

United States Senate
WASHINGTON, DC 20510

March 30, 2023

Mrs. Sandra Eskin
Deputy Under Secretary for Food Safety
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250

Dear Deputy Under Secretary Eskin,

We write to express our concern regarding recent reports suggesting meat companies are using animal-raising claims on their products without ensuring such claims are accurate, and to inquire into the United States Department of Agriculture's (USDA) standards for reviewing such claims.

Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, USDA has the authority to deny companies the use of labels believed to be false or misleading, "whenever such action is necessary for the protection of the public."¹ In 2019, USDA clarified this authority by publishing guidance about the type of documentation that supports USDA's approval of labels on meat and poultry products bearing animal raising claims.²

However, a recently released report from the Animal Welfare Institute (AWI) found that USDA may not always be fulfilling this obligation. AWI examined Freedom of Information Act (FOIA) responses from USDA for almost 100 individual animal-raising claims on meat products, including "humanely raised" and "sustainably farmed" and found that 50 percent of label claims had no application on file, 6 percent had an application but no substantiation for the specific claim, and an additional 29 percent lacked adequate substantiation.³ These findings come on the heels of a 2020 Office of Inspector General investigation that found that 15 percent of Food Safety Inspection Service (FSIS)-approved label application packages reviewed were "either incomplete or inaccurate."⁴ Given AWI's report, we are concerned USDA may need to further clarify their guidelines in order to continue carrying out their vital mission of protecting the public from misleading food labels.

¹ *Federal Meat Inspection Act of 1906*, U.S. Code 21, §607(e); *Poultry Products Inspection Act of 1957*, U.S. Code 21, §457(d).

² United States Department of Agriculture Food Safety and Inspection Service, "Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions (2019)," https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/RaisingClaims.pdf.

³ Animal Welfare Institute, *Deceptive Consumer Labels: How the USDA's Failure to Oversee Its Label Approval Program Allows the Meat Industry to Co-opt Humane and Sustainable Claims*, by Erin Sutherland, Dena Jones, Allie Granger, and Adrienne Craig, March 3, 2023, <https://awionline.org/sites/default/files/uploads/documents/Deceptive-Consumer-Labels-2023.pdf>.

⁴ United States Department of Agriculture Office of Inspector General, *Controls Over Meat, Poultry, and Egg Product Labels*, Audit Report 24601-0002-23, 6, <https://www.usda.gov/sites/default/files/audit-reports/24601-0002-23.pdf>.

We are encouraged that FSIS's FY 2023-2026 Strategic Plan commits to implementing "new policies to clarify labeling claims and other labeling information for consumers."⁵ Indeed, we agree with FSIS's statement that "consumers rely on the information on the label when they purchase FSIS-regulated products and reasonably expect it is truthful and not misleading."⁶ Misleading or false labels mean "consumers are not getting what they thought they paid for and competitors who follow labeling rules and guidance will be disadvantaged by those that do not."⁷

Meat labeled with sustainability and animal-raising claims represents one of the fastest-growing segments of the meat industry, and without clear labels, consumers are robbed of their ability to purchase in accordance with their values. The USDA has an obligation to ensure consumers have the information necessary to make informed choices about the products they purchase and that hardworking farmers and producers are able to compete on a level playing field.

As such, we respectfully request answers to the following questions by April 14, 2023:

1. Please explain FSIS's process for evaluating animal-raising claims on meat products sold in the United States.
 - a. Please explain how a company is required to substantiate claims in their application.
2. Does FSIS know how many animal-raising claims on the market today do not have an approved application from the agency?
3. Does FSIS have any plans to promulgate additional rules or guidance on this topic?
 - a. If so, does FSIS plan on defining or strengthening the substantiation required for labeling terms such as "humanely-raised" or "sustainably-raised" to ensure standard guidelines across the industry?
4. What additional resources or authority, if any, would be helpful to FSIS in evaluating animal-raising claims on meat products?

Thank you for your mission to protect public health by ensuring meat and poultry products are safe, wholesome, and properly labeled. We look forward to your response.

Sincerely,

⁵ United States Department of Agriculture Food Safety and Inspection Service, "Food Safety and Inspection Service Strategic Plan 2023-2023," 14.

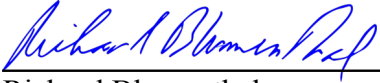
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⁶ United States Department of Agriculture Food Safety and Inspection Service, *Food Safety and Inspection Service Strategic Plan 2023-2023*, 14.

https://www.fsis.usda.gov/sites/default/files/media_file/documents/Strategic%20Plan%20FY2023-2026-01172023.pdf

⁷ USDA FSIS, *Strategic Plan 2023-2026*, 14.

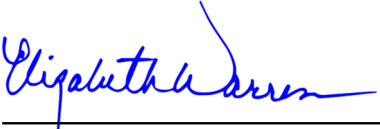
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