



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

November 12, 2020

Rachel Edelstein
Acting Assistant Administrator
Office of Policy & Program Development
1400 Independence Avenue SW
Room 6065
Washington, DC 20250-3700

SUBMITTED VIA REGULATIONS.GOV

**RE: Docket No. FSIS-2019-0019
Comment on Proposed Rule: Prior Label Approval System: Expansion of Generic
Label Approval**

Dear Ms. Edelstein,

The Animal Welfare Institute (AWI) submits these comments in response to the Food Safety and Inspection Service's (FSIS) request for comment on docket number FSIS-2019-0019. AWI was established in 1951 to reduce the suffering caused by humans to all animals, including those raised for meat, poultry, and egg products. In furtherance of its mission, AWI promotes higher-welfare farming systems and works to raise awareness about the realities of conventional, industrial animal agriculture. As part of AWI's goal to promote improved farming systems, the organization helps its members and the public, choose products that align with their personal preferences for good animal treatment. AWI believes its work in monitoring animal raising claims on product packaging is critical to maintaining consumer confidence in animal welfare claims.

AWI supports FSIS's continued efforts to ensure that labels are truthful and not misleading pursuant to the Federal Meat Inspection Act, Poultry Products Inspection Act, and the Egg Products Inspection Act. AWI also wishes to express support for FSIS's continued use of pre-market label approval for animal raising claims (e.g. "humanely raised," "sustainably farmed," etc.) and negative claims for how an animal was raised (e.g. "no antibiotics"). AWI believes that pre-market label approval for claims like these reduces the amount of misleading claims on meat, poultry, and egg products in the marketplace.

However, AWI believes that FSIS could better ensure only honest, not misleading animal raising claims enter the marketplace by requiring producers to submit certification from third-party auditing programs. This could further streamline the process by lessening FSIS's burden of evaluating these claims. Third-party animal welfare and environmental stewardship certification programs have expertise in establishing standards, and can go on to farms to evaluate compliance with the standards. Some of these programs are available to producers for a nominal fee, and to

some producers certification provides a valuable means for distinguishing their products from a competitor's.

Consumers also believe USDA should not allow these kinds of claims without an independent inspection. A survey commissioned by AWI found that 86 percent of meat and poultry purchasers believe that the USDA should not allow claims like “Humanely Raised” and “Sustainably Farmed” on products unless the claims are verified by an independent inspection.¹ Additionally, FSIS should only approve third-party certified claims if the third party employs standards that align with consumer expectations for the claim in question. Consumers overwhelmingly believe that food producers should not be allowed to use claims like “humanely raised” on their product labels unless they exceed minimum industry animal care standards.²

Leading advertising authorities also believe that claims like “humanely raised” should reflect compliance with higher standards of care. In September 2019, the National Advertising Division (NAD) (a program of BBB National Programs, Inc.) recommended that the claim “ethically raised” on a pork product be removed because the claim did not meet consumer expectations that the standard of care exceeded that of conventional industry standards.³ The producer's pork products were raised in accordance with the Pork Checkoff's Common Swine Industry Audit, which was created to verify compliance with industry standards. NAD found that because the producer's production practices did not exceed industry standards the company could not substantiate the claim as interpreted by consumers, and recommended removal. Thus, if FSIS required third party audits for holistic animal raising claims like “humanely raised,” consumer expectations could be met and the agency's burden in evaluating these claims could be greatly reduced.

Thank you for the opportunity to comment on this docket. If you have any questions, please feel free to contact me at erin@awionline.org or (202) 446-2147.

Sincerely,



Erin Sutherland
Staff Attorney, Farm Animal Program
Animal Welfare Institute

¹ Animal Welfare Inst., *Survey of Consumer Attitudes about Animal Raising Claims on Food (Part II)* 2 (Oct. 2018) available at <https://bit.ly/3nnSi2G>.

² *Id.* (82 percent of consumers answered that they strongly or somewhat agree with this statement); Animal Welfare Inst., *Survey of Consumer Attitudes About Chicken Welfare* (Oct. 2020) (84 percent of consumers agree with this statement with respect to chicken products) <https://bit.ly/3nc1feE>.

³ BBB National Programs, *NAD Recommends Hatfield Discontinue Animal Welfare Claim for its Pork Products Following NAD Challenge* (Sep. 19, 2019) <https://bbbprograms.org/archive/nad-recommends-hatfield-discontinue-animal-welfare-claim-for-its-pork-products-following-nad-challenge>.