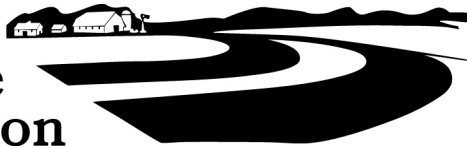


# Sustainable Agriculture Coalition



**Comments of the Sustainable Agriculture Coalition  
on the  
United States Standard for Livestock and Meat Marketing Claim,  
“Naturally Raised” Claim for Livestock  
and the Meat and Meat Products Derived from Such Livestock  
Docket No. AMS-LS-07-0131; LS-07-16  
Federal Register, Vol. 72 at 228 (November 28, 2007)**

## **I. Introduction and Summary**

The Sustainable Agriculture Coalition (SAC) is a national, non-profit organization representing the interests of thirty-two farm, rural, and conservation groups from across the country that advocate for public policies supporting the long-term economic and environmental sustainability of agriculture, natural resources, and rural communities.

Our member groups count among their members a significant number of sustainable livestock producers, with a strong corresponding interest in the labeling claim activities undertaken by your agency. Through their affiliation with SAC, these producers were actively involved in the development of consensus recommendations for the recently finalized “grass fed” labeling claim, as well as recommendations for the related, and still anticipated, “no antibiotics used”, “no added hormones,” and “free-range/free-roaming/pasture-raised” labeling claim standards. These recommendations were consensus recommendations from SAC and our farmer member groups, Consumers Union, Union of Concerned Scientists, Keep Antibiotics Working Coalition, Food Animal Concerns Trust, and others.

Our previously submitted consensus recommendations to the agency on meat label claims reflect the underlying principles of sound environmental stewardship and humane animal production practices that characterize the markets sustainable livestock producers have spent decades building. Consistent with these principles SAC is strongly opposed to the implementation of the standards for the “naturally raised” voluntary marketing claim currently proposed by AMS. Should the proposed “naturally raised” claim be finalized, SAC will consider all appropriate remedies and actions to challenge implementation of this standard.

The viable and far preferable alternative to this proposed “naturally raised” label claim standard is for the agency to return to the task it has previously embraced of promulgating for public comment new, revised proposed label claim standards for “no antibiotics used,” “no added hormones,” and “free-range/free-roaming/pasture-raised” and to do so in a timely manner.

The establishment of strong minimum standards for meat label claims for sustainable livestock

production processes through the USDA Agricultural Marketing Service (AMS) Process Verified Program (PVP) is central to protecting and promoting the value-added markets painstakingly built by small and mid-sized sustainable farmers and ranchers. The substantive content of USDA's process verified claims has the ability to either strengthen or extinguish the vitality of these expanding markets and the economic opportunities they offer to sustainable producers and the health and environmental benefits they offer to the consuming public.

We therefore take the program and the process-related meat label claims very seriously. We disagree with those companies who claim the agency and the program does not have the authority to define and verify label claims related production practices. While we strongly objected to the particular production process marketing claim standards proposed by AMS in 2002, we supported the revised "grass fed" label claim standard issued in 2007, and look forward to the issuance of revised label claim standards for free-range, antibiotics, and hormones in what we hope will be the very near future.

The Sustainable Agriculture Coalition believes the proposed "naturally raised" standard is poorly conceived in four major respects.

First, the proposed standard is weak because it fails to incorporate all of the practices generally used by sustainable livestock producers and expected by consumers.

Second, AMS fails to address the potential consumer confusion over the difference between "naturally raised" and organic. Hence, even if the proposed standard were corrected to reflect the full range of "naturally raised" livestock practices and mesh to a greater degree with consumer expectations, it would merely serve to increase marketplace confusion through the creation of, in essence, an "organic-lite" label claim standard, causing economic harm to organic livestock producers yet generating no obvious consumer or public benefit.

Third, the confusion caused by the proposed label claim and standard would be compounded by the existence of the FSIS "natural" meat processing label claim standard. Having two USDA labels with the same root word that refer to completely different product attributes is imprudent.

