



# Animal Welfare Institute

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November 11, 2009

Docket Clerk  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
5601 Sunnyside Avenue  
Room 2-2127  
Beltsville, MD 20705

**Re: Docket Number FSIS-2006-0040A**

Dear Sir/Madame:

The Animal Welfare Institute (AWI) is pleased to submit comments on the advance notice of proposed rulemaking, “Product Labeling: Use of the Voluntary Claim ‘Natural’ in the Labeling of Meat and Poultry Products,” published in the *Federal Register* on September 14, 2009.

## **I. Background**

Since its founding in 1951, AWI has sought to reduce the sum total of pain and fear inflicted on animals by people. We seek to abolish factory farms and achieve humane transport and slaughter for all animals raised for food. Through the Animal Welfare Approved certification program, AWI provides technical expertise to farmers and slaughter plants seeking to improve the welfare of animals. AWI also supports policy initiatives that offer independent family farmers who utilize humane and sustainable animal agricultural practices greater opportunity to promote and sell their products, and that help consumers make better informed food choices.

AWI has long been concerned about use of the “natural” claim in the labeling of meat and poultry products. We consider the claim, as currently defined by the USDA, to be misleading and the cause of much confusion and misunderstanding among consumers. Products labeled as “natural” are not being produced in a manner that meets public expectations of the term. Given the current popularity of the claim (according to market research firm Mintel International, “natural” was the second-most common claim on food products launched in 2008), we believe it is imperative that use of the term for meat and poultry be modified as soon as is practical.

## **II. Problems with Existing “Natural” Claim**

In preparation for drafting these comments AWI reviewed approximately three-dozen brands of “natural” meat and poultry products found in major U.S. grocery stores. AWI

also commissioned a national public opinion poll on the “natural” claim. From this research we’ve identified a number of serious concerns regarding use of the claim, which are described below:

### *1. Claim Not Understood by Consumers*

Harris Interactive conducted a national survey, commissioned by the Animal Welfare Institute, in October 2009 that asked a sample of adult Americans about their understanding of the “natural” label on meat and poultry. Respondents were provided a list of six definitions and asked to select all that apply to the “natural” claim. A majority of respondents (51%) thought that “natural” meant the product came from animals who were not administered hormones or antibiotics, which *is not* currently part of the “natural” definition. On the other hand, only 20% thought it meant that the product and its ingredients were only minimally processed, which *is* included in the “natural” definition. Moreover, of the more than 2,000 survey respondents, only 28 individuals (or 1%) selected the two correct components of the current definition: “does not contain any artificial ingredients or chemical preservatives” and “only minimally processed.”

Another study conducted last summer by the Shelton Group found that many American consumers mistakenly believe “natural” is a greener term than “organic.” Suzanne Shelton, president and CEO of the Shelton Group noted, “They felt organic was just a fancy way of saying expensive,” and “they think natural is regulated by the government but that organic isn’t, and of course it’s just the opposite.” This finding is consistent with AWI’s view of consumer perceptions. We suspect that many consumers also mistakenly believe that “natural” products are at least as animal-friendly, if not more so, than products that carry the seal of one of the three animal welfare certification programs (“Animal Welfare Approved, “Certified Humane” and “American Humane Certified”).

### *2. Definition Does Not Meet Consumer Expectations for Claim*

Two-thirds of Americans responding to AWI’s October 2009 Harris Interactive poll thought that a “natural” label on meat and poultry should mean that “the product came from animals that were not administered hormones or antibiotics.” Other recent surveys have documented similar findings. For example, in a July 2007 survey by Consumer Reports, 83% of respondents said they thought a “natural” label on meat should mean “it came from an animal that was raised in a natural environment.” Obviously, most American shoppers believe that the term “natural” when used on meat and poultry should mean a lot more than just “no artificial ingredients” and “only minimally processed.”

