



March 18, 2010

Docket Clerk
U.S. Dept. of Agriculture
Food Safety and Inspection Service
Room 2-2127, George Washington Carver Center
5601 Sunnyside Avenue, Mailstop 5474
Beltsville, MD 20705-5474

Re: Docket No. FSIS-2005-0018/RIN 0583-AC60 - *Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products*

Dear Sir/Madam:

The American Meat Institute (AMI or the Institute) submits the following comments regarding the above-referenced supplemental proposed rulemaking (hereinafter, the Supplemental). AMI represents the interests of packers and processors of beef, pork, lamb, veal, and turkey products and their suppliers throughout North America. Together, AMI's members produce 95 percent of the beef, pork, lamb, and veal products and 70 percent of the turkey products in the United States. The Institute provides legislative, regulatory, public relations, technical, scientific, and educational services to the meat and poultry packing and processing industry. We appreciate the opportunity to provide comments on this important matter.

Answers to Questions Raised in the Supplemental

Q1: Should statements of lean percentage be prohibited on the label or in labeling of ground products that do not meet the regulatory criteria for "low fat."

A: AMI suggests that in order to be consistent with current regulations governing all species of meat products, "% Lean," "Lean," and "Extra Lean" claims should be applied across all meat and poultry products. Claims of "% Lean/%Fat" should be allowed only on ground products to identify the type of product to the consumer. They should not be misconstrued as health claims.

Q2: Should FSIS permit the use of lean percentage statements if they are contiguous to fat percentage statements on the label of ground products, or are they inherently misleading to consumers if the product does not meet the regulatory criteria for "low fat?"

A: Yes, "%Lean/% Fat" should be permitted on labels of ground products so that the consumer can more easily identify the various fat levels in the ground products available. Providing both "%Lean/% Fat" on the label would be necessary to avoid confusion with "% Lean" claims, which are defined differently and used for other products.

Q3: Are lean percentage statements redundant on a label when contiguous to fat percentage statements?

A: Yes, it is redundant to list both lean and fat percentage statements. However, it is necessary to list both percentages to distinguish ground beef products from other products that carry only a "% Lean" claim.

Q4: Presuming the regulations should prohibit lean percentage statements on a label of ground products that do not meet the "low fat" criteria, would a fat percentage statement on the label of such products be useful and if such a statement would be useful, should it be required on the label for those products?

A: Industry would be unlikely to use only a "% Fat" claim on ground products. The vast majority of ground beef is sold declaring a "ratio," such as 80/20 or 90/10. Using Lean/Fat ratios on product labels to distinguish products has worked well for industry, consumers, and retailers for decades. If the agency sees a need to mandate use of "% Lean" and "% Fat" claims, FSIS should justify this need with consumer data. Use of "%Fat/% Lean" claims or ratios should be an option for manufacturers, not a regulatory requirement.

Q5. Should the final rule allow a lean percentage statement and fat percentage statement on the label of ground products produced by small businesses if such product does not include nutrition information on the product label?

A. No. A manufacturer that wants to make a claim should follow the same format as all other manufacturers making that claim. Consumers should be privy to the same information on packages, regardless of who produces the products. Further, because most small businesses purchase raw materials from larger businesses, nutrition information about the product is readily available. In fact, the largest manufacturers of ground beef products provide nutritional labeling in the proper format for all fat contents of bulk coarse or fine ground products it produces to retail. This information is available to any store, large or small, that purchases these products. The labels are provided for use at Point of Purchase at no cost to the retailer or distributor. Therefore, there is no need for an exemption for small businesses.

Q6. Presuming that nutrition information should be required on labels of any ground product for which a lean percentage and fat percentage statement is provided, what would be the cost of such a requirement for small businesses?

A. The cost could vary widely depending upon the volume of the business, *etc.* The business should consider these costs prior to applying product claims

Q7. Will providing nutritional tables be sufficient for retailers and establishments to provide nutrition labels for ground pork?

A. Nutrition labeling for ground pork should be no different than for ground beef, chicken, turkey, lamb, *etc.* The requirements for nutrition labeling of all ground products should be consistent.

Q8. Will the available data for ground chicken and ground turkey in the USDA Nutrient Database be sufficient for retailers and establishments?

A: Use of the Nutrient Database (ND) for Standard Reference should be acceptable for providing nutrition values for all products. There is concern that compliance for nutrition labeling of ground beef must be based on analysis because the fat content cannot be determined visually. Although we agree that fat content must be determined by analysis, the use of the ND values should be allowed PROVIDING the fat content is in compliance. If the nutrition value for fat is determined to be 'incorrect' the product will be considered to be misbranded. Basing the nutrition values on the analyzed fat content and then using ND values for the remaining nutrients associated with that fat content minimizes the number and costs of expensive analysis required, while providing assurances that the nutrition values reported to the consumer are correct.

It has come to AMI's attention that several entries for pork and beef items were removed during a review process over the past two years. Commodity type cuts and items with more than 1/8 inch of fat (e.g. whole pork loins, whole sirloins, and whole briskets) were removed from the ND. Unfortunately, some of those cuts are still sold through foodservice channels and the information is valuable. Removal of these entries has resulted in a need for additional nutrient analysis on these cuts so that "as packaged" nutrition information can be provided to commodity type customers.

If the ND is going to continue to be used as a regulatory document and have the force of compliance, all entries that are added or removed should go through rulemaking to ensure that all groups using these entries are considered. Further, the ND should be immediately updated to replace those commodity items that were previously removed. Perhaps the agency should consider splitting the ND into two databases, one for retail type products and one for commodity type products, providing both could be used to determine compliance.

We appreciate the opportunity to provide comments on this important matter. We look forward to working with you as you move forward in the regulatory process.

Sincerely,

Jayne Morrisette

Lynn Morrisette
Senior Director of Regulatory Affairs

cc: J. P. Boyle
J. Hodges
M. Dopp
S. Goltry
