



March 25, 2003

Chief, Standardization Branch
Livestock and Seed Program
AMS, USDA
Room 2603-S, Stop 0254
1400 Independence Avenue, SW
Washington, DC 20250-0254

Re: Docket No. LS-02-02

Please accept for consideration these comments relating to the proposed Standards for Meat Marketing Claims. While we applaud your efforts to standardize these label claims we have significant reservations with some of the proposed language.

Organic Valley is a 500+ member owned cooperative of Certified Organic farmers. While our primary success has been with dairy we have been marketing Beef, Pork, Chicken and Turkey under the "Certified Organic By..." label since January 1999 and "Certified Organic" since its allowance with the implementation of the National Organic Program on October 21st 2002. We are well versed in making and substantiating label claims on meat and welcome this effort to lend credibility to labeling that has been misleading. Organic Valley has endorsed the comments of the Sustainable Agriculture Working Group and, upon reading the posted comments, agree with many of the commenters' request that these standards be delayed until such time as the many concerns that have been voiced can be addressed.

Our comments are not tailored to our program but will address the docket in general. Organic Valley will not directly claim or benefit from much of this legislation. By clarifying this language the specialty meat marketing sector as a whole will benefit.

General Comments:

Poultry: Addressed first here because poultry is not addressed at all in these standards. It is understood that the Livestock and Seed Program purview does not include poultry, but for the sake of integrity and consistency of these label claims poultry **MUST** be included. Without it double standards and compromised interpretations will continue to perpetuate labeling which is misleading.

Certified versus Verified: In the context of organics *Certified* implies independent third party verification and audit. *Verified* by your definition implies voluntary submission of documents by a producer to the USDA. It is our concern that these two terms are

indistinguishable in the minds of consumers leading to confusion and decreased credibility to the claims overall. Verified should be defined on labels where it is claimed.

Definitions: There are number of terms used in this document which need to be defined including: Pasture, feedlot, roaming, forage, life cycle, feeding cycle, finishing

The following comments are in the order that they appear in the docket:

Antibiotic Claims: Please add our collective voices to the many respondents that have written to express the following opinion. **No antibiotics used** is a fine claim. We have no issue with its use as defined. The other two categories; **No subtherapeutic antibiotic antibiotics or Not fed antibiotics** and **No detectable antibiotic residue** should be removed from this docket. They are confusing, misleading and too complex to be simply stated as label claims easily understood by consumers.

Free Range Claims: We have several concerns:

- As mentioned before, this standard must include poultry since Free Range Poultry is a commonly used, and unfortunately commonly abused label claim.
- Having different standards for red meat, pork and poultry will inevitably lead to consumer confusion and potentially misleading labeling. Many pork producers have already voiced their concerns with the 80% access to pasture requirement and its geographic inflexibility with Midwest hoop house operations. We suggest language that encompasses all species such as “Shall never be confined to a feedlot (as defined), farrowing crate, confinement operation or cage and shall have continuous access to outdoors as is seasonably available throughout their life cycle”.
- **Free Range** and **Free Roaming** means access to outdoors, especially for Poultry. **Pasture Raised** needs to be a distinct, defined claim separate Free from Range since its importance is much greater for ruminants.

Geographic Location Claims: The standard ...”finished/fed... for at least the last 100 days prior to harvest” only works for beef. The standard needs to include pork, poultry and sheep at least, perhaps other exotics as well.

Grain Fed Claims: These claims, although quite thorough, seem to address primarily Beef lamb and hog production where they need to be more species inclusive.

Grass Fed Claims; This would appear to be the most commented upon topic in this docket. We will not belabor all the points of concern which are addressed but will focus on the areas of concern to our cooperative of growers. While Grain Fed addressed specifically what the method IS, Grass Fed seems to try to define what it IS NOT. This dichotomy is confusing. We feel that you need to define both as what they ARE since that is what is motivating the consumer.

- “Throughout an animal’s lifecycle” needs to be restated “Between weaning and harvest” since energy consumed during lactation has no bearing on grass versus grain fed ratio.

- While the intent of this language would suggest that Grass Fed animals are not Grain Finished, especially in Feedlots, the language as written is not at all clear to that end. In fact by allowing 80% of consumed energy to be concentrated at the finishing stage, our data suggests that beef animals could be fed 50% forage /50% grain for 70 days at finishing. Likewise an animal could be fed 85% grain for 60 days and still qualify under these guidelines. This is absolutely not in line with consumer expectations as is borne out in the website comments. **“Throughout an animal’s lifetime”** should be replaced with **“At any given phase of an animals lifetime”**.
- We agree with your premise that supplemental grain feeding is a necessary option to assure an animal’s well being. We are not, however, comfortable with the 80% minimum energy from forage requirement and feel, as do many others who have commented, that *at any given phase of an animals lifetime* 95% of energy consumed from forage should be the minimum to qualify for a Grass Fed Claim.
- We offer the following definition of Forage to be included in this document for clarification; *FORAGE, defined as any plant eaten or harvested prior to the external expression of seeds for reproduction.*
- We also feel strongly that as discussion and evaluation of this subject continue, Grass Finished should be explored as a label claim.

Hormone Claims: The difficulty that we have with this language is the asterisked statement that “hormone”, “growth promotant”, “growth stimulant” and “implant” are all used interchangeably. By lumping those terms together consumer confusion will overshadow the claim. Conventional wisdom says that antibiotics are in fact “growth promotant” and “growth stimulants”.

Preconditioning

These claims are in relation to animals and not meat products, separating them entirely from the scope of this docket. While defining these areas is a worthy task we feel that it belongs in another document altogether.

In closing we at Organic Valley again thank you in your efforts to clarify these label claims. We are grateful to have our opinions considered as you weigh public opinion and we especially look forward to being a part of the discussions as you move toward final language.

Respectfully submitted by,

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