



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

January 5, 2022

American Veterinary Medical Association
1931 North Meacham Rd., Suite 100
Schaumburg, IL 60173-4360

Re: Comment on AVMA's Policy on "Truthful and Nonmisleading Human Food Labeling"

Dear American Veterinary Medical Association,

Thank you for the opportunity to comment on the American Veterinary Medical Association's (AVMA) Policy on "Truthful and Nonmisleading Human Food Labeling." I am submitting these comments as a long-standing AVMA member, practicing veterinarian, and veterinary advisor for the Animal Welfare Institute (AWI) Farm Animal Program.

We would like to commend the AVMA for preparing a policy that prioritizes truthful and nondeceptive labeling practices based in science. AWI supports the AVMA's policy and offers the following information to the association for consideration in reviewing the policy.

AWI was established in 1951 to reduce the suffering caused by humans to all animals, including those raised for meat, milk, and egg products. In furtherance of its mission, AWI promotes higher-welfare farming systems and works to raise awareness about the realities of conventional, intensive animal agriculture. AWI monitors the use of animal raising claims on product packaging because we believe maintaining consumer confidence in labels is critical to supporting higher-welfare farming practices.

Based on more than a decade of research, AWI believes that the deceptive use of claims on meat and poultry products represents a major threat to the future of higher-welfare, sustainable farming in the United States. Consumers are extremely invested in the welfare of animals raised for food – both the food they eat and that of their pets – and producers are eager to capitalize upon this interest.

Unfortunately, failure to appropriately regulate use of label claims has resulted in a system of rampant consumer confusion, and even deception. As you may be aware, the Food and Drug Administration (FDA) regulates dairy, most fish, and shell eggs, while the U.S. Department of Agriculture (USDA) regulates beef, pork, chicken, turkey, specific fish, and other meats, as well as "liquid eggs." The FDA has no label preapproval process; therefore, unless the food producers they regulate participate in a voluntary USDA program such as the Agricultural Marketing Service, they can essentially make any label claim they want regarding farming practices and animal treatment.¹

While the USDA has a label approval system that is managed by the Food Safety and Inspection Service (FSIS), it fails to scrutinize claims such as "humane" or "ethically raised," which

¹ Jessica Scott-Reid, *The "Humanewashing" of America's Meat and Dairy, Explained*, VOX (Dec. 21, 2021) <https://www.vox.com/22838160/animal-welfare-labels-meat-dairy-eggs-humane-humanewashing> (attached).

are not legally defined. AWI conducted a review of USDA label approvals based on records obtained via the Freedom of Information Act (see attached report, *Label Confusion 2.0*). While the USDA requires that producers define humane and sustainable claims on packaging, we found that the USDA does not assess whether the definitions provided are relevant to the overarching welfare claims made on product packages.

In many cases, producers provide definitions for overarching animal-raising claims such as “humanely raised” based on isolated aspects of animal welfare—for example, defining the term to mean that the animals were not confined to crates or cages or were not fed antibiotics for growth. The welfare of animals, however, encompasses many aspects of their environment and care, including flooring, bedding, lighting, space allowance, handling methods, health care practices, use of pain management, social environment, and access to pasture or exercise areas. Welfare is also heavily impacted by genetic selection and can be harmed when productivity is prioritized above all else. For example, broiler chickens selected for rapid growth and greater breast yields are more likely to experience poor welfare, as reflected by decreased mobility, skin and skeletal lesions, muscle myopathies, and potentially inadequate organ development.²

In addition to the problem of accepting inadequate definitions, the USDA’s label preapproval process does not include assessment or verification of the provided documentation. For example, we found one case in which the USDA approved the high-value claim “humanely raised” based solely on a two-sentence-long affidavit. In some cases, more detailed documentation, such as an operational protocol, is submitted, but because FSIS jurisdiction only applies at time of slaughter, no one verifies whether all – or any – of the suppliers adhere to it. Claims such as “humanely raised” are routinely approved by FSIS despite a producer’s use of conventional animal agricultural practices that are not based on a scientific understanding of animal welfare or consumer expectations of humane treatment.

The current label preapproval process essentially allows producers to submit questionable documentation in support of their claims with no fear of rejection; they can then utilize the approved yet misleading labels to deceive consumers into thinking their products are more humane than those of a competitor, allowing them to sell products at a premium. Furthermore, this process also effectively shields producers from labeling lawsuits.

The actions of both USDA and FDA have resulted in use of claims about animal production practices that are ambiguous, misleading, and lack a scientific basis. For instance, Consumer Reports recently reported on the One Health Certified program, deeming it “meaningless” and “misleading.”³ This should be of particular interest to the AVMA, given its commitment to the “One Health” framework, which has been co-opted by the food label program to convey an unsubstantiated environmental stewardship and animal welfare message to consumers. Other programs, such as CARE Certified⁴ by Where Food Comes From, Inc., and Farm Animal Care Training and Auditing,

² Torrey, S., Kiarie, E., Widowski, T., et al., *In Pursuit Of A Better Broiler: A Comprehensive Study On 16 Strains Of Broiler Chickens Differing In Growth Rates*, (2020) https://globalanimalpartnership.org/wp-content/uploads/2020/09/Better_Chicken_Project_Summary_Report_Global_Animal_Partnership.pdf.