Finally, the proposed standard fails to satisfy the principles of transparency, clarity, and specificity to which AMS has committed in the past. This failure would still be true even if in a final, revised standard the agency adopted a more comprehensive standard. As a "bundled" rather than "modular" approach, it fails the very tests that the agency has previously applied and promoted in the pursuit of label claim standards for antibiotics, hormones, grass fed, and free-range.

On the basis of these four failures, the proposed standard should be withdrawn.

## II. Statement of Facts

On December 30, 2002, in the Federal Register, AMS published a set of thirteen proposed meat label standards for public comment under the Processed Verified Program (PVP). In response to the proposed meat claim standards, the Sustainable Agriculture Coalition (SAC) worked to organize a coalition of farm, consumer, and environmental organizations to oppose four of the proposed label claim standards on the grounds that USDA had not consulted with a diverse group of agricultural interests in the process of writing the label claims; and that, as written, the four claims could devastate niche markets developed and used by sustainable livestock producers, to the detriment of farmers, consumers, public health and the environment.

Those four contested standards related to antibiotics, hormones, free-range, and “grass fed” label claims. In an effort to convince AMS of the need to withdraw the four identified label claim standards, the groups wrote a joint letter of protest to AMS. In response to that letter and to the outpouring of public opposition in the form of thousands of public comment letters to the four meat claims, USDA withdrew these four label claim standards, plus an additional breed claim standard. On April 3, 2003, AMS issued a press release stating:

USDA's Agricultural Marketing Service today announced that it will seek additional input on several proposed United States Standards for Livestock and Meat Marketing Claims. Final standards for claims related to antibiotics, hormones and breed, and the terms free-range and “grass fed” will be established after further technical input is obtained from interested parties and an additional public comment period is conducted.

Currently, there are no consensus standards for production or marketing claims related to meat and livestock products. The proposed standards are voluntary and set the minimum requirements for common production and marketing claims that may be used in USDA certified or USDA verified programs. Establishing standardized claims would create a common language for buyers and sellers and facilitate the nationwide marketing of livestock and meat products.

Following over three years of meetings and discussions with our farmer, consumer, and environmental coalition and with other organizations and businesses, USDA published a new proposed rule for a “grass fed” label claim standard in May 2006. This new proposed standard required that an animal whose products are intended to bear the “grass fed” label receive at least 99 percent of its lifetime energy source from grass-based feedstock. SAC submitted comments on this standard. The SAC comments are available on the AMS website. Our comments were generally favorable, but called for several definitional clarifications to ensure that grain could not be included in forages and hay, and we also called on AMS to move quickly to the “free-range, free-roaming, and pasture-raised” proposed revised label claim standard as a necessary adjunct to the “grass fed” rule.

AMS published the final “grass fed” marketing claim in the Federal Register on October 15, 2007. Incorporating a 100 percent “grass fed” standard with a strong pasture requirement and improved definitional clarity, the final “grass fed” marketing claim was endorsed by SAC and most of the farm, consumer, animal welfare, and environmental organizations in our consensus

group.

Shortly after finishing its work on the “grass fed” claim, AMS announced its intention to at least temporarily drop its pursuit of a proposed revised free-range label claim standard and instead to pursue a new potential “naturally raised” claim in November of 2006. This announcement occurred simultaneously with the Food Safety and Inspection Service’s (FSIS) decision to seek unofficial public comment on the potential revision of the FSIS voluntary “natural” meat processing label claim standard.

Public hearings, described as information-gathering forums, were held by FSIS and AMS in Washington, D.C. on November 26th and 27<sup>th</sup>, respectively. AMS conducted two additional hearings in Denver, CO and Seattle, WA in early December 2006. Following the conclusion of the AMS hearings, representatives of SAC, in conjunction with farm, consumer, animal welfare, and environmental groups, met with AMS staff on February 12, 2007 to discuss the “naturally raised” claim, and voice our mutual concerns and strong reservations over its potential content and scope.

AMS published the proposed “naturally raised” voluntary marketing claim on the Federal Register on November 28, 2007, with an original comment deadline of January 28, 2008. The deadline for comments was extended on January 28, 2008, until March 3, 2008.

