



March 18, 2010

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
FSIS Docket Room
1400 Independence Avenue, SW
Room 2534
Washington, DC 20250-2534

RE: Docket No. FSIS 2005-0018

Supplemental Proposed Rule: "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products"

The National Cattlemen's Beef Association (NCBA) appreciates this opportunity to provide comments to the request for the supplemental proposed rule published in the Federal Register on December 18, 2009, (Volume 74, No. 242 Pages 67736-67800) titled "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products" Docket No. FSIS 2005-0018. NCBA recognizes and supports the agency's efforts to better understand consumer perceptions and use of nutrition labeling for meat products.

NCBA is the nation's oldest and largest national trade association for cattlemen and represents over 230,000 cattle producers through direct membership and our state and breed affiliates. NCBA is producer-directed and consumer-focused, and our top priority is to produce the safest, most nutritious and affordable beef products in the world. This has been consistent throughout our industry's history and in our long-term efforts to continually improve our knowledge and ability for beef products to meet consumer preferences.

Cattle producers have a long history of supporting transparent nutrition information for beef products so consumers can make educated purchasing decisions. In fact, in the mid 1980s the beef industry, in partnership with other organizations, led the charge in developing the original Nutri Facts program for the grocery meat case well before it was required even on a voluntary basis. Beef producers have continued their leadership in this area in a variety of ways including investing significant resources in retail meat case nutrition labeling projects to further understand effective methods for retailers to share beef nutrition information with consumers. This research helps better equip beef producers to assist retailers when proposed mandatory nutrition labeling takes effect. For more background on some of this research, refer to the attached White Paper entitled, "The Journey Towards Retail Meat Case Nutrition Labeling," funded by The Beef Checkoff.

In 2001, NCBA submitted comments in support of this proposed rule (Docket Number: 98-005P). Today, our producers continue to support the proposed rule and look forward to working with USDA moving forward with the implementation of the final rule. Our comments below address the following specific questions posted by FSIS:

- FSIS requests comment on the potential effects of disallowing a statement of lean percentage on ground or chopped products.
- FSIS is requesting comments on whether nutrition information should be allowed on point-of-purchase materials for ground or chopped products, as an alternative to requiring nutrition information on the product labels.
- FSIS is also requesting comments on the use of statements of lean percentages on the label or in labeling of ground or chopped products that do not meet the regulatory criteria for “low fat.”

We support the usage of both % lean/% fat nomenclature on all ground meat, regardless of total fat content and our research indicates that disallowing a statement of lean percentage on ground meat will omit key information consumers use to choose ground meat. Since 2001, The Beef Checkoff has conducted significant consumer research to better understand how consumers utilize the nutrition information on food labels. Multiple surveys including one recently conducted online with 889 adult ground beef eaters in January 2010 indicates that information about both lean and fat designations are key information used to help determine what type of ground beef to buy.

For example, when given a range of lean percentages that ranged from 70% lean to 94% lean, 63% of consumers correctly identified 94% lean ground beef as having the lowest fat content. By comparison, only 3% identified 70% lean as the lowest fat content. Also, a solid majority, 54% of respondents, mentioned fat and/or lean content information on the package (fat content designation, lean designation, and %lean/% fat designation) as important information when choosing which ground beef products to purchase. The overwhelming majority of consumers (86%) in the same survey indicated the % lean/% fat designation informs them about the leanness and or the “lean meat/beef to fat ratio.”

Taken together these data show that consumers utilize both the %fat and %lean nomenclature as a key information source when choosing which ground beef to purchase. Just as important, the data reveals that consumers are not misled by the %lean/%fat nomenclature, with a solid majority understanding the higher %lean as the leanest. This data is consistent with earlier consumer data submitted in 2001 and continues to support the marriage of the %lean/% fat nomenclature with a Nutrition Facts Panel (NFP). The addition of the NFP will allow consumers to determine the specific nutrient content, grams of fat for instance, the product provides. These two key pieces of information together will benefit consumers by helping them to simply and quickly differentiate between ground meats and identify leaner choices as recommended by the U.S. Dietary Guidelines for Americans.

NCBA does not support allowing point-of-purchase nutrition information for ground meat products. Given that fat content is difficult to visualize in ground products, and the amount of fat is controlled, we believe it is most beneficial to consumers to have the nutrient content easily accessible on the package. This also ensures the nomenclature of %lean/%fat is appropriately connected to the grams of fat the product provides as declared on the NFP.

