



# Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

September 5, 2019

U.S. Department of Agriculture  
Food Safety and Inspection Service  
1400 Independence Avenue SW  
Mail Stop 3758, Room 6065  
Washington, DC 20250-3700

Submitted via [www.regulations.gov](http://www.regulations.gov)

**RE: Animal Welfare Institute Comment re FSIS's Guideline on Kit Labeling  
Docket No. FSIS-2018-0041**

Ms. Wagner,

The Animal Welfare Institute (AWI) appreciates the opportunity to comment on the Food Safety and Inspection Service's (FSIS) *Guideline on Kit Labeling* ("guideline"). Since its founding in 1951, AWI has been dedicated to alleviating suffering of animals, including those raised and slaughtered each year for food. As part of this mission, AWI promotes higher welfare farming, educates the public about the meaning of label claims, and works to ensure that animal-raising and sustainability claims on food labels are consistent and aligned with consumer expectations.

AWI is pleased that FSIS is working to ensure that labels for products containing meat and poultry are labeled in a consistent and not-misleading manner. Such efforts avoid consumer confusion, and protect producers abiding by higher welfare practices by preventing competitors from using high-value animal-raising or sustainability claims without having earned them. Many shoppers prefer high welfare and sustainable animal products, and producers use labels to signal their practices to these consumers. In fact, 74% of consumers in a recent poll indicated that they pay attention to food labels pertaining to animal welfare.<sup>1</sup>

AWI is concerned that the proposed guideline may provide a mechanism for producers to exploit consumer demand for products containing higher welfare and/or sustainable meats. The proposed guideline distinguishes between the interior packaging of the meat component and the exterior packaging of the entire kit. AWI is concerned that the guideline creates a loophole because of this distinction. FSIS is proposing to inspect the label on interior packaging and theoretically engage in pre-market label approval for any claims requiring substantiation, but according to the guideline, the exterior packaging will not be inspected nor will FSIS engage in pre-market label approval for claims appearing on the exterior of the kit.

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<sup>1</sup> Am. Society for the Prevention of Cruelty to Animals, *Lake Research Partners Survey (2016)*, available at [https://www.aspc.org/sites/default/files/publicmemo\\_aspca\\_labeling\\_fi\\_rev1\\_0629716.pdf](https://www.aspc.org/sites/default/files/publicmemo_aspca_labeling_fi_rev1_0629716.pdf).

Failure to inspect and engage in pre-market label approval for meal kit exteriors presents an opportunity for meal kit creators to place unsubstantiated—perhaps even false—animal-raising or sustainability claims on the front of their packaging. If so, meal kit producers and manufacturers will benefit from using animal-raising claims without participating in FSIS’s pre-market label approval process.

While AWI appreciates that the labeling on the interior meat component would still undergo pre-market label approval, it is concerned because consumers are much more—if not entirely—swayed by the information on the exterior of a package while shopping.<sup>2</sup> The FSIS-approved interior labeling will likely have no impact whatsoever on consumer purchasing decisions.

Accurate labeling of animal products prevents consumer confusion and promotes transparency in how animals are raised for food. By not requiring pre-market approval for animal-raising or sustainability claims on the exterior packaging of meal kits, FSIS could frustrate these goals. The proliferation and popularity of meal kits has grown dramatically, and is likely to only expand in the coming years, leaving consumers increasingly vulnerable to misinformation on exterior labels.<sup>3</sup>

To remedy this problem, the guidance should instruct producers wanting to include animal-raising or sustainability claims on the exterior of their meal kits to engage in FSIS’s pre-market label approval process. By requiring pre-market label approval for animal-raising claims on the exterior packaging, FSIS can protect consumers from false and misleading advertising.

AWI encourages FSIS to act on the information contained in these comments to help ensure only accurate label claims enter the marketplace. Please feel free to contact me at erin@awionline.org or (202) 446-2147 should any questions arise.

Sincerely,



Erin Thompson  
Staff Attorney, Farm Animal Program

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<sup>2</sup> 71% of consumers consider claims made on package labels when making purchasing decisions. Animal Welfare Institute/Harris Poll Survey, 2018, *available at* <https://awionline.org/sites/default/files/uploads/documents/FA-AWI-survey-on-animal-raising-claims-Sept-2018.pdf>.

<sup>3</sup> *See, e.g.,* Ron Ruggless, *Meal Kits Continue to Show Strength*, SUPERMARKET NEWS (Mar. 7, 2019), <https://www.supermarketnews.com/meat/meal-kits-continue-show-strength>.