

RECEIVED  
FBI9 BOOKER ROOM  
02 JAN -2 PM 2:05  
January 2, 2002

Ms. Margaret Glavin, Acting Administrator  
Food Safety and Inspection Service  
c/o Docket Clerk  
Room 102, Cotton Annex  
United States Department of Agriculture  
300 C Street, SW  
Washington, D.C. 20250-3700

10

01-018P  
01-018P-10  
Benjamin Cohen

Re: Docket No. 01-018P - Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard

On behalf of our 800,000 members, the Center for Science in the Public Interest ("CSPI") offers these comments on the proposal of the Food Safety and Inspection Service ("FSIS") to amend its regulations governing the composition of **pizza**.<sup>2</sup>

There are important public health reasons for eliminating the regulations that currently set minimum percentages of meat in frozen pizzas. Meat is a major source of saturated fatty acids and calories in the American diet.<sup>3</sup> Diets high in saturated fatty acids increase the risk of coronary heart disease, which kills more Americans than any other disease. Diets rich in red meat may also increase the risks of prostate and colorectal cancer.<sup>4</sup> Excess calories cause obesity, which increases the risks of diabetes, heart disease, stroke, and other illnesses.<sup>5</sup>

---

<sup>1</sup> CSPI is a nonprofit organization, founded in 1971, that advocates for better nutrition and safer food. CSPI does not accept funding from industry or the government.

<sup>2</sup> 66 Fed. Reg. at 55601-55603 (November 2, 2001).

<sup>3</sup> Amy F. Subar, Susan M. Krebs-Smith, Annetta Cook, and Lisa L. Kahle, "Dietary Sources of Nutrients Among US Adults, 1989-1991," 98 *Journal of the American Dietetic Association* 537 (May 1998).

<sup>4</sup> E. Giovannucci, E. B. Rimm, G. A. Colditz, M. J. Stampfer, A. Ascherio, C. C. Chute, and W. C. Willett, "A Prospective Study of Dietary Fat and Risk of Prostate Cancer," 6;85 (19) *Journal of the National Cancer Institute* 1571 (October 1993); W. C. Willett, M. J. Stampfer, G. A. Colditz, B. A. Rosner, and F. E. Speizer, "Relation of Meat, Fat, and Fiber Intake to the Risk of Colon Cancer in a Prospective Study Among Women," 13;324 (24) *New England Journal of Medicine* 1664 (December 1990).

<sup>5</sup> Anne M. Wolf and Graham A. Colditz, "Current Estimates of the Economic Cost of Obesity in the United States," 6 *Obesity Research* 97 (March 1998).

However, there are also important reasons for establishing and maintaining standards of identity. As the FSIS has stated, its regulations on the composition of food “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.”<sup>6</sup>

Thus, CSPI supports the proposal to repeal the current regulations setting the minimum amount of meat that a pizza must contain -- provided that the FSIS replaces those regulations with a requirement that the name of the pizza prominently disclose the percentage of meat and imitation meat (such as soy), as well as other “characterizing” ingredients in the pizza. Requiring the principal display panel to display information on the product’s composition will afford consumers protection from the deceptive practices that standards of identity were designed to prevent.

## I. Background

In 1970 the FSIS issued regulations -- formally called standards’ of identity -- defining the meat content of pizza with meat and pizza with **sausage**.<sup>7</sup> The former is defined as “a bread base meat food product with tomato sauce, cheese, and meat topping. It shall contain cooked meat made from not less than 15 percent raw **meat**.”<sup>8</sup> The latter is defined as “a bread base meat food product with tomato sauce, cheese, and not less than 12 percent cooked sausage or **10** percent *dry* sausage; e.g., pepperoni.” The FSIS now requires that those two types of pizza conspicuously disclose the amount of meat if they contain less than the minima established by the standards of identity.<sup>10</sup>

In September 1996 the FSIS issued an advance notice of proposed rulemaking in which it

---

<sup>6</sup> 66 Fed. Reg. at 55601.

<sup>7</sup> These regulations were issued pursuant to the FSIS’s authority, under section 7(c)(2) of the Federal Meat Inspection Act, 21 USC § 607(c)(2), to issue standards of identity or composition. The Department has issued food standards for more than a century. 61 Fed. Reg. at 47454 (September 9, 1996).

<sup>8</sup> 9 CFR § 319.600(a).

<sup>9</sup> 9 CFR § 319.600(b).

