

Marketing claims and the role of standards

Dr. Craig Morris
Deputy Administrator



Overview

“Standards” *are important...*

Standards and conformance impact more than 80% of global commodity trade – U.S. Department of Commerce

Overview

“Conformity Assessment” *is too...*

Testing, inspection, auditing, certification, accreditation – these measures are as important as standards in ensuring that products, personnel, services and systems are safe and perform as expected

Overview

- Origin of Standards
- Marketing Claims address expectations
 - Claims related to product characteristics
 - Claims related to production characteristics
- Standards development process
 - Unique standards
 - Widely accepted standards

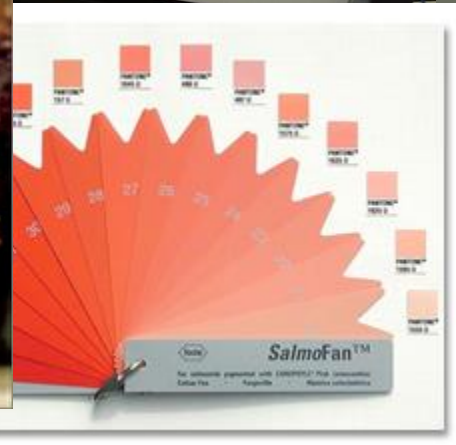
Overview

- Label Liability
 - False or misleading claims
 - Ensuring claims are adhered to
- Making Third Party Verification More Accessible
- Closing Points
 - Recent developments

Origin of Federal Standards



Product Characteristic Claims



Product Characteristic Claims

- Tenderness
- Marbling
- Color
- Flavor
- Juiciness
- Nutrient content
- Cut name
- Portion size

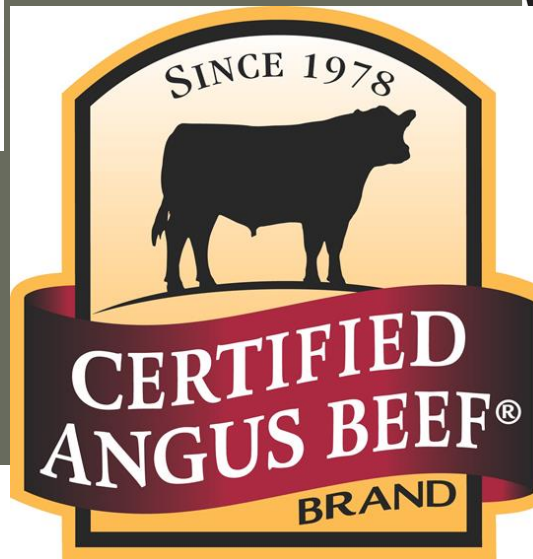
Production Characteristic Claims



Production Characteristic Claims

- Country of origin
- Breed
- Producer information
- Locally/regionally produced
- Animal welfare
- Organic
- Grass fed/Grain fed/GMO Free
- Environment/Climate certified

Unique Standards



Widely Accepted Standards



Label Liability

WHOLE FOODS' LABELS ARE MISLEADING, DECEPTIVE, UNFAIR AND FRAUDULENT, ALLEGES LAWSUIT

Whole Foods targeted in new lawsuit over 'all-natural' claims



By Elaine Watson+

25-Jul-2014

Last updated on 25-Jul-2014 at 07:21 GMT

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Label Liability: Food Makers Targeted for Marketing in Bad Taste

High-profile litigator who had success against Big Tobacco seeks billions from food producers—what are the coverage implications?



FOOD AND DRUG LAW JOURNAL

Analyzing the Laws, Regulations, and Policies Affecting FDA-Regulated Products

\$56.5 Million Settlement Over Adderall Marketing Claims

Saranac Hale Spencer, *The Legal Intelligencer*
September 25, 2014 | 0 Comments

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Aaron Couture

The maker of Adderall, Pennsylvania-based Shire Pharmaceuticals, has settled a whistleblower for \$56.5 million in the Eastern District of Pennsylvania.

Dr. Gerardo Torres—who had been an executive at Shire—originally brought claims against the company under the federal False Claims Act in 2008.

He alleged that Shire had marketed Adderall XR and other drugs to treat attention deficit hyperactivity disorder (ADHD) as being effective in ways that weren't supported by clinical data

The Legal Intelligencer

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Marketing claims: your obligations

Baldwins
Sophie Thoreau

New Zealand, United Kingdom
August 25 2014

On 17 June 2014 the Consumer Law Reform Bill brought in one of the most relevant changes for the retail industry was representations under the Fair Trading Act 1986 ("FTA").

Consumers live in a fast-paced world and expect to rely on products when making speedy purchasing decisions in their purchases. Buying decisions are made quickly, sometimes recent changes to the FTA provide consumers with additional consumers. The corollary is that retailers have increased obligations.

One of the key changes for the retail sector is the inclusion of a prohibition on making untruthful representations under the FTA. This change means that retailers must ensure they are able to show that any representations made are truthful.

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False or Misleading Claims



USDA Yanks Tyson's Coveted 'No Antibiotics' Tag

Nov 20, 2007 6:34 PM CST



OLD LOGO



NEW LOGO



Ensuring Claims Are Adhered To



*Meets Humane Farm Animal Care Standards, Which include nutritious diet without antibiotics or hormones, animals raised with shelter, resting areas, sufficient space and the ability to engage in natural behaviors.



Making Third Party Verification More Accessible

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Expanding Opportunities for Small-Scale Beef Producers

Posted by Craig Morris, Deputy Administrator of the AMS Livestock, Poultry and Seed Program, on April 29, 2014 at 11:00 AM



Using the USDA Certified Grass-Fed claim as its initial focus, a new USDA program will reduce costs for small producers wanting to market their cattle as USDA certified grass-fed.

Global Efforts

Standards Alliance

- The ANSI-USAID Standards Alliance will partner with developing nations on training and other capacity building activities. This partnership is expected to encourage transparency in the development and alteration of technical regulations, and improve implementation of the TBT *Agreement's Code of Good Practice for the Preparation, Adoption and Application of Standards*, with the larger goal of promoting trade and economic development.



A Few Closing Points...



Recent Developments

- United States/Canada adoption of uniform meat cut standards and beef grades
- United States/Mexico discussions related to both grades and standards



Canada Prime



Canada AAA



Canada AA



Canada A



Thank You and Questions?



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