



A Cargill Foods Company

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

RE: Docket Number LS-02-02; Federal Register Vol. 67, No. 250.

These comments are in response to the Agricultural Marketing Service proposal for United States Standards for Livestock and Meat Marketing Claims. We applaud USDA, AMS and specifically Cara L. Gerken, Marketing Specialist for researching and further defining the numerous claims currently used in the industry with measurable standards. However, we have several questions/concerns that are not covered fully in the Federal Register Notice.

1. On page 79554 the following statements are made: "A current participant in USDA Certified or USDA Verified programs, whose system does not comply with these standards, will have 60 days from the final publication of these standards to bring their system into compliance. If a participant fails to bring their system into compliance, AMS will withdraw its USDA Certified or USDA Verified approval and notify LCPS (FSIS Labeling and Consumer Protection Staff) that the basis for their label approval is no longer valid." On page 79553 the following background statement is made: "LCPS will refer to these standards as guidelines for approval of labels making such marketing claims." It is unclear, particularly from the latter statement, how USDA, AMS and/or FSIS, LCPS will handle existing labels that have already been approved and are in use (some recent and some for years) that are neither USDA Certified nor USDA Processed Verified. Our hope is that these labels, previously approved by FSIS, LCPS would be grand fathered in for continued use. Otherwise, the cost to the industry could be quite substantial for label changes on various materials and/or process changes.
2. On page 79555 the standard for a Beef Aging Claim is recommended as: "Must be wet aged for a minimum of 21 days or dry aged for a minimum of 35 days." We disagree with this proposed standard, particularly for retailers. A sizeable amount of research data exists in the scientific literature documenting significant tenderness improvements in meat tenderness with 14 days of postmortem aging. Furthermore, numerous research studies have shown mean WBS values of less than 4.0 kg with 14 days of postmortem aging. Setting this standard at a 21-day minimum would further discourage the retail industry from implementing an aging protocol due to decreased shelf life associated with lean color deterioration.

Relative to food service, recent research at Kansas State University (Campbell et. al., 2001) has reported adequate dry aged flavor and tenderness development with the following protocol - - 14 days of wet aging followed by 14 days of dry aging. Hence, we question

whether or not the current proposed standard of 35 days minimum aging for a dry aging claim is absolutely necessary.

3. On page 79556 the standard for Electrically Stimulated Beef has been proposed as: "(1) The cross product of voltage and amperage (voltage multiplied by amperage) must be greater than or equal to 500." We realize that early research on electrical stimulation settled on 500 to 550, however, this level of energy was often applied to a whole, unsplit carcass. Is the same level of energy required to obtain a significant tenderness improvement on beef sides or portions of beef sides? Recent research has documented significant tenderness improvements at lower energy levels. We do agree, however, that low voltage/frequency electrical stimulation used for more complete blood and/or hide removal should not be approved either individually or collectively for tenderness enhancement associated with electrical stimulation.
4. On page 79556 the standard for "Company X's" Tender "Species" requires at least 3 of the 8 possible controlled elements. We like this approach in that it allows flexibility for the industry to use in differential marketing. However, the list of 8 is incomplete and, hopefully, USDA, AMS and FSIS, LCPS will approve additional technologies, some of which may be new, that have been proven scientifically. Furthermore, we do not support the concept that we need to meet a list of pre-determined criteria to use the word "Tender" in a brand statement. As mentioned previously, your list is incomplete at this time and ever changing due to the advancement of new technologies. Also, your shear force goal may be reached often times with a single technology. Perhaps you should consider differentiating traits (pre- and post harvest) from technologies.

We feel strongly that WBS as an objective measure of tenderness is being replaced rapidly by the Slice Shear Force technique developed by the staff at USDA, ARS in Clay Center, NE. Therefore, we encourage USDA, AMS to include Slice Shear Force as an objective measure documenting tenderness level and to further define the endpoint (each steak, mean of n steaks, etc.).

Many of our concerns could be addressed by simply adding a statement that deviations or additional technologies pertaining to specific claims will be considered by USDA, AMS and FSIS, LCPS if appropriate, scientifically analyzed data are provided with the specific marketing claim request. This approach would allow new technology or data to be incorporated without amending the law.

In closing, we compliment USDA, AMS for further defining the standards for marketing claims. We encourage you to consider fully our concerns as you refine this document for law. Otherwise, these cannot be considered "Industry Consensus Standards".

Respectfully,

H. Glen Dolezal, Ph.D.  
Director of New Technology Applications