<sup>10</sup> *Standards and Labeling Policy Book, Change #10* (December 1995) at 119. Pizza -- or any other product that has less than the amount set by a standard of identity and has a generic identity -- must also disclose the amount set by the standard of identity. So, for example, the disclosure now required would be “**PIZZA** (contains 5% sausage: **SAUSAGE PIZZA** contains 12% sausage).” *Id.*

asked for public comment on what changes, if any, to make to its **60** standards of identity.” In February 1999 the National Frozen Pizza Institute (“NFPI”) petitioned the FSIS to repeal the pizza regulations so that the frozen pizza industry could both provide “consumers both pizzas which have been modified to improve nutritional profiles and new styles of pizzas” and compete more effectively with restaurants.<sup>12</sup>

The FSIS has explained that its current proposal to repeal the standards of identity for pizza means that “federally inspected pizzas ... will be permitted to reduce their minimum meat content from 12% cooked or 15% raw to 2% cooked or **3%** raw, the level of meat required for a product to be considered a meat food product and, thus, under **USDA** jurisdiction.”<sup>13</sup>

## **II. Factual Argument**

### **A. Giving consumers the opportunity to buy frozen pizzas with less meat would protect their health.**

The current FSIS regulations do not prevent pizza manufacturers from making pizzas with less meat than required by the regulations. However, in such cases the manufacturer must indicate on the label that the pizza contains less than the specified amount of meat. The **FSIS** has tentatively concluded “that the current pizza standards may be inhibiting manufacturers of federally inspected pizzas from producing and marketing new styles **of** pizzas, including pizzas with less constituents, such as cheese or meat, that would be more consistent with nutritional guidance (e.g., lower **fat**).”<sup>14</sup>

Giving consumers the opportunity to buy frozen meat pizzas that have less meat would make it easier for them to eat healthier diets. For example, a Stouffer’s French Bread Three Meat Pizza has 460 calories and 9 grams of saturated fat. A DiGiorno Rising Crust Three Meat Pizza

---

<sup>11</sup> 61 Fed. Reg. 47453-47459 (September 9, 1996).

<sup>12</sup> NFPI petition at 2 and 3. Consumers at restaurants can now buy pizzas that contain, for example, mushrooms, onions, peppers, sliced tomatoes, black olives, green olives, garlic, eggplant, spinach, artichoke hearts, broccoli, or pineapple as well as sausage or meat. See, for example, take-out menus for Stromboli Family Restaurant and Pizza Castle.

That same year both the Consumer Federation of America and Public Voice for Food and Health Policy submitted comments supporting the NFPI petition. They argued that eliminating the standard of identity would promote the health of consumers and would present no danger of consumer deception.

<sup>13</sup> 66 Fed. Reg. at 55601.

<sup>14</sup> 66 Fed. Reg. at 55601.

has 380 calories and 8 grams of saturated fat per serving (1/6 of a pie). Manufacturers could lower the calorie and saturated fat content of meat pizzas by adding less meat, using leaner meat, or replacing some of the meat with meat substitutes like soy protein. Companies should have each of those options, as long as consumers know what they are buying. Repealing the standards of identity for meat pizzas would give manufacturers the flexibility to sell lower-meat pizzas that are lower in saturated fat and calories than current meat pizzas.<sup>15</sup> However, to prevent consumer deception it is crucial that labels disclose precisely what the products contain,

**B. The FSIS should require that the percentage of meat, imitation meat (such as soy), and other characterizing ingredients in the pizza be a prominent part of the principal display panel.**

In 1996, when asking for comments on what changes, if any, to make to its 60 standards of identity, the FSIS said “Information about the percentage of meat or poultry in a product, in combination with the nutrition information and ingredient labeling provided on labels, would give consumers valuable information upon which they could rely in making a food choice.”<sup>16</sup>

The FSIS now proposes that for pizza the “product name would become a descriptive feature to convey to the consumer the components of the product. FSIS requests comment on whether the product name [for pizza] should be required to include the percentage of meat or poultry in the product.”<sup>17</sup>

FSIS’s current regulations provide that the common or usual name of a product shall appear on the principal display panel of the food package.” The FSIS should make it clear to the industry -- either by amending its regulations or through its informal Policy Guides -- that the name of the meat or poultry pizza should prominently include the percentage by weight (after being cooked”) of meat or poultry, imitation meat or poultry (such as soy), and other characterizing ingredients in the product. For example, the name of one pizza might be “pizza with 5% sausage, 3% pepperoni, and 1% steak.” The name of another pizza might be “pizza

---

<sup>15</sup> Although poultry does not pose the same threat to Americans’ health as red meat, CSPI supports the FSIS proposal to also revoke its current policy of requiring poultry pizzas to have at least 12 percent cooked poultry meat. Poultry pizzas and meat pizzas should be treated in the same manner.

<sup>16</sup> 61 Fed. Reg. at 47458.

<sup>17</sup> 66 Fed. Reg. at 55602.

<sup>18</sup> 9 CFR § 317.2(c)(1) for meat and 9 CFR § 381.117(a) for poultry.

