

National Meat Association

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FSIS Docket Clerk
Docket No. FSIS-2006-0040E
FSIS Docket Room
Docket Clerk, USDA, FSIS
300 12th Street, SW., Room 102 Cotton Annex
Washington, DC 20250

Re: Docket No. FSIS-2006-0040E
Federal Register Thursday, January 18, 2007
Vol.72, No.11
Pages 2257-1158

Gentlemen:

On behalf of the National Meat Association (NMA) members, we respectfully submit the following comments in response to the *Federal Register* Notice of Petition and Public Meeting; Request for Comments.

Organized in 1946, NMA represents the interests of meat packers and processors throughout the United States. With approximately 300 general member companies, all of which can be greatly affected by the Product Labeling: Definition of the Term "Natural," NMA has a great interest in this *Federal Register* "Notice of Petition and Public Meeting; Request for Comments."

The National Meat Association strongly advocates the goals expressed by the Agency to have an open and clear method of developing policy as it pertains to the term "natural." NMA agrees that the use of the term "natural" is of great interest to not only consumers, but also producers and processors. Given today's complex manufacturing systems, it is pertinent for the Agency to determine an effective core policy for the use of "natural." Furthermore, the development of the policy for the term "natural" should incorporate interaction among the Food Safety Inspection Service, the Agricultural Marketing Service, and the Food and Drug Administration (FDA). Such a collaboration to determine

a clear consistent policy would eliminate the confusion associated with the current policy and its subsequent August 2005 FSIS policy modifications. With regards to policy, consistency is needed among the different agencies in order to proceed with the policymaking process. Also, NMA believes that all stakeholders' comments should be considered at this time, which includes industry, academia, scientists, and consumers.

As the process of developing a clear policy is underway, NMA urges FSIS to not make any peremptory change or action against any particular process or ingredient. Further, provisions for reasonable implementation of a new "natural" policy should not preclude the private sector from a certain amount of latitude when defining their product. While the term "natural" is being clearly defined, there should be no action taken against any particular product until the policymaking process is complete.

If FSIS elects to continue to use "minimal processing" as part of the criteria for "natural" products, then new minimal processing technology, such as high pressure processing equipment, should also be taken into consideration. It would be beneficial for FSIS to specify the criteria they intend to consider when determining if a certain process qualifies as "minimal processing" for "natural" products.

NMA agrees with the development of a clear concise definition of "natural," by means of the policymaking process. Further, the implementation of any changes to the current policy should take into account a timeline for the industry to adjust to the new policy. Since many processors have made significant investments in product research, specialized processing equipment, unique ingredients and marketing programs, it is essential that ample time be allowed to adjust to the new policy.

In addition, NMA strongly believes that FSIS should work with AMS in determining how the AMS definition of "naturally-raised" will be carried forward into the marketplace to preclude creating further confusion for consumers.

Conclusion

The "natural" claim is a very complex issue. Clarification is definitely needed before proceeding to the final policymaking process. We submit the following recommendations:

- FSIS should work closely with the FDA in formulating a clear definition of "natural."
- FSIS should clearly establish the criteria that will be used to determine whether or not a dual-purpose ingredient can be used in the processing of a "natural" product.
- The industry should be given reasonable time to adjust their processing and marketing programs to adhere to a policy change.

In addition, before the policy for defining “natural” can be finalized, it is essential that the following questions be addressed and the resulting answers be considered.

- How will FSIS’s “natural” labeling policy interact with AMS’s plan for a “naturally raised” claim?
 - Specifically, does FSIS intend to approve labels that include the “naturally-raised” claim on products that do not meet the “natural” processing definition?
- Will product from “naturally-raised” livestock be the required raw materials for products to be labeled as “natural”?
- What kind of implementation timeline does FSIS have in mind for a new policy?
- Will criteria be established that can be used in the future as the basis for approving new minimally processing technology?

Though we agree with FSIS’s initiation of the policymaking process. Many stakeholders have made a substantial investment in resources based on the previous policy. These investments should be taken into account as a comprehensive “natural” policy is formulated.

We thank you for this opportunity to comment on Product Labeling: Definition of the Term “Natural.” We look forward to your answers to our questions and the opportunity to comment on a proposed policy.

We hope you will take our comments and concerns into consideration.

Sincerely,

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Director Emeritus

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Associate Director

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Regulatory Analyst