The proposed label claim reads as follows:

*“Naturally Raised”*—Livestock used for the production of meat and meat products have been raised entirely without growth promotants, antibiotics, and have never been fed mammalian or avian by-products. This information shall be contained on any label claim that an animal has been “naturally raised”.

### III. Analysis

SAC offers the following specific comments and suggestions in support of its recommendation that the “naturally raised” label claim standard should be withdrawn and that instead the agency should promulgate revised label claim standards for “no antibiotics used,” “no hormones added,” and “free-range/free-roaming/pasture-raised” as quickly as possible :

**The proposed “naturally raised” claim standard fails to incorporate basic elements that consumers expect from products derived from naturally-raised livestock. If implemented without modifications addressing animal welfare, access to pasture, and environmental standards, it would mislead and confuse consumers who rightly assume that the full spectrum of sustainable livestock production practices will be addressed by a “naturally raised” voluntary labeling claim standard.**

The public holds a set of beliefs about what “naturally raised” means, and a label that only very partially satisfies those beliefs will cause a loss of consumer confidence in the sustainable meat industry and in USDA standards in general. In addition to a prohibition on antibiotic and hormone supplementation, consumers of sustainably-produced meat products associate access to pasture, humane production practices, and high conservation and environmental standards with products described as “naturally raised.” A recent survey conducted by Consumer’s Union documents these consumer expectations, with 83 percent of respondents stating that meat labeled “natural” should result from an animal “raised in a natural environment.”<sup>1</sup>

A comprehensive approach to a “naturally raised” label claim standard should include production practices utilized from birth to harvest that constitute natural animal production. The common usage and meaning of the word should include:

- being raised naturally alongside the animal’s mother;
- being weaned for a natural length of time;
- being fed a diet in keeping with the animal’s natural diet;
- having regular, natural outdoor access;
- having the freedom to perform natural behaviors;
- keeping natural physical characteristics, such as horns and tails;
- being free from unnatural crating and extreme confinement; and
- other similar natural husbandry methods.

Not a single one of these obvious natural claims is included in the proposed label claim standard. There is no justification for label claim standards that exclude some of the most obvious and plain meanings of the term selected for the claim.

In addition to natural and humane standards, consumers expect that a “naturally raised” product will comport with sound environmental practices and that the “naturally raised” process will not be one that results in natural resource degradation and environmental harm. This includes:

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<sup>1</sup> Consumer Reports, “Food labeling Survey,” p.15, [http://greenerchoices.org/pdf/Food%20Labeling%20Poll-final\\_rev.pdf](http://greenerchoices.org/pdf/Food%20Labeling%20Poll-final_rev.pdf), July 11, 2007.

- appropriate stocking rates consistent with the natural regeneration rates of the range or pasture;
- adequate rotation to enhance the grassland resource and to protect wildlife;
- sound manure storage, composting, distribution, and incorporation systems that protect soil, water, and air quality; and
- other similar resource management and environmental considerations.

Again, not a single one of these issues is included in the proposed label claim standard.

Unless the proposed “naturally raised” standard is significantly expanded and modified to reflect these consumer expectations, the result will be a vague and misleading label that does not meet the needs of the value-added market it seeks to enhance. However, if a fully comprehensive “naturally raised” standard was enacted, it would conflict directly with the organic meat certified under the National Organic Program administered by AMS, which we turn to next.

**While a comprehensive “naturally raised” label claim standard would comport with the market-based needs of sustainable livestock producers and with valid consumer expectations, it would be redundant with the already available AMS organic certification process and with the organic label.**

Antibiotics and hormones cannot be administered to livestock raised under the organic label and organic livestock cannot be fed animal byproducts, the same exact standard as proposed under the “naturally raised” label claim standard. In addition, however, producers must establish and maintain living conditions for the animals that accommodate the natural behavior of the animal, must provide for regular access to pasture, and must provide shelter designed for natural maintenance and behaviors, including the opportunity to exercise. According to the AMS website, certified organic livestock production includes these requirements:

...The producer of an organic livestock operation must establish and maintain preventive animal health care practices. *The producer must select species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites.* The producer must provide a feed ration including vitamins, minerals, protein, and/or amino acids, fatty acids, energy sources, and, for ruminants, fiber. The producer must establish appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites. Animals in an organic livestock operation must be maintained under conditions which provide for exercise, freedom of movement, and reduction of stress appropriate to the species. Additionally, all physical alterations performed on animals in an organic livestock operation must be conducted to promote the animals' welfare and in a manner that minimizes stress and pain....