<sup>19</sup> Using the weight of the ingredients after the frozen pizza is cooked will help consumers and state and local authorities verify the accuracy of the label.

with 5% sausage and 3% soy meat substitute.”<sup>20</sup>

That disclosure would enable consumers to easily choose more or less meat (or vegetable toppings), depending upon their preferences and dietary concerns. For example, some people who want to limit their intake of red meat to possibly reduce their risk of prostate or colon cancer might want a meat pizza, but one with just a small quantity of meat. Still other consumers might prefer to buy a pizza that contains a smaller amount of meat **and** a greater amount of soy protein to help lower their cholesterol levels. The Nutrition Facts label would disclose the quantity of fat and saturated fat in a pizza, but it wouldn’t tell how much meat is in the pizza. Without percentage ingredient labeling, consumers wouldn’t be able to figure out how much meat versus soy-protein meat substitute the pizza contains.<sup>21</sup>

**C. A greater variety of nutritious pizzas would have significant benefits for minorities.**

The FSIS requests comments on the impact of the proposal on minorities, women, and people with disabilities.”

There are large differences between blacks and whites in the incidences of certain diseases that are linked to high consumption of red meat. Blacks are **43** percent more likely to **die** of colorectal cancer and 153 percent more likely to die of prostate **cancer**.<sup>23</sup> Thus, making it easier for blacks to buy meat pizzas with less meat may help reduce their susceptibility to those diseases.

---

<sup>20</sup> A pizza with both meat and vegetables as characterizing ingredients should be labeled, for example, as “pizza with 3% pepperoni, **2%** sausage, less than 1% vegetables (mushrooms, red and green peppers, and onions).”

<sup>21</sup> An additional reason for prominently displaying the amounts of the key ingredients is to protect consumers from economic deception. Otherwise they may not be able to tell when pizza manufacturers have substituted inferior ingredients for more valuable ones. There is a growing trend among foreign countries to require quantitative ingredient labeling in order to protect consumers from economic deception. The European Union requires quantitative ingredient labeling for emphasized or characterizing ingredients. Australia and New Zealand are implementing similar quantitative ingredient requirements. Thailand requires quantitative ingredient labeling for all major ingredients.

<sup>22</sup> 66 Fed. Reg. at 55602.

<sup>23</sup> These data are age adjusted death rates in the United States for 1998 and are from *Health, United States*, 2000 (Centers for Disease Control and Prevention) at Table 30.

### III. Legal Authority

Section 1(n)(9) of the Federal Meat Inspection Act, 21 U.S.C. § 601(n)(9), authorizes the FSIS to require that a meat product label bear the common or usual name of the food and the common or usual name of each ingredient.<sup>24</sup> The FSIS has used this authority to require the disclosure of the percentage of certain ingredients for some foods.<sup>25</sup> Thus, the FSIS has ample legal authority to require the name of the pizza to prominently disclose the percentage of meat, imitation meat, and other characterizing ingredients in the pizza.

### IV. Conclusion

For the reasons stated above, the FSIS should promptly repeal its standards of identity for pizza and should require that the pizza prominently disclose the percentage by weight of meat, imitation meat, and other characterizing ingredients.



Benjamin Cohen  
Senior Staff Attorney

Bruce Silverglade  
Director of Legal Affairs

Respectfully submitted,

Michael F. Jacobson, Ph.D.  
Executive Director

Bonnie Liebman, M.S.  
Director of Nutrition

---

<sup>24</sup> Section 4(h)(9) of the Poultry Products Inspection Act, 21 U.S.C. § 453(h)(9), authorizes similar labeling for poultry products.

<sup>25</sup> For example, the FSIS requires that: (1) products cooked in ~~an~~ impervious bag must disclose the amount of solution and juices; (2) in some situations barbecued red meat shall declare "Ingredients: Beef Containing Up to 25% ..sugar, spices;" (3) coarse ground beef trimmings must declare the amount of fat if the beef does not comply with the 30 percent fat limitation; (4) raw bone-in or boneless poultry to which a solution has been added shall declare, for example, "Injected with up to 12% of a solution of water, salt, and phosphates;" (5) cooked red meat products containing added substances shall declare "~~X~~% of Weight is Added Ingredients;" (6) canned corned beef must declare the percentage of added solution if it is greater than 10 percent; (7) if low-fat milk is used as an ingredient, the percentage of fat in the milk must be disclosed; (8) if more than 10% liquid is used in poultry roast, the amount of liquid must be disclosed; (9) the amount of ingredients added to turkey ham must be disclosed; and (10) the amount of a flavoring solution added to a red meat product must be disclosed. Food Safety and Inspection Service, *Food Standards and Labeling Policy Book, Change 98-01* (February 1998) at 1, 11, 186, and 187; Food Safety and Inspection Service, *Standards and Labeling Policy Book, Change # 10* (December 1995) at 44, 47, 48, and 131; Food Safety and Inspection Service, *Standards and Labeling Policy Book* (1993) at 236 and 247.