



FOOD ANIMAL CONCERNS TRUST
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Martin E. O'Connor, Chief
Standardization Branch, Livestock and Seed Program
USDA Agricultural Marketing Service
Room 2607-S; 1400 Independence Avenue, SW.
Washington, DC 20250-0254
Submitted via Internet: <http://www.regulations.gov>

Re: Docket No. AMS-LS-07-0131; LS-07-16, United States Standards for Livestock and Meat Marketing Claims, Naturally Raised Claim for Livestock and the Meat and Meat Products Derived From Such Livestock

Dear Mr. O'Connor:

Food Animal Concerns Trust (FACT) appreciates this opportunity to submit comments on Docket Nos. AMS-LS-07-0131 and LS-07-16, the proposed voluntary standard for a Naturally Raised marketing claim for meat products. FACT is a non-profit organization that promotes better methods of raising livestock and poultry by improving the welfare of farm animals; increasing the safety of meat, milk and eggs; broadening economic opportunities for family farmers and reducing environmental pollution.

FACT supports the USDA's effort to devise a meaningful definition for the use of the term "Naturally Raised." However, the standard proposed by the USDA in November 2007 is neither meaningful nor adequate as written. Our comments outline specific improvements that the USDA should make before issuing a final rule.

The need for a broader application of "Naturally Raised"

While FACT welcomes restrictions on use of antibiotics, hormones and animal by-products in feed as a part of a "naturally raised" label, we firmly believe that standard must also address a broader array of management practices. The standard should also apply to all species of food producing animals including poultry, swine and ruminants (both dairy and beef cattle).

Consideration of management practices that foster natural living conditions

FACT believes that the label must address management practices, including living and growing conditions, which define how an animal was raised. Such a definition would require that the animal be allowed to express its natural behaviors (such as nest building for sows or dust-bathing and pecking for chickens). The definition should preclude the use of intensive confinement production practices, including gestation and farrowing crates, veal crates, tethers, slatted floors over manure pits, and battery cages for poultry.

The need for a 'naturally raised' label that includes consideration of management practices is supported by consumer research. A nationwide survey released by Whole Foods Market in 2004 found that almost half of those surveyed (48.4%) believed the standards should include

humane treatment of animals, and humane slaughtering methods (43.5%).¹ Statements from the USDA also support FACT's position. As stated at the prior listening session in Washington, DC, the USDA's intention is to "develop a standard that reflects public and producer interest."² Customers want to be assured the naturally raised meat and poultry comes from animals that have lived under free-range conditions, and have been raised with careful regard to animal welfare concerns."³ A June 2007 poll conducted by Consumer Reports also found that 83 percent of those surveyed said that "natural" meat came from animals raised in a "natural environment," not confined to cages or crates.⁴

Before issuing any rule, it is imperative that the USDA develop management standards for Naturally Raised products. For example, the AMS should review and take into consideration currently established humane certification labels, such as the Certified Humane through Humane Farm Animal Care, or the AWI (Animal Welfare Institute) Certified Humane label. FACT believes these programs would be a good starting point for establishing clearly defined, easy-to-audit and consumer-transparent naturally raised guidelines.

Application of standard across species

It is our understanding that, as written, the proposed Naturally Raised standard applies only to ruminant animals. This interpretation excludes poultry, swine and dairy cattle, with the exception of those dairy cattle culled for meat. FACT strongly recommends that the USDA expand the scope of the standard to include the species named above. Doing so would require that the USDA develop meaningful, species-specific criteria. It would, however, fulfill an expectation among consumers who are seeking a wide selection of naturally raised products.

The need for consistent use of the term

FACT supports an all-encompassing "Natural" label that covers animal production practices from "conception to consumption" and is consistent across all agencies of the USDA, including AMS and FSIS. Any USDA-approved term that includes the word "natural" should be a comprehensive definition, applicable to livestock from birth to harvest, including both how they are raised and how they are slaughtered and processed. FACT does not support one natural label for livestock production and a second for processing. We believe a single label will eliminate the potential for confusion in the minds of consumers who may see an FSIS certified "natural" or "all natural" product on the shelf and mistakenly believe the animal from which that meat or poultry product was produced was also "naturally raised." As such, FACT strongly urges the USDA to revise its statement that "an AMS naturally raised marketing claim standard would remain independent of the FSIS use of the term 'natural' and would separate claims about livestock production practices on product labeling."⁵

¹ "Majority of Americans are Unaware most Meat and Poultry is Raised with Antibiotics, Growth Hormones." Whole Foods Market IP, L.P., Austin, TX. June 1, 2004.

² Naturally Raised Livestock and Meat Marketing Claim Listening Session transcripts, December 11, 2006.

³ Ibid.

⁴ *Consumer Reports* Food Labeling Poll, June 7-10, 2007 (p.15).

http://greenerchoices.org/pdf/Food%20Labeling%20Poll-final_rev.pdf

⁵ Docket No. AMS-LS-07-0131; LS-07-16 published in the Federal Register, Vol. 72, No. 228. (p.67267-8). <http://www.ams.usda.gov/lsg/stand/NRnotice1107.pdf>

Redundancy of labels

FACT has become aware of the Never Ever 3 (or NE³) program administered by AMS/Livestock and Seed Program's Audit, Review and Compliance Branch. The claim states that no antibiotics, growth promotants, or animal by-products can be administered to the animals after it is born.⁶ FACT understands these requirements to be one and the same as those proposed by the Standards, Analysis and Technology Branch within AMS/Livestock and Seed Program in its Naturally Raised claim. If this is indeed the case, the confusion created by the USDA's various labeling efforts is evident. FACT asks the Agency to clarify how the programs relate to one another and to carefully consider the implications of making redundant label claims available.

Verification/certification

Finally, the term Naturally Raised should not be allowed to be used on products other than those that comply with the final USDA Naturally Raised standard. In other words, the USDA should not permit the "grandfathering" of labels approved prior to the issuance of the final rule unless such companies reapply and are found to meet the new standard.

Conclusion

Because livestock production is incredibly multi-dimensional, and because the concept of "Naturally Raised" is inclusive in scope, FACT asks the USDA to reassess its proposed claim and carefully consider all the issues relevant to how a consumer or sustainable producer would realistically perceive natural animal production, some of which are described above. FACT supports collaboration and dialogue between the USDA, industry groups, producers, farmers, sustainable agriculture groups, consumer advocacy groups, animal welfare groups, and animal scientists as part of this process to develop a standard that will be meaningful to consumers and producers alike.

We appreciate this opportunity to submit comments and strongly urge the USDA to improve its proposed Naturally Raised standard. Thank you for your consideration.

Submitted on behalf of the Food Animal Concerns Trust by:

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⁶ USDA Never Ever 3 program: <http://processverified.usda.gov/LSNeverEver3Program.pdf>