³ Brian Ronholm & Charlotte Vallaeys, *Consumer Reports: ‘One Health Certified’ Label is Meaningless, Misleading* (July 23, 2020) <https://www.foodsafetynews.com/2020/07/consumer-reports-one-health-certified-label-is-meaningless-misleading/>.

⁴ Animal Welfare Inst., *Comment re Draft BeefCare Standard*, (Apr. 14, 2021) <https://awionline.org/sites/default/files/uploads/documents/AWICommentsBeefCAREStandards.pdf>.

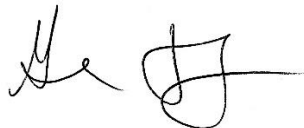
LLC (FACTA)⁵ also falsely convey to consumers that animals are raised to a standard that exceeds common industry practices for animal care and environmental sustainability.

AWI has conducted various consumer perception surveys in the past eleven years, and has consistently found that consumers strongly believe claims such as “humanely raised” should not be used unless a producer exceeds minimum industry standards for animal care.⁶ Further, 66 percent of Americans believe claims such as “humanely raised” or “sustainably farmed” should be based on meaningful, measurable standards.⁷

Finally, it is in the interest of our veterinary profession that the AVMA become more active in ensuring that animal-derived food products (for human or animal consumption) are labeled in a truthful and nonmisleading way. Ensuring animal welfare is a major concern for contemporary veterinary students and new graduates. Higher-welfare farms can help attract these individuals, helping to alleviate the recruiting crisis in food/farm animal medicine. Higher welfare-farms have a comparatively greater need for veterinary services; for example, we provide pain management for painful physical alterations and/or health conditions and guide a robust preventive health program for animals in more extensive environments. These farms can provide satisfying work for today’s vets, but they can only succeed if consumers can easily and accurately identify their products.

AVMA’s policy should reflect Americans’ concerns and the science of animal welfare. As such, we hope that in revising its policy on this issue, the AVMA will make explicit that animal raising claims should reflect an improvement to an animal’s well-being above that of the industry standard and should be substantiated by a third party. Please see appendix below for recommended changes. Thank you for your consideration. Please feel free to contact me at GwendyDVM@gmail.com or (305) 803-0211 should you have any questions.

Sincerely,



Gwendolen Reyes-Illg, DVM, MA
Veterinary Advisor, Animal Welfare Institute

Attachments:

Animal Welfare Institute Report, *Label Confusion 2.0: How the USDA Allows Producers to Use “Humane and Sustainable Claims on meat Packages and Deceive Consumers* (Sept. 2019).
Jessica Scott-Reid, *The “Humanewashing” of America’s Meat and Dairy, Explained*, VOX (Dec. 2021).

⁵ Animal Welfare Inst., *FTC Challenge: Boar’s Head “Humanely Raised” Labels Deceive Consumers* (Feb. 23, 2021) <https://awionline.org/press-releases/ftc-challenge-boars-head-humanely-raised-labels-deceive-consumers> (Boar’s Head used compliance with FACTA standards [which are based on those of the National Chicken Council] as a basis for its humane claim for chicken products and National Turkey Federation standards for its turkey products).

⁶ Animal Welfare Inst., *Survey of Consumer Attitudes About the Claim “Humanely Raised”* (October 2021) <https://awionline.org/sites/default/files/uploads/documents/survey-consumer-attitudes-claim-humanely-raised.pdf>.

⁷ *Id.*

Appendix 1

Recommended Changes to Policy Statement

Truthful and nonmisleading human **and pet** food labeling

The American Veterinary Medical Association (AVMA) supports truthful and nonmisleading labeling of animal-derived human **and pet** food products that meets the following criteria:

1. Claims on labels regarding production practices should be clear, unambiguous, scientifically valid, ~~and verifiable~~ **verified, and consistent with consumer understanding of the claim. “Puffery” or aspirational claims should not be used.**
2. Animal health, animal welfare, and food safety must not be compromised in pursuit of marketing programs and associated label claims.
3. Marketing entities must have safeguards and policies in place to ensure that specified production practices (such as restrictions on the use of approved animal drugs, including antibiotics) do not prevent producers from providing necessary treatment, under the direction of a veterinarian, for sick or injured animals. **Marketing entities should also ensure that consumer expectations are met in developing programs that state or imply superior animal welfare.**
4. Labels that state or imply increased food safety, superior animal welfare, decreased carbon footprint, or enhanced nutritional content should be based on ~~verifiable~~ **compliance with relevant, publicly available, science-based standards that are verified via audits by a third party.** ~~scientific evidence that is made available to the public and supports the claims.~~ **Labels that claim superior animal welfare, such as “humanely raised,” should be based on standards that exceed industry practices and meet consumer expectations for the claim.**
5. Consumers should be aware that a label of “organic” is not in itself an indication of practices that are beneficial to animal welfare or the environment.