*The producer of an organic livestock operation must establish and maintain livestock living conditions for the animals under his or her care which accommodate the health and natural behavior of the livestock. The producer must provide access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment. This requirement includes access to pasture*

*for ruminant animals. The producer must also provide appropriate clean, dry bedding, and, if the bedding is typically consumed by the species, it must comply with applicable organic feed requirements. The producer must provide shelter designed to allow for the natural maintenance, comfort level, and opportunity to exercise appropriate to the species. The shelter must also provide the temperature level, ventilation, and air circulation suitable to the species and reduce the potential for livestock injury. The producer may provide temporary confinement of an animal because of inclement weather; the animal's stage of production; conditions under which the health, safety, or well-being of the animal could be jeopardized; or risk to soil or water quality. The producer of an organic livestock operation is required to manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes nutrient recycling...*

(emphasis added)

The organic label includes all of the basic components of a true “naturally raised” process verified label claim standard. If an honest, comprehensive label claim standard were issued for “naturally raised” it would be largely redundant with the organic label, save the additional 100 percent organic feed requirement. Even a more comprehensive “naturally raised” standard would in essence be an “organic-lite” standard that would serve to confuse consumers and cause economic injury to organic livestock producers. While clearly preferable to the weak, deceptive, and seriously misleading “naturally raised” label claim standard proposed by AMS, a comprehensive “naturally raised” label would nonetheless be objectionable as an unfair competitor to organic livestock production in the niche, value-added marketplace.

**Implementation of a “naturally raised” voluntary labeling claim would engender doubt and confusion among consumers who are already skeptical about the meaning and utility of the “natural” label administered by USDA’s Food Safety and Inspection Service (FSIS).**

While the “natural” claim is approved by FSIS to signal minimal processing of meat products, AMS proposes the “naturally raised” claim to apply exclusively to a narrow set of livestock production practices. Parsing the distinction between these two claims, both of which use the term “natural,” but are administered by separate agencies and intended to signal completely different product attributes, has already engendered significant confusion among farmers and consumers. Implementation of a “naturally raised” voluntary labeling claim would further erode consumers’ confidence in the “natural” label, and raise concerns about the overall relevance and effectiveness of USDA food labeling programs.

**As proposed, the “naturally raised” standard violates the fundamental principles of transparency, accuracy, specificity, and clarity AMS established as core criteria for the development of voluntary marketing claims.**

As noted above, the term “naturally raised” implies a range of production practices and issues far exceeding the scope of the proposed standard’s narrow focus on hormone, antibiotic, and animal by-product supplementation. Quite simply, adoption of a “naturally raised” claim intended to signal this limited prohibition on supplementation would result in a vague, ambiguous, and

misleading label that does not “mean what it says” in plain English and is not in accord with consumer expectations.

During initial discussions in the multi-year discussions concerning the recently finalized “grass fed” label claim standard, and the still-anticipated “no antibiotics used,” “no added hormones,” and “free-range” standards, AMS articulated a basic set of guidelines for the development of labeling claim standards. With the aim of ensuring that all standards result in labeling claims that are clear and easily understandable to consumers, AMS determined that all labeling claim standards should be discrete and specific to the particular production issue or product attribute the claim is intended to communicate. In addition, AMS asserted the actual labeling claim standard would articulate, in the most succinct and straightforward terms possible, the issue or attribute intended to be addressed.