### *3. Definition of “Natural” Not Consistent*

Current USDA policy allows flexibility in the definition of the “natural” claim (as long as the applicable definition is provided on the label). AWI believes the practice of allowing “natural” to mean different things when used on different products adds to confusion regarding the term. This flexibility is not allowed with other labeling claims such as “organic.” “Natural” is also frequently used in combination with a number of other

claims, such as “no antibiotics administered” or “all vegetarian feed.” This also leads to confusion, as consumers who see “natural” used in a particular context on one label may mistakenly assume that it is being used in the same context on another label. AWI recently surveyed brands of meat and poultry sold in major grocery chains and found a total of 19 different combinations of claims appearing on the labels of 35 “natural” products, as well as several instances of no explanation of the “natural” claim (see attachment). It’s no wonder consumers are confused over the meaning of “natural.”

#### *4. Definition May Be Obscure or Missing Altogether*

In surveying “natural” products, AWI found several instances where the definition of the term was difficult to locate on the package due to the cluttered design of the label or the font size being too small. AWI staff often experienced difficulty locating the definition of “natural,” and we knew what we were looking for, as opposed to most consumers who are unaware that they need to determine how the term is being defined for a particular product. In addition, no definition whatsoever could be located on the labels of one major supermarket’s brand of meat and poultry products.

#### *5. Confusion over “Natural” and “Naturally Raised”*

A large majority (71%) of respondents to the October 2009 Harris Interactive poll said they believed having both a “natural” and a “naturally raised” label for meat and poultry products could be confusing to consumers. The potential for confusion is increased by the fact that some companies are combining aspects of the “naturally raised” claim on products labeled as “natural.” In a couple cases, AWI found “no antibiotic/no hormone/vegetarian feed” claims on products that were labeled as “natural” but which made no claims regarding “natural ingredients” or “minimally processed.” In fact, Shaw’s Supermarkets has erected large signs in at least some of its meat/poultry departments that define the company’s “Wild Harvest Natural” brand as “no antibiotics, no hormones, vegetarian feed.”

As noted in the Harris Interactive poll mentioned previously, many American consumers mistakenly believe that at least some aspects of the current definition of “naturally raised” – no antibiotics or hormones administered, all vegetarian feed – apply to products labeled as “natural.” This isn’t surprising given that some meat companies are labeling their products in this manner. Not only do most shoppers think “natural” covers these particular aspects of animal production, they also believe that “naturally raised” should go far beyond what drugs and feed animals receive. In a November 2008 Consumer Reports survey, 77% thought “naturally raised” should mean the animal had access to the outdoors and 76% thought it should mean the animal was treated humanely.

AWI has not been able to locate any meat and poultry products that carry a “naturally raised” claim. This suggests that “natural” is being used interchangeably with “naturally raised,” no doubt because companies are aware of public popularity of the “natural” claim. This practice is unacceptable and should be stopped immediately.

### **III. AWI Recommendations for “Natural” and “Naturally Raised” Claims**

Even though current policy requires that the meaning of “natural” be provided on the product label, consumer confusion about the claim remains. This is most likely because “no artificial ingredients” and “only minimally processed” are not all that the word “natural” brings to mind. While it appears that products are not currently being marketed as “naturally raised,” AWI is concerned that if and when the claim is used, the public will misinterpret its meaning as well. We offer the following suggestions for remedying existing problems with these claims:

*1. “Natural” should be split into separate “Natural Ingredients” and “Minimally Processed” claims*

Food companies wish to label as “natural” a number of products that qualify as “natural ingredients” or “minimally processed” but not both. We believe it is unacceptable to allow “natural” to mean different things and to force consumers to locate the definition of the term on the product label. Label claims should mean what they say, and, therefore, the current “natural” claim should be split into two distinct claims – “natural ingredients” and “minimally processed.”

*2. “Naturally Raised” should be changed to include animal care and treatment*

If “natural” is not to be redefined to include various aspects of animal care and treatment, consistent with consumer perception of the term, then the definition of “naturally raised” must be made more comprehensive. In the public’s view, raising an animal naturally involves much more than what the animal is fed and whether or not he/she received any non-therapeutic drugs.

