

August 15th, 2023  
Sandra Eskin, Deputy Undersecretary  
Food Safety and Inspection Service  
US Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250-3700

**RE: Strengthening Third-Party Certification for Animal-Raising Claims**

Dear Deputy Undersecretary Eskin,

I am writing to you regarding the recent decision by the USDA to reconsider requirements and guidelines for animal product labels. I represent Farm Forward, whose mission is to advance a food system that is better for people, animals, and the planet. Farm Forward has long seen meat labeling and third-party certifications as a key tool for consumers to vote with their dollar and support higher welfare, more sustainable forms of animal production, which is why we've had a particular focus on the negative impact of misleading labels on meat. I'd like to commend the USDA for its announcement about your intention to update the labeling guidelines for animal-raising claims like "humanely raised" and "raised without antibiotics." These labels have long been a source of consumer confusion, and I am hopeful that the revision of the Guidelines will be finished in a timely manner; however, we are concerned that the proposed changes may not be enough to protect consumers from the harm of misleading labels.

Farm Forward believes that the USDA's support for third-party certification of animal-raising claims is well justified, however the move to *recommend* rather than *require* third-party certifications is insufficient to robustly protect consumers from deceptive labeling. To that end, Farm Forward encourages FSIS to *require* third-party certification for at least some animal-raising claims, including but not necessarily limited to "humanely raised" and "pasture raised." We believe that simply encouraging companies to seek third-party certification is unlikely to be widely adopted and will therefore have a limited impact on consumers.

Requiring that animal-raise claims be verified through third-party certification will help ensure that animal products found at grocery stores nationwide are in alignment with consumer expectations. A 2021 survey that Farm Forward conducted in collaboration with YouGov revealed that a significant percentage of Americans were incorrect about the meaning of various animal welfare certification labels and had quite high expectations for said labels.<sup>1</sup> A 2020 survey conducted by the American Society for the Prevention of Cruelty to Animals found a similar result, concluding that "consumers incorrectly associate many labels with improved

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<sup>1</sup> "Humanewashing's Effect on Consumers," Farm Forward, December 2021.

animal welfare, even if some of these labels do not have set standards for production practices that improve animal welfare.”<sup>2</sup>

In June of this year, in collaboration with the research firm Data for Progress, Farm Forward commissioned a survey of 1,100 American adults which concluded that there is a growing demand for transparency and accountability in food labeling and that companies that engage in humanewashing risk losing consumer trust and support.<sup>3</sup> These results emphasize the importance of companies ensuring that their claims about animal welfare and antibiotic usage are accurate and verifiable, and that regulatory bodies enforce high standards for food labeling to meet consumer expectations. The survey also found that many of the practices allowed under the existing standards for “pasture raised” products fall far short of consumer expectations. Unless the USDA moves to strengthen these rules, it is likely that over time the public will lose trust in these labels, making it extremely difficult for sustainable farmers to find markets for their products.

Recent decisions by the National Advertising Division (NAD) of the Better Business Bureau underscore the importance of rules from USDA that require meat companies to use meaningful, independent, third-party certifications to verify their claims. For example, in February of this year, the NAD ruled that a certification—One Health Certified—discontinue some of its animal welfare claims due to a dearth of evidence that animal welfare practices were significantly better than an industry baseline.<sup>4</sup>

To effectively respond to this decision, I recommend that the USDA revise the section titled “Documentation needed” for “Animal Welfare and Environmental Stewardship” claims in the Labeling Guideline. It should be updated to require a comprehensive written explanation of a producer’s interpretation of the claim and how their practices significantly *surpass* the minimum industry standards. Importantly, I also encourage USDA to include a statement in the Labeling Guideline indicating that claims that are considered to be merely *aspirational* will not be approved.

With reference to the claim “pasture raised,” which is commonly found on poultry products across the country, Farm Forward recently submitted comments in response to a rulemaking Petition #23-03 with recommendations about the specific requirements that producers should be required to meet in order to market meat as “pasture raised.”

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<sup>2</sup> “Opinion Surveys on Food & Farming Systems,” American Society for the Prevention of Cruelty to Animals.

<sup>3</sup> Grace Adcox et al., “Holding Companies Accountable: Humanewashing, Antibiotics, and Animal Welfare,” Data for Progress, [https://www.filesforprogress.org/memos/holding\\_companies\\_accountable\\_humanewashing\\_antibiotics\\_and\\_animal\\_welfare.pdf](https://www.filesforprogress.org/memos/holding_companies_accountable_humanewashing_antibiotics_and_animal_welfare.pdf).

<sup>4</sup> “National Advertising Division Finds Certain Claims for One Health Certified Poultry Products Supported; Others Found Unsubstantiated; One Health Appeals,” BBB National Programs, February 21, 2023.

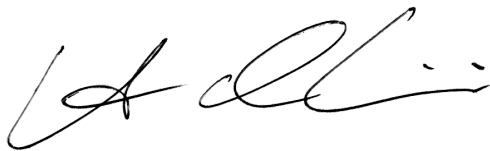
Farm Forward also places great emphasis on the role and importance of strengthening antibiotic testing in the meat supply. To this end, we encourage the FSIS to require antibiotic testing for all “raised without antibiotics” claims to ensure the accuracy and verifiability of these claims. We are pleased to see that the FSIS is moving forward with a pilot program for antibiotic testing, and we encourage them to swiftly finalize the testing protocol and implement it for all meat companies applying to use antibiotics-related labels. In particular, we encourage FSIS to implement high-sensitivity testing (i.e., parts per billion) in order to ensure a more precise analysis. This will help to maintain high standards for food labeling and meet consumer expectations for transparency and accuracy in antibiotics claims.

In summary, Farm Forward applauds the USDA’s recent announcement and encourages the agency to take the following actions to ensure animal raising claims are meaningful and meet consumer expectations:

1. Require meaningful third-party certifications to verify animal raising claims like “humanely raised” and “pasture raised;”
2. In line with the NAD decision, update labeling expectations to require comprehensive written explanation of a producer’s interpretation of the claim and how their practices significantly surpass the minimum industry standards.
3. Strengthen the definition of “pasture raised” poultry to better align it with consumer expectations (i.e., slow-growing birds living their lives on vegetated pasture);
4. Require companies applying to label their meat as “raised without antibiotics” to verify that the claim is accurate through high-sensitivity testing.

Thank you for your time and consideration in addressing these points and for your work to ensure a more transparent and accountable food system. Please feel free to reach out to me directly if you have any questions or concerns.

Sincerely,



Andrew deCoriolis

Executive Director

Farm Forward