While we recognize that FSIS has stated they will not be addressing our previous request to include all nutrients found in meat products in their final ruling, we urge FSIS to take this under consideration as soon as possible; in order to provide consumers with the complete information research has shown they desire. Also, we recognize that a list of mandatory cuts has been identified, we encourage FSIS to review these cuts based on market share and availability of nutritional data. The Beef Checkoff is currently investing significant resources through collaboration with USDA to ensure that up-to-date beef nutrient composition information is available for the retail industry to use. There are still cuts on the mandatory list for which data reflective of trim levels sold at retail is currently unavailable. For example, USDA Nutrient Database for Standard Reference does not have data for raw beef round, eye round steak at either 1/8" or 0" trim. Although this cut is slated to be analyzed as part of the Nutrient Database Improvement project funded by The Beef Checkoff and managed by NCBA, it is part of a multi-phased project and is not expected to be available until late 2012.

In conclusion, beef producers continue to believe that it is the consumers' right to know and the industry's responsibility to provide, accurate nutrition information about the product. NCBA believes consumer research should guide implementation and we will continue our longstanding history of working with retailers, consumers and the agency on the implementation of the final rule. We urge USDA to work with the meat and retail industry to find the least disruptive and most cost-efficient way to achieve nutrition labeling and we request at least an 18-24 month period for implementation.

Cattlemen and the beef industry are committed to meeting consumer expectation for nutritious, high-quality, safe and affordable beef products. We appreciate the opportunity to review and comment on this supplemental proposed rule and we look forward to working with USDA during implementation. Should you have any questions or concerns please contact Kristina Harris Butts, NCBA's Director of Legislative Affairs at 202-879-9106 or kbutts@beef.org.

Sincerely,



Steve Foglesong
President

Attachments: "The Journey Towards Retail Meat Case Nutrition Labeling", funded by The Beef Checkoff.

The Journey towards Retail Meat Case Nutrition Labeling

A White Paper, November 2009

**The Beef Checkoff through the National Cattlemen's Beef Association
Denver, Colorado**

Introduction

The purpose of this paper is to document the results of an on-pack nutrition labeling program funded by the Beef Checkoff and implemented by the National Cattlemen's Beef Association (NCBA) in order to understand the challenges and opportunities of providing consumers with beef nutrient information in the fresh meat case.

The beef industry is proud to be a long-time leader in providing consumers with beef nutrition information. We believe it is consumers' right to know the nutritional profile of the foods they eat, and an industry's responsibility to provide that information in order to help consumers make educated purchasing decisions. However, there are inherent and recognized challenges in labeling fresh commodity foods - such as produce or meat, poultry and seafood products - due to the fact that nature-made foods have inconsistent sizes and shapes when compared to the consistency of processed foods. Therefore, NCBA conducted and commissioned numerous checkoff-funded research projects and programs to understand how consumers read and utilize nutrition labels; discover how consumers want to receive additional nutritional information; determine the best methods to fulfill consumer needs; as well as address potential challenges the retail industry faces in providing accurate nutrition labeling.

Background

Regulations regarding food labeling go back as far as the 1906 Food & Drug Act, which prohibited misleading and false statements on food and drug labels. Throughout the last century a variety of regulations were introduced to build upon the original "protection" act, leading to present day nutrition labeling.

More specifically, the beef industry has been dedicated to providing nutrition information dating back to the development of the first voluntary nutrition information program, Nutri-Facts – developed in partnership with the American Meat Institute (AMI); Food Marketing Institute (FMI); the National Pork Producers Council (NPPC); and the National Livestock and Meat Board (the predecessor organization of NCBA) – in the mid-1980s, well before the current mandatory labeling laws.

In November 1990, the Nutrition Labeling and Education Act (NLEA) was signed by President George H.W. Bush making the provision of nutrition information

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mandatory and consistent for all packaged goods. At the time, fresh meats, poultry, seafood and produce were exempt from the ruling. However, in the “spirit” of NLEA, the United States White Paper 2 Department of Agriculture (USDA) described a voluntary program that suggested retailers provide nutrition information at the point-of-sale (POS). The USDA would conduct periodic audits to ensure “significant participation” by the retail industry. Should participation fall below 60 percent of retailers, mandatory labeling would be required. At this time, the beef industry, along with FMI and other industry partners revised the Nutri-Facts format to comply with NLEA and worked - 2 -with the USDA and the Food and Drug Administration (FDA) to update and expand the program for fresh produce and all meat and seafood.