*3. Compliance with standards should be independently verified*

Consumers expect the government to verify that the food they buy has been produced in accordance with the claims on the package. Most would be surprised to learn that all that is required to make a label claim is the filing of some paperwork. The popularity of “natural” products is due, in part, to the fact that they cost less than “organic” and other certified labels, most of which involve fees to cover compliance checks. This places certified products at an unfair disadvantage in the marketplace. AWI recommends that on-farm verification, preferably by an independent, third party, be required for any claims related to animal treatment (e.g., “naturally raised”).

*4. AMS and FSIS definitions and processes should be harmonized*

It’s difficult to understand how USDA can justify having different definitions for food claims simply because the claims are administered by different agencies in the department. Definitions for “natural ingredients,” “minimally processed” and “naturally raised” should be the same for both AMS and FSIS and should apply to all animal-derived products, including eggs and dairy.

*5. Rule should be established for “Natural Ingredients,” “Minimally Processed” and “Naturally Raised” claims*

Splitting “natural” into separate “natural ingredients” and “minimally processed” claims would resolve many of the current issues regarding the label and would allow USDA to be more consistent in its administration of meat and poultry claims. Under these conditions codifying the definitions would be appropriate; all parties – producers, retailers and consumers – would know what to expect from these claims.

**IV. AWI Responses to “Issues for Comment”**

*1. Alternatives to Rulemaking*

As noted above, AWI advocates deleting the “natural” claim and instead establishing separate codified definitions for “minimally processed” and “natural ingredients.” Splitting the Natural claim in this manner would avoid many of the current issues related to products meeting the “minimally processed” or the “natural ingredients” definition, but not both. AWI also recommends FSIS develop a proposed regulation for the “naturally raised” claim that goes well beyond the current requirement of no antibiotics, no hormones and vegetarian feed, and provides high welfare for animals from birth to slaughter. Furthermore, any proposed rule should include independent verification of compliance and harmonization of AMS and FSIS definitions.

*2. Sodium Lactate and Other Multifunctional Ingredients*

AWI supports a “natural ingredients” rule that continues to distinguish between products that use ingredients such as sodium lactate for their antimicrobial effects to inhibit the growth of pathogenic organisms and products that use the same ingredients for flavoring effects. We believe companies must show that the ingredient is not acting as a chemical preservative and being used to extend a product’s shelf life.

The ANPR asks whether or not foods containing multi-functional ingredients derived from natural sources should bear an “all natural ingredients” claim rather than a “natural” claim. This issue would be solved by the separation of the existing “natural” claim into “natural ingredients” and “minimally processed.” In this instance, the product could be labeled as “natural ingredients” but not as “minimally processed.”

*3. “Non-Traditional” Food Processing Methods*

This question deals with advanced food processing and asks whether these technologies should be allowed under the “natural” claim. Again, this issue would be satisfactorily addressed by splitting the claim into “natural ingredients” and “minimally processed.” Products made by complex processes may still be able to carry a “natural ingredients” claim, depending on the ingredients, but should not be labeled as “minimally processed.”

*4. “Enhanced” Products*

Products that have been marinated, tenderized or injected with various solutions, seasonings, flavorings and tenderizing agents should not qualify for a “minimally processed” claim since commercial operations are not typically using simple processing techniques to “enhance” the food. If enhancing with natural ingredients is to be allowed under a “natural ingredients” claim, then it should be required that the name of the added ingredient(s) be listed on the label.

#### *5. Natural and Naturally Raised*

As noted above, the use of two similar terms with different meanings – “natural” and “naturally raised” – is confusing to consumers. According to the poll performed by Harris Interactive for AWI, most American shoppers assume that “natural” covers at least some aspects of how the animals used to produce the food were raised. To further complicate matters, at the present time, a number of companies are combining different aspects of the “natural” and “naturally raised” claims under a “natural” label.

We see no circumstances that would allow the existing “natural” claim to be maintained, *unless the term is redefined to include aspects of how animals are treated from birth to slaughter*. Since this is unlikely, AWI recommends phasing out the “natural” label and establishing a “naturally raised” claim that incorporates conditions under which animals are raised. Included in this would be breeding practices, diet, weaning methods, access to pasture, shelter and space allowances, medical treatment, surgical alterations and handling practices.