The proposed “naturally raised” standard, intended to apply exclusively to antibiotic and hormone supplementation and the use of animal by-products as a feed source, contains no requirement to reference any of these issues in the actual claim. Given the lack of a concrete definition for the term “naturally,” there is no clear indication as to precisely what this claim is attempting to communicate. While a “naturally raised” labeling claim may well serve as a generally effective marketing device, the implementation of such a claim would be an overt subversion of the core principles that have to date lent credibility and integrity to labeling claims issued in conjunction with the USDA Process Verified Shield.

It is useful to compare this new track of pursuing an amorphous, bundled standard for “naturally raised” with the agency’s previous focus on discrete, modular claims. In rejecting public comments urging that the “grass fed” standard include various proposals for no or limited confinement and/or for free-range or always on pasture standards, or for no antibiotics or no added hormones, AMS wrote:

In the May 12, 2006, **Federal Register** Notice (71 FR 27662), AMS determined that meat produced from animals which meet the minimum requirements for grass (forage) feeding should be eligible for the grass (forage) fed claim and *additional production practices that go beyond a grass (forage) fed diet should not be incorporated in this standard. Additional labeling claims can be made in conjunction with the grass (forage) fed claim (e.g., free-range, no antibiotics or hormones administered) to highlight other production practices.* AMS also has determined that animals must graze live pasture during the growing season as a requirement of the grass (forage) fed standard as it is inherent to the term grass (forage) fed. With regards to the issue of confinement and free-range, as stated in the May 12, 2006, Federal Register Notice (71 FR 27662), AMS recognizes the synergistic nature between grass feeding and free-range conditions; however, AMS has determined it is *preferable to keep the terminology separate and develop two distinct standards* for both grass (forage) fed and free-range claims, particularly in view of possible distinctions in their diet. Similarly, AMS has determined it is *preferable to keep the terminology separate* for the use of antibiotics and hormones.

(Federal Register/Vol. 72, No. 199/Tuesday, October 16, 2007/pg. 58635; emphasis added)

Approximately a month after writing those words, AMS issued the notice announcing it might pursue a “naturally raised” label claim standard. AMS issued no explanation of why the 180 degree shift from a decision to utilize a modular and discrete approach to grass fed -- in keeping with the philosophy articulated numerous times at meetings between AMS, SAC staff and farmers, and our colleagues from consumer and environmental organizations -- to an approach that is bundled and misleading. Despite opposition from some grass fed producers, we supported the AMS decision to go in this direction and we are very disappointed by the agency’s reversal. If the “naturally raised” claim is not withdrawn, we believe solid grounds would then exist for challenging both the “grass fed” and the “naturally raised” standards.

**While current “naturally raised” claims are quite varied and misleading, a uniform but misleading claim is not an improvement.**

It is certainly true, as AMS states in the Federal Register notice (page 67268), that current “naturally raised” claims are defined by the individual companies selling the product and therefore the production activities and associated requirements vary substantially. As is also stated by AMS in the same paragraph, this multiplicity of claims leads to confusion among producers and confusion in the marketplace. But it does not follow that exchanging a multiplicity of private misleading labels for a uniform misleading label via the proposed standard is a net gain. In fact, greater uniformity would likely have the effect of casting a wider net of confusion. A clear alternative exists which provides information that in fact is “easily understood” (page 67268) in contrast to “naturally raised” which utterly fails to meet the “easily understood” standard, and that alternative is promulgating the “no antibiotics used,” “no added hormones,” and “free-range, free-roaming, pasture-raised” label claim standards, which we address next.

**While the administration of hormones and antibiotics to livestock, and the use of animal by-products as a feed supplement are extremely significant issues of concern for farmers and consumers, they are subjects that should be addressed through individual label claim standards. Only discrete and specific labeling claims will ensure these standards are clearly articulated and meaningful to consumers.**

From November 2003 through October 2004, SAC representatives and representatives from other farm, consumer, and environmental groups participated in a series of meetings with AMS staff to deliberate on standards for the “no antibiotics used,” “no hormones added,” “free-range, free-roaming, pasture-raised,” and the recently finalized “grass fed” claim. The consensus recommendations developed by SAC and representatives from other major environmental, consumer, and animal welfare organizations were presented to AMS staff during these meetings.