In May 2000, President Bill Clinton announced the USDA’s plans to mandate nutrition labeling for meat and poultry products at either point-of-sale or on-pack that would list fat, calories and cholesterol content. This proposed new legislation, the “Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products” rule (also known as the Rule), was groundbreaking for fresh meat and poultry; previously, fresh meat nutrition labeling regulations were limited to the FDA’s NLEA and only required nutrition information at point of purchase through posters or brochures, but not required on-pack. A significant driver for the introduction of the new mandatory rule was the failure of the retail industry to pass a 1996 audit in which fewer than 60 percent of retailers were in compliance with the rule. The proposed rule was published in January 2001 and would require nutrition information on labels of all ground or chopped meat and poultry products while allowing for the continued use of readily identified %lean/%fat nomenclature. Required nutrients include calories (and fat calories), fat, saturated fat, cholesterol, protein, carbohydrate, sodium, Vitamin A, Vitamin C, calcium and iron; the rule would make the existing voluntary program for whole muscle cuts mandatory and would provide the option to list the nutrition information on the product label or on point of purchase materials.

The beef industry supported the proposed rule as written but suggested the USDA go one step further by requiring the inclusion of all significant nutrients found in the meat group be listed on any label or labeling program.

Enforcement of the new nutrition labeling regulations for meat and poultry will fall under the USDA’s Food Safety and Inspection Service (FSIS), the agency responsible for protecting consumers by ensuring that meat, poultry and egg products are safe, wholesome and accurately labeled.

Nutrition Labeling Coalition for Meat and Poultry

Working together for nearly two decades to ensure consumers have access to nutrition information at the meat case, several meat industry trade associations formed the Nutrition Labeling Coalition for Meat and Poultry. The Coalition includes

members of the American Meat Institute (AMI); Food Marketing Institute (FMI); the National Cattlemen’s Beef Association (NCBA) on behalf of Beef Checkoff; American Lamb Board (ALB); National Pork Board (NPB); National Turkey Federation (NTF); National Chicken Council (NCC); and National Grocers Association (NGA). The mission of the Coalition is to work together to determine strategies to help the retail industry implement consistent nutrition labeling programs and provide tools and information to assist them with proper compliance once the rule is finalized.

Several entities within the Coalition, namely the National Cattlemen’s Beef Association (NCBA), the Food Marketing Institute (FMI) and the National Pork Board (NPB), conducted research to examine the benefits and challenges of implementing on-pack nutrition labeling for meat products. This research included qualitative and quantitative studies (via focus groups) to explore consumer needs, behavior and preference for nutrition labeling on fresh meat products.

Focus Group Key Learnings

Findings from the focus groups indicated that consumers desire more nutrition information, find both on-pack and POS materials useful but prefer on-pack, and still want to see the product they are purchasing. Additional learnings indicate:

- Consumers want to see nutrition information for fresh meat and they want more information on specific nutritional content.
 - Information on fat content, calories per serving, cholesterol and proteins are of greatest importance.
 - Micronutrients (vitamins and minerals) are also of interest.
- Consumers are generally unaware of the micronutrients found in fresh meat products and they want to see all of the nutrient information a food provides (but aren’t interested in what a food doesn’t have such as 0 percent for Vitamin C)
- Consumers currently use on-pack labels most often to learn about the nutritional content of meat products because there is higher awareness for labels than for posters or take-home brochures.

Beef Checkoff-Funded Research

Given the beef industry’s philosophy that nutrition information should be widely available to help people make informed purchase decisions, yet understanding the challenges many retailers face in providing the information in a simple and easy-to-understand format, NCBA embarked on a number of additional nutrition labeling research projects. The goal of this subsequent research was to further understand appropriate methods and vehicles for retailers to share the information with consumers.

This checkoff-funded research, conducted by NCBA in association with Shugoll Research, included a focus group study in May 2002 and on-pack nutrition labeling pilot research that began in April 2003.

Beef Checkoff-Funded Focus Group Study

Consumer focus groups conducted in May 2002 tested consumer reactions to nutrition information about fresh meat products. Given that the broader goal of nutrition labeling is to help inform the public, we wanted to understand consumers' baseline knowledge about the nutrients found in the meat case, with a specific emphasis on consumers' knowledge of nutrients found in beef. Six focus groups were conducted, two in each of three markets: Denver, Boston and Atlanta. In each market, one group was conducted with very nutrition-conscious consumers and one group was conducted with less nutrition-conscious consumers.

Focus Group Key Learnings

- Supermarkets do not currently provide consumers with comprehensive nutrition information, but consumers are highly interested in receiving this information for products found in the meat case.
- Consumers are:
 - Somewhat aware that beef is a good source of protein and iron.
 - Not very aware that beef is a good source of zinc and certain B-vitamins.

Online Research

Furthermore, additional online research conducted in the 2000's has confirmed that both consumers and registered dietitians (who help inform consumer nutrition decisions) desire that labels include information for all nutrients found in foods.

