



March 2, 2007

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Five Rivers Ranch Cattle Feeding LLC is submitting these comments and suggestions in response to Food Safety Inspection Service (FSIS) Docket No. FSIS 2006-0040 *Product Labeling: Definition of the term "Natural" and Agricultural Marketing Services (AMS) Marketing Claim for Naturally Raised Livestock*.

Specifically, Five Rivers is commenting on the definition of "naturally-raised" and the implications of this definition in relation to other claims (e.g. "natural") and/or other verified programs. We believe that the goal should be a transparent system where consumers can derive desired information about products which allows them to make informed purchasing decisions. This should all take place in a manner in which free-market economics are allowed to function so that efficient producers are allowed to meet consumer demand given a rational pricing structure. USDA's role is to ensure transparency and clarity.

Therefore, we believe that the issue should be jointly addressed among government agencies as to avoid confusion among 1) existing and newly created USDA certified and verified programs, 2) a defined "naturally-raised" AMS claim, and 3) a "natural" FSIS claim and to ensure that producers are allowed to differentiate their products in order to meet consumer demands.

Summary Position:

1. Five Rivers recommends that all programs and/or claims be verifiable via an accredited third-party such as USDA or an industry organization such as Texas Cattle Feeders Association to ensure compliance with stated claims. Five Rivers believes that verification goes beyond affidavits. Affidavit-only driven systems cannot be trusted to ensure compliance; they allow for abuse, and they risk the integrity of the entire cattle industry and the producers who do follow the claims.
2. Five Rivers recommends that USDA honor the existing platform and structure in place for certified and verified beef programs.
3. In order to avoid more confusion with the use of “natural”, “naturally-raised”, and with USDA-certified programs, and due to the complexity of defining what is “naturally-raised” and what production practices and products should be included and excluded from such a marketing claim, Five Rivers recommends that USDA not add any additional marketing claims which contain the word or any derivative of the word “natural”.
4. Five Rivers believes that USDA should not participate in rule-making which could shift production practices away from those that have been shown to be most beneficial to the well-being and health of livestock.
5. Five Rivers believes that USDA should not limit consumer choice and market economics by providing claims that may or may not reflect the dynamic and constantly changing nature of consumer demands. The marketplace must be allowed to determine what consumer wants are, and businesses must be permitted to fill those needs without undue or artificial influence by USDA.

We submit this position based on belief in free-market systems that provide for competitive avenues in which to fulfill consumer needs. We thank you for the opportunity to express our perspective and our concerns.

Five Rivers Background and Experience:

Five Rivers Cattle Feeding is the largest cattle-feeder in the world with a one-time capacity of 811,000 head of cattle and with annual marketings of around 1.6 million head. Five Rivers was formed from a merger of ContiBeef (formerly the Cattle Feeding Division of Continental Grain Company) and MF Cattle Feeding (formerly Monfort Cattle Feeding). Consequently, Five Rivers has been in the cattle-feeding business since its practical beginning and, as a result, has gained a tremendous amount of knowledge and experience in raising cattle under various production scenarios.

Five Rivers currently provides cattle to 4 of the 5 largest packers. Moreover, Five Rivers markets cattle into 6 natural beef programs as well as conventional programs. Consequently, Five Rivers has relationships with many companies that deliver natural products into the

marketplace and has experience with various processes including some requiring 3rd party verification and some requiring only affidavits. These relationships and this involvement in various marketing programs give Five Rivers' extensive knowledge of the processes involved in producing beef under various production criteria as well as understanding the potential implications of changes in marketing claims.

Suggestions and Concerns:

1. **Verification:** In order to maintain the integrity of any program, it must be auditable and verifiable. Affidavit-only driven systems leave gaping holes which can be abused by those with good intentions who make simple mistakes or by those who are not knowledgeable of the criteria, due to lack of clarity, for production practices needed to supply cattle into a natural beef program. In addition, affidavit-driven systems provide opportunities for others that are willing to fraudulently sign their name in order to make an extra dollar even though they did not comply with the claims of the program. Five Rivers supports the use of verification processes which help ensure compliance with production claims.
2. **Marketplace Confusion:** Currently, USDA (via AMS) already provides for a method in which to verify and/or certify beef programs with various production practices and claims. In addition, USDA (via FSIS) provides for a "natural" claim for processing of meat. Now, USDA is proposing to offer another claim for "naturally-raised". USDA has claimed that its goal is to provide for clarification and to reduce confusion. However, with the two existing platforms for claims and now a newly proposed claim, the confusion in the marketplace will increase not decrease. For example, there could be a program which is "natural" (processed) but not "naturally-raised". Vice versa, there could be a program which is "naturally-raised" but not "natural" via processing. So, the answer to the question "Is this natural?" will be "Yes, except for". There can also be the case in which a group has a USDA-approved process-verified program (PVP) for a natural program and not be able to meet the criteria for a "natural" FSIS claim. This also decreases the value of USDA's QSA and PVP programs. USDA should not add marketing claims which add confusion to the market.
3. **Changing Marketplace:** The demands of consumers change dynamically based on desire for change, affluence, demographics, etc. Consequently, what consumers want today may change tomorrow. It will be difficult for USDA to have an all-encompassing claim that meets the demands of consumers as their wants change over time and as new processes and products come to market. It should be closest to consumers that should be able to assess and attempt to satisfy consumer demands.
4. **Consumer Input:** It must be noted that consumers have given very little input into the comment period for the definition of "natural" and "naturally-raised". In addition, most of the comments have been from those with some form of a natural claim. However, most companies that sell beef from conventionally-raised animals did not comment, and this segment represents an overwhelming majority of the beef supplied to consumers. Consequently, those consumers who purchase beef from

