



## POLICY & ACTION FROM CONSUMER REPORTS

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Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Ave, S.W.  
Washington, DC 20250-3700

Submitted via [www.regulations.gov](http://www.regulations.gov).

### **Comments of Consumers Union to the Food Safety and Inspection Service on the "FSIS Compliance Guideline for Label Approval" Docket No. FSIS-2017-0040**

Consumers Union, the policy division of Consumer Reports,<sup>1</sup> welcomes the opportunity to submit comments to the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) on the revised compliance guideline for label approval.

Food labels, which represent an area of particular focus for Consumer Reports and Consumers Union, should be clear, honest, transparent, and meet consumer expectations. In the revised guideline for label approval, many labeling claims are listed as “special statements and claims” that require approval by FSIS before entering commerce. We agree that animal production claims (e.g., no added antibiotics, no hormones added, vegetarian fed), animal raising claims (e.g., cage-free, free range, farm raised, pasture raised) and sustainability claims (e.g., environmentally raised, sustainable, sustainably raised) are special statements and claims that require approval. However, the current FSIS standards for these claims are not strong enough to ensure that they meet consumer expectations and do not adequately protect consumers from being misled by these types of claims.

We urge FSIS to take additional steps to strengthen the label approval process, especially to confirm that these types of special statements and claims on meat and poultry products are truthful and not misleading to consumers.<sup>2</sup> We have the following recommendations:

#### **1. Labeling claims should be backed by standards that ensure claims are truthful and**

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<sup>1</sup> Consumer Reports is an independent, nonprofit organization that works side by side with consumers to create a fairer, safer, and healthier world. For 80 years, we have provided evidence-based product testing and ratings, rigorous research, hard-hitting journalism, public education, and steadfast policy action on behalf of consumers’ interests. We work with consumers in many areas, including efforts to create a safe, sustainable, and transparent food system.

<sup>2</sup> Federal Meat Inspection Act, 21 U.S.C. 601 et seq.; Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; Egg Products Inspection Act, 21 U.S.C. 1031 et seq.

**not misleading. Even if voluntary, FSIS should set a standard for each claim that addresses animal production, animal raising or sustainability.**

The current labeling guidelines for animal raising claims set a consistent standard for some claims, but allow wide variations for others (e.g., “raised without antibiotics” and “raised without growth-promoting antibiotics” are both allowed) while leaving still others entirely open for companies to define (e.g., “sustainably farmed,” “humanely raised”). According to our consumer opinion polling data, consumers do not think that companies should be allowed to set their own standard for labels on meat; in our 2016 survey, 94% of consumers said all companies should meet the same standards,<sup>3</sup> rather than set their own.

To uphold a fair marketplace for both consumers and regulated entities, FSIS should determine the standards that must be met in order to be truthful and not misleading. This could be achieved through additional guidance that clearly defines the requirements for each claim.

For claims that address a single issue, like “raised without antibiotics” and “grass-fed,” FSIS should define the claim, set the standard, and allow no variations with a lower standard (e.g., a “raised without growth-promoting antibiotics” claim should not be allowed).

For “humanely raised” and similar claims, FSIS should require certain basic animal welfare practices that the majority of consumers expect from this labeling claim. Our 2016 consumer survey shows the percentage of consumers who believe the “humanely raised” claim should mean that:

- The farm was inspected to verify this claim (88%)
- The animals had adequate living space (86%)
- The animals were slaughtered humanely (80%)
- The animals were raised in houses with clean air (78%)
- The animals went outdoors (78%)
- The animals were raised without cages (66%)

Therefore, FSIS should at a minimum require that animals raised for meat and poultry products that bear a “humanely raised” labeling claim should meet these basic standards.

For “sustainably farmed” and similar claims, producers should demonstrate to FSIS that they are certified to meet meaningful sustainability standards, such as USDA Organic certification. The USDA Organic label is a meaningful, third-party verified label that specifically addresses sustainability in agriculture. Allowing other “sustainably farmed” or “raised with environmental stewardship” claims to appear side-by-side USDA Organic products in the marketplace leads to unfair competition with producers who have implemented sustainability practices on their farms and obtained USDA Organic certification.

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<sup>3</sup> Consumer Reports National Research Center. Food Labels Survey. 2015. Available online: [greenerchoices.org/wp-content/uploads/2016/08/2016\\_CRFoodLabelsSurvey.pdf](http://greenerchoices.org/wp-content/uploads/2016/08/2016_CRFoodLabelsSurvey.pdf).

**2. Claims that address animal production, animal raising or sustainability should be verified, with on-farm inspection.**

Verification is a crucial component of meaningful labeling. Verification should be undertaken by the government or by a third-party entity free from conflict of interest, and include on-farm inspection.

Our consumer opinion polls have shown that many consumers mistakenly think that certain unverified labeling claims are verified. Our 2015 survey shows that 45% of consumers mistakenly think that the “natural” label is verified.<sup>4</sup> Our 2016 survey shows that a majority of consumers erroneously think that the “humanely raised” label claim is currently verified with on-farm inspection, and 88% of consumers think “humanely raised” should mean that the farm was inspected.<sup>5</sup>

The Agricultural Marketing Service (AMS) Process Verified Program could be a trustworthy verification program, as long as the claim is verified to consistent standards set by FSIS. AMS should not allow companies to set their own standards through this program.

We urge FSIS to take these steps to ensure special statements and claims about animal production, animal raising and sustainability on meat and poultry labels are not false and not misleading to consumers. Thank you for your consideration of our comments.

Respectfully submitted,

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<sup>4</sup> Consumer Reports National Research Center. Food Labels Survey. 2015. Available online: [greenerchoices.org/wp-content/uploads/2016/08/2016\\_CRFoodLabelsSurvey.pdf](http://greenerchoices.org/wp-content/uploads/2016/08/2016_CRFoodLabelsSurvey.pdf).

<sup>5</sup> Consumer Reports National Research Center. Food Labels Survey. 2015. Available online: [greenerchoices.org/wp-content/uploads/2016/08/2016\\_CRFoodLabelsSurvey.pdf](http://greenerchoices.org/wp-content/uploads/2016/08/2016_CRFoodLabelsSurvey.pdf).