Findings show that consumers and dietitians strongly believe the Nutrition Facts Panel should list food group-specific micronutrients, and they prefer call-outs for calories and nutrients on the front of the package. Specifically:

- 78 percent of consumers and 88 percent of registered dietitians think that the Nutrition Facts Panel should show all food group-specific nutrients.

The information gathered from all research was used to inform the development of potential on-pack and POS educational materials for retailers.

Beef Checkoff-Funded On-Pack Nutrition Labeling Pilot Research Project

The goal of the on-pack nutrition labeling pilot projects was to document, through market research, the response from consumers to nutrition information and/or labeling on packages of fresh meat in the meat case. The beef checkoff funded two separate in-store pilot studies:

- “Retailer A” in Tucson, Arizona, and “Retailer B” in Charlotte, North Carolina (April 13 – September 7, 2003)
- “Retailer C” and “Retailer D” in Indianapolis, Indiana (May 7 – August 27, 2006)

The studies entailed developing nutrition labels to be placed directly on fresh meat packages, creating complementary POS materials to be used at the meat case, and understanding if and how consumers would engage with nutrition information in the meat case.

Results were measured by conducting in-store consumer intercepts to assess consumer response to the nutrition labeling program Both studies used test and control stores for each retailer to measure results.

Beef Checkoff-Funded Study Methodology

The methodology for introducing on-pack nutrition labeling of fresh meats with the retail partners for each pilot study included these steps:

Development of On-Pack Labels

- Develop composite nutrition data for beef, veal, pork, lamb and chicken using the USDA Nutrient Database.
 - Assess both grade and trim levels to determine the nutrient content of a product.
 - Allow 20 percent composite tolerance for fat content declaration, as outlined in FSIS regulation 9 CFR 317.309(h)(5) (red meat products) and 9 CFR 381.409(h)(5) (poultry products)
- Incorporate the Nutrition Facts Panel (NFP) into the scale label. The addition of the Nutrition Facts panel required a larger label, which added time and cost.
- As noted earlier, quantitative research indicated that consumers want to see ALL the nutrition information a food provides. Therefore, the new NFP information includes key micronutrients like zinc, iron and B-vitamins in addition to calling out the protein content, which are naturally occurring nutrients in the meat group but are not required on a standard NFP. (see label 1 below)
- In order to measure a variety of options to provide nutrition information and understand what works best for consumers, additional nutrition messaging was included, such as “Beef is a good source of iron”, on the scale label (“Retailers C&D” study only). (see label 2 below)
- Label all proteins in the meat case (beef, pork, poultry), except pre-priced poultry items. A majority of poultry items are pre-priced and labeled prior to being sent to retail stores and most already contain an NFP.

POS Materials

- Customize POS materials for each retailer to drive consumer awareness of the new nutrition information available in the meat case
- Examples of POS materials used in the studies include posters, shelf signs, wobblers, ceiling danglers, rail strips and take-away cards in counter holders. (see POS examples below)

In-Store Consumer Intercepts

In-store consumer intercepts were conducted in two waves for each pilot test to assess the impact of the on-pack labels and POS materials over time. Wave 1 (pre wave) of interviews was conducted prior to the introduction of any new nutritional information at the meat case. Wave 2 (post wave) was conducted 16 weeks following the introduction of the nutrition information. A total of 300 consumers in the “Retailers A & B” pilot and 500 consumers in the “Retailers C & D” pilot, per wave, were interviewed in 3 to 5 stores per chain.

The goals of the consumer intercepts were to:

- Determine the awareness level of on-pack labels and POS materials.
- Assess reaction to on-pack labels and POS materials.

Beef Checkoff-Funded Research Results

A summary of the results follows.

Consumer Intercepts

Consumer reaction to the on-pack and POS nutrition information was very positive:

- 25 percent of consumers were aware of the on-pack nutrition labeling program put in place for the test.
- Consumers stated they would make shopping decisions based on on-pack nutrition information.
- Information on fat content, calories per serving, cholesterol and protein, as well as various micronutrients (vitamins and minerals), are of greatest importance.
- While feedback varies on the shape and size of the label, consumers noted that it is important to minimize the amount of product covered by the label.
- Consumers, on an unaided basis, were able to provide details of nutrition information displayed on meat packages and on POS materials when asked to recall them:
 - 33 percent stated that beef is an excellent source of protein.
 - 33 percent stated that cooked ground beef is lower in fat than uncooked.

