



National Pork Producers Council

122 C Street, N.W., Suite 875
Washington, D.C., 20001
(202) 347-3600
FAX (202) 347-5265

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Attention: **FSIS** Docket Clerk
Room 102, Cotton Annex
300 C Street, SW
U.S. Department of Agriculture
Washington, D.C. 20250-3700

01-018P
01-018P-9
Barbara Determan

**RE: Docket No. 01-018P
Proposed Rule, "Definitions and Standards of Identity or Composition:
Elimination of the Pizza Standard"**

The following comments are submitted on behalf of the National Pork Producers Council (NPPC) which represents the nation's pork producers through 44 affiliated state associations. Our members account for the overwhelming majority of this nation's commercial pork production. The pork industry is the fourth largest agricultural sector in this country, generating approximately \$11.0 billion in annual farm sales, while creating an estimated \$66.0 billion in economic activity and employing 764,000 people.

NPPC is pleased to provide comments in response to the Proposed Rulemaking entitled, "Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard," published in the *Federal Register* on November 2, 2001 [Docket No. 01-018P]. NPPC does not support the proposed rule to eliminate the standards of identity for "pizza with meat" and "pizza with sausage."

Both consumers and industry have relied on the current system of standards since the original enactment of food protection statutes in 1906. These standards ensure product integrity and prevent economic adulteration. Changes in the availability of meat and poultry standards of identity will have as great an impact on business and consumer decisions as has occurred with recent nutrition labeling and food safety rulemakings. We, therefore, take very seriously the development of comments on all changes to standards of product identity.

FSIS repeatedly notes in the proposed rule that the intended purpose of standards of identity is to protect consumers from economic deception. If this is true how can FSIS be fulfilling its responsibility by agreeing that product identified as "meat pizza" or "sausage pizza" can go from a cooked meat content


The Other
White Meat

of 12% down to 2%. The descriptors of meat or sausage imply that some minimum amount of these products is included in the food item. You do not need extensive market research to know that this expectation is greater than 2%. Allowing a 600% or 6-fold reduction in the content of the very item that creates the value-added expectation for the food does not equate to consumer protection.

NPPC has previously submitted to FSIS consumer research on the meaning of food names. Those results are attached to these comments. One of the subjects examined was the expectation for the food standard "beef stew." The response was that it is a hearty, filling, menu item that must contain large chunks of real beef. FSIS standards require the product to contain not less than 25% of the meat of the species on the label. If it is to be acceptable for "sausage pizza" to have a 6-fold reduction in sausage (again the item that denotes increased value expectation), then is FSIS also going to find it acceptable for "stew" to contain 4% meat?

The Agency states that it believes that if a new product formulated with less meat does not meet consumer expectations it will fail in the market place. Thus it appears that the Agency's position is "let the marketplace sort it out." If this is the case, then why have any standards of identity for any products? This is an incredible position if the original intended mission is the prevention of economic deception.


Twice the Agency implies that elimination of this standard is somehow connected to a nutritional need. However, nowhere is it explained what issue is preventing the use of low-fat ingredients in the production of the product. The truth is, there is no nutritional technology or regulatory issue involved in this proposed rule. Furthermore, all these products must carry the nutrition facts panel ensuring consumer access to nutrition information.

These standards have not only served to protect consumers but also insure orderly marketing and standard commerce. The level playing field expected by consumers and industry may be greatly disrupted. Minimums provide a degree of uniformity among products with a similar name and directly support consumers' expectation of a given class of product. If less than a minimum meat content is allowed, then at what point would FSIS judge the product to have so little meat content that product is mislabeled.

The Agency has previously asked whether evidence of consumer confusion or dissatisfaction should be required before FSIS undertakes a "standards" setting process? Indeed the Agency should have strong evidence of consumer confusion or dissatisfaction before it seeks to change established standards. At this time the Agency has not provided such compelling consumer confusion evidence.

In summary, NPPC does not support the elimination of the current standard of identity for pizza. NPPC believes that reducing the minimum meat required to 2% for a product to be called a "meat pizza" or "sausage pizza" does not protect consumers from economic deception. The established minimum standards do not prevent the development of any new product, regardless of meat content or ingredient combination. The standards only prevent naming the new product an "apple" when it is really an "orange." This proposed rule is an example of what should not be allowed in the Agency's future effort for standard of identity reform.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Determan".

Barbara Determan
President