conventionally-raised beef are not truly represented. We need more input from a representative cross-section of society in order to really know what consumers want.

5. Use of the term “Natural”: Caution must be used in using the word “natural” to define production practices. Associating the word “natural” with certain production practices implies that cattle produced under other practices are not natural. It seems that it would be difficult for anyone to define what natural is, and there is no consensus on what “natural” should mean in terms of raising animals. The definition is different for every consumer. Also, it seems that defining natural is somewhat arbitrary in that everything we make is from all natural ingredients on the earth, so isn’t everything natural in nature? Moreover, there seems to be confusion on defining even the most basic things. For example, how do you define what a hormone is? Most people typically define steroids as hormones; however, we do not hear many people refer to Vitamin D as a hormone when in fact it is a steroid hormone. Similarly, Vitamin A works as a hormone in eliciting cellular responses in humans and animals. During this comment exercise with USDA, many people stated that beta-adrenergic agonists should not be allowed in “naturally-raised” programs. Are they hormones? They are not classified as such by FDA, and they do not have the same mechanisms of actions as steroid hormones.

The same argument can be used for antibiotics. Many people define ionophores as antibiotics; however, they are not defined as such by FDA. Moreover, ionophores such as monensin are derived from naturally-occurring bacteria from soil. In addition, as new technology, new products, or new compounds in nature are discovered, who will determine if they will be allowed into a “naturally-raised” program, and what will be the criteria?

If USDA is insistent on establishing a lifetime “naturally-raised” marketing claim, USDA needs to clearly define what is “natural” and what is “unnatural” and establish a list of products which can be used in “naturally-raised” programs and a list of products which are not allowed in “naturally-raised” programs. It needs to be answered whether the following items can be used: ionophores (monensin, lasalocid, bambamycin, laidlomycin, virginamycin), steroid hormones, beta-adrenergic agonists (ractopamine, zilpaterol), tallow, yellow grease, fish oil, feather meal, poultry litter, coccidiostats, coccidiocides, probiotics (e.g. lactobacillus), yeast products, yucca and plant extracts, vitamins (what about hormone vitamins such as vitamin A and D?), aureomycin, dewormers, insecticides, melengestrol acetate, other heat suppressants, oxytocin, dexamethasone, progesterone, prostaglandin, byproducts of the ethanol industry, etc. Also, when do these practices start: during the lives of the parents of the animals, at conception, at birth, etc.?

6. Food Safety and Wholesomeness: There have not been any peer-reviewed scientific literature which has stated that use of antibiotics or hormones produce less wholesome or less safe beef. USDA should not influence consumers to place higher value on cattle raised by different methods since none of these production practices have been shown to be healthier, safer, or more nutritious for humans.

Conclusions:

We commend the effort of AMS and FSIS in trying to provide clarification for consumers. However, we believe it is the role of the market and those supplying consumers with such products to clearly communicate their product attributes. Those that do not meet these consumer expectations will not be rewarded in the marketplace. Introducing additional “natural” terms will only increase confusion in consumers’ minds given that USDA has already set a definition for natural. We all depend on USDA for helping maintain consumer confidence in products sold in the United States and abroad. The addition of another term and claim for “natural” may decrease the faith of consumers in domestic and foreign markets in USDA.

In summary, we believe that all programs should be auditable and verifiable by a third party and that affidavit-only systems are not enough. In addition, USDA should honor existing and new USDA-certified and verified programs. We believe that USDA should not use any derivation of the word “natural” in defining production practices and that USDA should not endorse any production practices which may negatively affect cattle health and well-being. Finally, Five Rivers believes that USDA should allow the marketplace to determine and fulfill the needs of consumers through differentiation of products and practices.

Thank you for the opportunity to express our perspective and thoughts.

Respectfully,



Mike Thoren
President and CEO, Five Rivers Ranch Cattle Feeding