#### *6. Carbon Monoxide*

AWI agrees with the current FSIS opinion that use of carbon monoxide to maintain the red color pigment in packaged meat should not be allowed under any “natural” or “minimally processed” claim. As noted for “enhanced” products above, if carbon monoxide is to be allowed under a “natural ingredients” claim, then it should be required that use of the gas is noted on the product label.

Thank you for the opportunity to comment on the advance notice of proposed rulemaking on the “natural” label. Overall, AWI is concerned that the ANPR merely responds to technical issues raised by the meat and poultry industry and generally ignores consumer perceptions and expectations. We look forward to seeing our concerns addressed by a proposed rule for the “naturally raised” claim that includes comprehensive animal welfare standards and by the phasing-out of the existing “natural” claim.

Sincerely,



Dena M. Jones  
Farm Animal Program Manager  
Animal Welfare Institute

**Attachment:**

**Survey of Label Claims on Products Labeled as “Natural”**

1. **No artificial ingredients. Minimally processed.** (Aidells chicken meatballs, Shady Brook Farms turkey, Hormel deli turkey, IBP pork spareribs, Harris Teeter pork, Harris Teeter turkey, Harris Teeter chicken, Harris Teeter Rancher ground beef, Superior Farms veal, Tyson chicken breast patties, Carmen Creek ground buffalo, Cedar Springs lamb & Natural Frontier Foods buffalo, Smithfield pork ribs)
2. **No artificial ingredients. Minimally processed. No preservatives.** (Al fresco chicken sausage, Trois Petits chicken sausage & Minowa capon)
3. **No artificial ingredients. Minimally processed. No MSG or preservatives.** (Bob Evans pork sausage & Jimmy Dean pork sausage)
4. **No artificial ingredients. All natural ingredients. Minimally processed. No nitrites or nitrates added.** (Primo dried chorizo)
5. **No artificial ingredients. Minimally processed. No nitrite or nitrate added.** (Oscar Mayer bacon)
6. **No artificial ingredients. Minimally processed. No hormones.** (Giant chicken)
7. **No artificial ingredients. Minimally processed. No hormones added.** (Eating Right chicken)
8. **No artificial ingredients. Minimally processed. No hormones or steroids added.** (Perdue chicken)
9. **No artificial ingredients. Minimally processed. Raised without antibiotics.** (Wellshire pork)
10. **No artificial ingredients. Minimally processed. No added antibiotics. No added hormones.** (D’artagnan buffalo steaks)
11. **No artificial ingredients. Minimally processed. Raised without antibiotics. No added hormones.** (Great Range bison)
12. **No artificial ingredients. Minimally processed. No antibiotics administered. No growth stimulants or added hormones. Fed a vegetarian diet.** (Nature’s Promise beef patties)
13. **No antibiotics. No hormones. All vegetarian feed.** (Shaw’s Wild Harvest chicken)

14. **100% All natural. No antibiotics. No added hormones. Fed 100% Vegetarian diet.** (Harris Teeter Naturals Natural beef)
15. **No artificial ingredients. Minimally processed. No preservatives. No antibiotics. No added hormones. Vegetarian fed.** (Coleman chicken)
16. **No artificial ingredients. Minimally processed. No nitrates or nitrites added. No antibiotics. No added hormones. All vegetarian feed.** (Niman Ranch bacon)
17. **No artificial ingredients. Minimally processed. No animal by products. Grain Fed. This turkey is grain fed and never administered antibiotics or growth promotants.** (Koch's smoked turkey wings)
18. **No artificial ingredients. Minimally processed. Free Range.** (Whetstone Valley young goose)
19. **No artificial ingredients. Minimally processed. No antibiotics ever administered. Vegetarian fed. Humanely raised. No growth hormones.** (Plainville Farms turkey cutlets)
20. No definition on front label (Giant pork ribs, Giant pork chops & Giant pork roast)