

June 11, 2023

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Ave, SW
Mailstop 3758
Washington, DC 20250-3700

Submitted electronically

Re: Proposed Rule on Voluntary Labeling of Regulated Products with United States Origin Claims (posted March 13, 2023)

Dear Docket Clerk,

North Dakota Farmers Union (NDFU) appreciates the opportunity to comment on the proposed rule on voluntary labeling of meat products with U.S.-origin claims. NDFU is North Dakota's largest general farm organization, representing more than 62,000 farm, ranch and member families. NDFU's member-developed Policy and Action contains several long-standing positions supporting truthful, accurate and transparent labeling of agricultural products.

NDFU supports the United States Department of Agriculture Food Safety and Inspection Service's (FSIS) proposed rule. The proposed rule would amend current FSIS regulations to limit the use of "Product of USA" and "Made in the USA" claims to products derived from animals born, raised, slaughtered and processed in the United States. The proposed change is long overdue. In fact, NDFU supported petitions to initiate FSIS's proposed change in 2018¹ and 2020² and separately urged the Federal Trade Commission (FTC) to adopt rules restricting the use of U.S.-origin claims in 2020.³

NDFU is a strong supporter of mandatory country-of-origin labeling (COOL). In the absence of COOL for beef and pork, existing voluntary labels mislead consumers. Under current FSIS regulations, foreign raised meat and meat products can carry U.S.-origin labels, as long as they are minimally processed in the U.S. As FSIS's 2022 consumer survey confirms, this definition is

¹ Watne, M. (2018, August 16). *Comments re: Petition 18-05 – Petition to Revise FSIS Standards and Labeling Policy Book on "Product of U.S.A." Labeling*. Retrieved from <https://ndfu.org/wp-content/uploads/2018/08/Comments-re-Petition-18-05-re-OCM-Request-for-Change-to-Product-of-USA-Labeling.pdf>.

² Watne, M. (2020, January 30). *Comments re: Docket ID No. FSIS-2019-0024 – The U.S. Cattlemen's Association (USCA) Petition for the Imposition of Beef Labeling Requirements: To Address "Made in USA" or "Product of USA" Claims*. Retrieved from <https://ndfu.org/wp-content/uploads/2020/01/Comments-re-USCA-Petition-for-Made-in-USA-or-Product-of-USA.pdf>.

³ Watne, M. (2020, September 11). *Comments re: MUSA Rulemaking, Matter No. P074204*. Retrieved from <https://ndfu.org/wp-content/uploads/2020/09/Comments-re-FTC-Made-in-USA-Labeling-Rule.pdf>.

misleading to consumers.⁴ While we believe that mandatory COOL is the most effective mechanism for truth-in-labeling, it is critical that voluntary labels accurately convey information as it is understood by consumers.

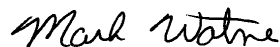
FSIS's current policy is harmful to U.S. family farmers and ranchers, because it promotes consumer confusion. Current regulations prevent consumers from accurately differentiating domestically produced meat and meat products from foreign meat and meat products. This effectively undermines the value created by U.S.-origin label claims. FSIS's consumer survey confirms that consumers are willing to pay more for meat products with a "Product of USA" claim. Consumers are further willing to pay more for meat products when more production steps occur in the U.S.⁵ Improving the integrity of voluntary U.S.-origin labels will help family farmers and ranchers capture that additional value.

The proposed rule aligns the definition of voluntary U.S.-origin claims with consumers' understandings of the information conveyed by those claims. NDFU encourages FSIS to finalize implementation of this rule.

Thank you for your consideration.

Sincerely,

NORTH DAKOTA FARMERS UNION



Mark Watne
President

⁴ Cates, S. C., et. al. (2022, November 30). *Analyzing Consumers' Value of "Product of USA" Labeling Claims*. RTI International [Prepared for the Food Safety and Inspection Service]. Retrieved from https://www.fsis.usda.gov/sites/default/files/media_file/documents/Analyzing_Consumers_Value_of_PUSA_Labeling_Claims_final_report.pdf.

⁵ *Id.*