SAC strongly urges AMS to review these consensus recommendations, and in lieu of the proposed “naturally raised” labeling claim, immediately resume development of revised proposed standards for the three “missing in action” label claims. In contrast to the vague and misleading proposed “naturally raised” standard, these label claim standards would provide clear and succinct signals to consumers. Producers would be able to utilize some or all of the labels, as is appropriate to their operation. Grass fed producers who are upset with the AMS decision to finalize the grass fed standard as a clear and discrete term would have access to PVP versions of

the other claims they wish to be able to make with respect to their production system. Organic livestock producers would not be threatened by a weak label standard that would nonetheless be understood by consumers to be indistinguishable from organic.

AMS should finish the job begun way back in December 2002 and issue meat label claim standards that provide consumers with clear and direct information that is easy to interpret and that protect the market created by sustainable livestock producers. Any further delay in the development of these standards would do a grave disservice to both the consumers and farmers whom the Process Verified Program is intended to serve.

Our consensus farm, consumer, and environmental organization recommendations to AMS on these three remaining claims, not including the proposed December 2002 claims and standards we opposed outright, are as follows:

### **Antibiotic Label Claim and Standard**

USDA Proposed Claim and Standard (12/30/02): ““No antibiotics used”” and “Raised without antibiotics” – *Livestock have never received antibiotics from birth to harvest.*

Consensus position: We support this label claim and the proposed language and support its use as a zero tolerance standard. We support USDA moving forward with this label claim expeditiously. In anticipation of questions or concerns about the distinction between antibiotics and antimicrobials, we recommend that this label claim cover antibiotics (including synthetic analogs), as well as only those antimicrobials that are compounds defined by FDA as drugs, not sanitizers.

### **Hormone Label Claim and Standard**

USDA Proposed Claim and Standard (12/30/02): “No supplemental hormones used,” “Raised without supplemental hormones,” or “No added hormones.” *The livestock have never received supplemental hormones from birth to harvest.*

Consensus position: We support this label claim and the proposed language as a zero tolerance standard for the use of supplemental hormones. In addition, we support USDA’s effort to include in this claim compounds approved for use and classified by FDA as hormones that are also considered “growth promotants,” “growth stimulants,” or “implants.”

### **Free-Range, Free-Roaming and Pasture-Raised Label Claim and Standard**

USDA Proposed Claim and Standard (12/30/02): “Free-Range,” “Free-Roaming,” or “Pasture-Raised” - *Livestock that have had continuous and unconfined access to pasture throughout their life cycle, including:*

- *Cattle -- Shall never be confined to a feedlot.*
- *Sheep -- Shall never be confined to a feedlot.*
- *Swine -- Shall have continuous access to pasture for at least 80% of their production cycle.*

Consensus position: We recommend the following standard for a “Free-Range,” “Free-Roaming,” or “Pasture-Raised” label claim:

“Free-Range,” “Free-Roaming,” or “Pasture-Raised” livestock must have continuous, unrestricted access to pasture from birth to harvest. All living conditions must accommodate the health and natural behaviors of animals.

- Cattle -- Shall never be confined to a feedlot.
- Sheep -- Shall never be confined to a feedlot.
- Swine -- Shall have continuous, unrestricted access to pasture, fields, forest or outdoors in the open air and direct sunshine, with adequate space to move freely and engage in the natural behaviors of the animal.

Permanent housing for swine:

- > Conditions must provide clean, deep, and dry bedding
- > Conditions must allow for natural maintenance of manure; liquification of manure is prohibited.
- > Conditions must allow for comfort behaviors of the animal, including the opportunity to exercise and maintenance of adequate temperature level, ventilation, and air circulation suitable to the species.

Shelter for piglets and their mothers:

- > Shelter is allowed for piglets less than eight weeks and their mothers during winter months provided that animals have sufficient space and deep bedding, including materials with which sows can build nests and can root, explore and play.
- > Shelter must provide access to light so that animals can experience patterns of night and day.
- > Minimum weaning age for sheltered piglets is 5 weeks of age.
- > Piglets shall never be confined to gestation or farrowing crates.
- > Shelter must meet standards for permanent housing.