one half the height of the product name. This is only feasible if the competing pizzas meet a similar requirement. We would suggest that such labeling is similar to labeling for ground meat products where consumers are provided information about the lean/fat ratio which is an economic determinant on which they make buying decisions but which is not regulated by a standard so long as the product is less than 30% fat.

In response to the Agency's request for comment on whether meat percentage should be included, NMA respectfully opposes such information. Percent labeling is not required for any other ingredient for either USDA product or FDA products. Such information would have little meaning to consumers. Indeed, percent ingredient labeling could lead to a counter-productive, competitive labeling contest which would not serve consumers best interests.

To conclude, NMA supports the elimination of the standards of identity and composition in order to level the playing field for USDA inspected manufacturers of pizza and the many restaurants that are unrestricted by the USDA pizza standards and to provide consumers the variety of pizza products they expect. However, NMA reminds USDA that it has a duty to ensure that the consumers choice is an informed choice. Therefore, in lieu of pizza product standards the Agency should require that pizzas be descriptively labeled and that the characterizing ingredient if included in the product name be a primary ingredient.

We hope these comments will be useful as you consider the issue.

Sincerely,

Rosemary Mucklow
Executive Director