

Animal Raising Claims in the Labeling of Meat and Poultry Products

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United States Department of Agriculture
Food Safety and Inspection Service

Introduction

- The Food Safety and Inspection Service (FSIS) is initiating a review of its evaluation and approval process for labels of meat and poultry products that contain animal raising claims.

Introduction

- FSIS is initiating this review because of its recent experience with labeling claims related to the raising of poultry
- FSIS will carry out this review in cooperation with the Agricultural Marketing Service (AMS).

Background

- As part of its prior label approval process, FSIS evaluates and approves label claims that highlight certain aspects about the way animals used as the source for meat and poultry products are raised.
- Some examples of animal raising claims that FSIS has approved include “raised without antibiotics,” “free-range,” “vegetarian fed diet,” and “raised without added hormones.”

Background

- FSIS evaluates labels that contain animal raising claims by reviewing testimonials, affidavits, animal production protocols, and other relevant documentation provided by animal producers.
- The Agency reviews the documentation submitted in support of the animal raising claim to ensure that it describes practices that are accurately reflected in the claim being made.

Background

- If a company submits information that demonstrates that an animal raising claim is truthful and not misleading, FSIS allows products derived from animals raised according to the protocol to bear the claim on their labels.

Background

- In addition to producer testimonials and affidavits, establishments or animal producers also submit certifications from certifying entities to support animal raising claims.
- FSIS accepts these certifications if the Agency has evaluated the certifying entity's animal raising standards and has determined that they are truthful and not misleading.

Background

- FSIS allows the label of a meat or poultry product to bear a certified claim if the claim clearly identifies the certifying entity, e.g., “certified free range by ... (name of certifying entity) and the Agency determines, based on its review of the entity’s standards, that the standards accurately reflect the claim.
- FSIS makes this determination in consultation with AMS and other agencies with relevant expertise.

Issues Associated with Animal Raising Claims

- The use of animal raising claims in the labeling of meat and poultry products presents issues that can be difficult for FSIS to address through its pre-market approval process.

Issues Associated with Animal Raising Claims

- Because FSIS does not regulate food animal production, the Agency may not always have all the relevant information necessary to properly evaluate the animal raising practices described in a producer's animal production protocol.

Issues Associated with Animal Raising Claims

- Animal producers and certifying entities may have different views on the specific animal raising practices that qualify a product to bear a given animal raising claim on its label.
- Thus, the same animal raising claim may reflect different animal raising practices, depending on how an animal producer or certifying entity defines the basis for the claim.

Issues Associated with Animal Raising Claims

- Consumers may also have differing views regarding the meaning of specific animal raising claims.

Example: “Free Range” Raising Claims in the Labeling of Poultry Products

- FSIS approves “free range” raising claims in the labeling of poultry products if the producer demonstrate that the birds were allowed continuous, free access to the outside for over 51 percent of their lives.
- Some producers may support a “free range” claim if the source birds were allowed access to a yard, regardless of whether the birds use the yard.

Example: “Free Range” Raising Claims in the Labeling of Poultry Products

- Other producers may establish stricter standards for themselves and request that FSIS approve a “free range’ claim only if the source birds actually use the yard.

Policy Review

- FSIS has decided to initiate a review of its policies for evaluating and approving animal raising claims.
- To facilitate this review, the Agency published a *Federal Register* notice on October 10, 2008, to solicit public input.
- FSIS and AMS are holding this public meeting to discuss the development, evaluation, and proposed process for animal raising claims.

Policy Review

- Objective: FSIS wants to ensure that its policies for evaluation and approval for animal raising claims will create a level playing field for companies that want to use such claims in marketing their products and that will allow consumers to use animal raising claims information to assist in their purchase decision.

Certified Claims

- FSIS is considering a certification approach for the evaluation and approval of animal raising claims.
- Under this approach, a certifying entity would evaluate a company's animal production protocol to determine whether the company's animal raising practices meet the entity's standards for certifying the claims.

Certified Claims

- The certifying entity would define and publish its standards.
- FSIS would review the third party's standards to determine whether they would in any way render the claims false or misleading.
- For example, poultry “raised without antibiotics” claims certified by a third party whose standards covered only the period post-hatch, and allowed the administration of antibiotics *in ovo*, would be considered misleading.

Certified Claims

- The certifying entity would conduct audits to verify that the animals used as the source for the products bearing the animal raising claims were raised according to those standards.
- Companies would submit documentation of the certification as part of their label approval requests.

Certified Claims

There are two types of possible certifying entities:

1. USDA's AMS
2. Private certifying entities

Certified Claims

- AMS establishes voluntary standards for production and marketing claims, e.g., “grass (forage) fed livestock.”
- AMS also offers verification services through Quality Systems Verification Programs (QSVPs) to substantiate claims that cannot be determined by direct examination of livestock, their carcasses, component parts, or the finished product.
- Companies may use AMS standards for an animal raising claim in conjunction with a USDA QSVP.

Certified Claims

- If AMS has developed voluntary standards for a particular animal raising claim , FSIS considers claims that comply with those standards to be truthful and not misleading.

Certified Claims

- If AMS has developed voluntary standards for an animal raising claim, private certifying entities could establish standards for the claim that differ from those developed by AMS.
- However, when FSIS evaluates animal raising claims based on a private certifying entity's standards, the Agency would refer to the voluntary standards developed by AMS to determine whether claims based on the private entities standards are truthful and not misleading.

Request for Comments

- FSIS and AMS are interested in comments on the use of certification provided by certifying entities to verify animal raising claims and other possible approaches for approving the use of such claims in the labeling of meat and poultry products.
- The agencies are interested in public input on the following questions.

Request for Comments

- Should FSIS continue to approve label claims based on animal raising standards developed by private certifying entities and by companies themselves if FSIS has reviewed the standards and determines that they would not render a claims false or misleading?

Request for Comments

- Should FSIS establish any performance criteria or standards for certifying entities?
- Should the Agency require that certifying entities be reviewed and approved by AMS?

Request for Comments

- Should FSIS establish minimum standards that companies would have to achieve to qualify to use certain animal raising claims?

Request for Comments

- For those animal raising claims for which AMS has adopted standards, should FSIS adopt the AMS standards as the minimal standards?

Request for Comments

- Would the certification approach that FSIS is considering create any inequities or create any problems for companies interested in using animal raising claims on the labels of their meat or poultry products?

Request for Comments

- What other approaches should FSIS consider for evaluating and approving animal raising claims?