- 22 percent stated that beef is a good source of iron, zinc and many B-vitamins.
- 32 percent of consumers said they would be either somewhat or much more likely to select a store to shop in based on the availability of the nutrition information, a 15 percentage point increase (significant) over pre-wave results.

Nutrition Labeling Implementation Challenges

Significant planning is required for a successful launch of a nutrition labeling program for fresh meat and poultry products. The beef checkoff-funded pilot research helped establish that on-pack labeling is the consumer-preferred method for conveying nutrition information. While this process is more complicated, as each individual cut of meat needs to be assigned a specific set of nutrient data, it ensures consumers receive accurate nutrition information. Other challenges to implementing on-pack nutrition labeling include:

- Costs associated with updating and replacing older scales to handle the addition of the NFP on scale label can be significant, but could ultimately provide the retailer with additional sales opportunities.
- Importance of maintaining an accurate, up-to-date USDA nutrient database so the information presented accurately reflects what is found in the marketplace.
- Inputting all nutrition information into a mainframe system or directly into scales in stores can be a highly laborious process.
- The need to develop individual nutrition labels for each product given the vast number of products found in the meat case.
- Assess grade and trim levels when determining nutrient content to ensure accurate information provided.
- Develop effective POS materials to support the program to help drive consumer awareness of the availability of new information.

Certainly, there are significant challenges when it comes to implementing nutrition labeling in the meat case, but with these key learnings in place, the industry is better equipped to assist retailers when the proposed mandatory nutrition labeling rule takes effect.

Ongoing Efforts

- NCBA continues to work with retailers to voluntarily implement on-pack nutrition labeling programs for fresh meats.
- The Coalition developed a Web site (www.MeatNutritionLabeling.org) for retailers and packer/processors to provide the most current information on the proposed rule and to access information and tools on the final rule once implemented. Once the proposed rule is final, the Coalition stands ready to assist the retail industry in implementing the rule.

- For additional information on the beef checkoff-funded on-pack nutrition labeling program, please contact an NCBA Retail Marketing representative. Contact information can be found at <http://www.beefretail.org/contactus.aspx>.

Label 1:

Nutrition Facts	
Serving Size 3 oz. Servings Per Container: Varied	
Amount Per Serving	
Calories 162	
% Daily Value*	
Total Fat 3g	5%
Saturated Fat 1g	6%
Cholesterol 77mg	26%
Sodium 38mg	2%
Total Carbohydrate 0g	0%
Dietary Fiber 0g	0%
Sugars 0g	
Protein 27g	55%
Vitamin A 0%	Vitamin C 0%
Calcium 0%	Iron 14%
*Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.	
Calories: 2,000 2,500	
Total Fat	Less than 65g 80g
Sat Fat	Less than 20g 25g
Cholesterol	Less than 300mg 300mg
Sodium	Less than 2,400mg 2,400mg
Total Carbohydrate	300g 375g
Dietary Fiber	25g 30g

Label 2:

U.S.D.A. CHOICE BEEF EYE OF ROUND

SAFE HANDLING INSTRUCTIONS: THIS PRODUCT WAS PREPARED, INSPECTED AND PASSED MEAT AND POULTRY. SOME FOOD PRODUCTS MAY CONTAIN BACTERIA THAT COULD CAUSE ILLNESS IF THE PRODUCT IS NOT HANDLED OR COOKED IMPROPERLY. FOR YOUR PROTECTION, FOLLOW THESE SAFE HANDLING INSTRUCTIONS.

NUTRITION FACTS
Serving Size 4 oz (112g) varied
Amount / Serving Cal 240 Fat Cal 140
%Daily Values*

Total Fat	16g	25%
Sat. Fat	6g	32%
Cholest.	70mg	23%
Sodium	55mg	2%
Total Carb.	0g	0%
Protein	22g	

Vit. B6 25% Zinc 20%
Vit. B12 50% Iron 0%

*Percent Daily Values (DV) are based on a 2000 calorie diet. Not a significant source of fibers, sugar, Vitamin A, Vitamin C, calcium.

IRON helps give you energy for daily activities. Beef is a good source of Iron.

Sample POS:

NEW! in our meat department

Nutrition Information on all Beef Packages

IRON helps give you energy for daily activities. Beef is a good source of Iron.

Plus, we've added key MICRONUTRIENTS so you can easily see the benefits of eating beef.

IRON: Important for your children's mental development.

ZINC: Help you fight colds & maintain a healthy immune system.

MANY B-VITAMINS help turn your food into energy.

ZINC helps your body fight colds and flu.

IRON helps give you energy for daily activities.

PROTEIN helps your body build lean muscles.

B-VITAMINS help your body turn food into energy.