



# Animal Welfare Institute

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

## **SUBMITTED VIA REGULATIONS.GOV**

**RE: Docket No. FSIS-2020-0021**

**Request for Comments on Information Collection Regarding Marketing, Labeling and Packaging**

Dear Mr. Paul Kiecker,

The Animal Welfare Institute (AWI) submits these comments in response to the Food Safety and Inspection Service's (FSIS) request for comments regarding the information collection requirements for marking, labeling, and packaging of meat, poultry, and egg products. AWI was established in 1951 to reduce the suffering caused by humans to all animals, including those raised for meat and poultry products. AWI supports FSIS's continued information collection regarding marketing, labeling, and packaging and suggests that the agency could streamline the process by requiring-through guidance or regulation-third-party certification for humane and sustainable animal raising claims.

### **I. The information collected by FSIS in the label approval process is necessary.**

Under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act (EPIA), FSIS is charged with administering programs to protect consumers from misbranded and misleading labels for meat, poultry, and egg products. To meet this requirement, labels containing non-generic claims are required to be approved by FSIS prior to use in commerce for compliance with 9 C.F.R. pt. 317. Because of the inherent informational disparity between consumers and producers, the continued collection of this information is necessary for FSIS to meet its mandate under the FMIA, the PPIA, and the EPIA to ensure that claims made on food labels are verifiable and not misleading.

Collection of this information is also necessary to promote consumer confidence. Every time a consumer enters a supermarket, he or she is faced with thousands of label claims, many of which consumers rely upon as the sole source of information about the welfare of the animals used to

create those products.<sup>1</sup> Because it is impossible for a consumer to verify every claim made on the packaging of animal products, FSIS, as a subject matter expert, is in the best position for verifying that these claims are valid, and should continue doing so by collecting this information.

**II. FSIS can enhance the quality, utility, and clarity of this information and minimize the burden of collection by requiring third-party certification for “humane” and “sustainable” animal raising claims.**

FSIS already requires that applicants with labels bearing animal raising claims submit to the Labeling and Program Delivery Staff (LPDS) specific documentation to support all raising claims appearing on a label. However, LPDS faces difficulties with corroborating animal raising claims during the approval process. LPDS staff are burdened with thousands of submissions each year, are charged with upholding hundreds of standards, and do not have the resources to verify humane and sustainable claims first-hand with on-farm visits.

Consumers and producers are also faced with problems related to animal raising claims on labels. Because of the lack of transparency in the label claim approval process, confusing labels, and a perception that claims can be unreliable, consumers face difficulty in making informed choices about their purchases. Producers are also burdened with uncertainty regarding animal raising claims. As written, the regulations and guidance documents are ambiguous, which results in confusion and competitive disadvantage for market participants. The problems that consumers and producers face could be remedied with a simplified process for approving animal raising claims.

To reduce this burden on LPDS, the consumer, and the producer, AWI suggests that FSIS require producers to submit certification from a third-party auditing program using standards that meet consumer expectations. Third-party certification will impact information collection in three positive ways:

- 1) LPDS’s burden of collection and evaluation of these claims will be greatly reduced because an expert assessment will have already been done by the third-party certifier;
- 2) The information collected will be of higher quality, clarity, and utility because consumers will be able to easily research what standards a third-party certifier employs in making certifications;
- 3) The information collected will be of higher quality, clarity, and utility because producers will have a clear and simple standard for ensuring compliance with animal raising claim label applications.

In fact, in a survey about verification of animal raising claims, the amount of consumers responding that they place the highest degree of trust in verifying animal care label claims was comparable between the USDA (37%) and a third-party animal welfare organization (35%).<sup>2</sup> This

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<sup>1</sup> Animal Welfare Institute, *Label Confusion 2.0: How the USDA Allows Producers to Use “Humane” and “Sustainable” Claims on Meat Packages and Deceive Consumers* (2019) available at [https://awionline.org/sites/default/files/publication/digital\\_download/19%20Label%20Confusion%20Report%20FNL%20WEB%20II.pdf](https://awionline.org/sites/default/files/publication/digital_download/19%20Label%20Confusion%20Report%20FNL%20WEB%20II.pdf).

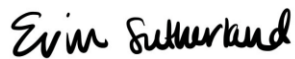
<sup>2</sup> Animal Welfare Institute, *Survey of Animal Raising Claims Use on Meat Packaging* (2013), available at <https://awionline.org/sites/default/files/uploads/documents/fa-meatlabelingpoll-041714.pdf>.

suggests that consumers would welcome a system that allows producers to use third-party certification to verify their humane label claims. Consumers also overwhelmingly support increased transparency and verification of on-farm standards of care. In fact, in another survey, 86% of consumers said they believe that the government should not allow meat and poultry producers to use claims like “humanely raised” unless the claims are verified by an independent inspection.<sup>3</sup> Consumers also overwhelmingly agreed (89%) that the government should require more than an unverified testimonial to use these kinds of claims.<sup>4</sup>

## Conclusion

Thank you for the opportunity to comment. AWI strongly urges that FSIS continue collecting these documents for label approvals, and would support streamlining the process by requiring third-party certification for animal raising claims. Please feel free to contact Erin Sutherland at [erin@awionline.org](mailto:erin@awionline.org) should any questions arise.

Sincerely,



Erin Sutherland  
Staff Attorney, Farm Animal Program  
Animal Welfare Institute

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<sup>3</sup> Animal Welfare Institute, *Survey of Consumer Attitudes about Animal Raising Claims on Food (Part II)* 2 (2018) available at <https://awionline.org/sites/default/files/uploads/documents/FA-AWI-survey-on-animal-raising-claims-Oct-2018.pdf>.

<sup>4</sup> *Id.*