



NATIONAL CATTLEMEN'S BEEF ASSOCIATION

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August 10, 2006

Martin E. O'Connor
Chief, Standardization Branch
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Room 2607-S
1400 Independence Avenue, SW
Washington, DC 20250-0254

Re: Docket No. LS-05-09: United States Standards for Livestock and Meat Marketing Claim, Grass (Forage) Fed Claim

Dear Mr. O'Conner:

On behalf of the National Cattlemen's Beef Association (NCBA) I want to express our appreciation for the opportunity to comment on the Agricultural Marketing Service (AMS) Docket No. LS-05-09: United States Standards for Livestock and Meat Marketing Claim, Grass (Forage) Fed Claim. Producer-directed and consumer-focused, the National Cattlemen's Beef Association is the trade association of America's cattle farmers and ranchers, and the marketing organization for the largest segment of the nation's food and fiber industry.

In general, NCBA supports AMS publishing this notice for comment to standardize the marketing claim for grass fed ruminant products. This standardization is needed, however, we encourage further consideration on the exact definition of "grass fed" that will be used. We are supportive of the claims standardization process being conducted jointly with Food Safety and Inspection Service (FSIS) Labeling and Consumer Protection Staff (LCPS).

NCBA supports the rights of producers and processors to use marketing claims to market their products to a specific market. Food producers fill a marketing niche by providing consumers with information that helps them make purchasing decisions. However, these claims cannot be false or misleading. They must be based on science and established regulations. The claims should not construe product safety or nutritional information. Therefore, we offer comments on the proposed standard in the following areas: the definition, the 99 percent energy level, product differences, and consumer perceptions.

Definition:

Grass-fed should be “grass” only – The definition proposed by AMS for “Grass (Forage) Fed” includes a wide variety of items that are more than just grasses and forages. The claims made on a product should not mislead consumers. Therefore, we recommend that AMS reconsider this definition to include only grasses, whether in pasture or range situations or as harvested to address climate issues (i.e., winter or drought conditions). AMS could also reconsider the definition provided in the 2002 Notice¹ that read: “grass, green or range pasture, or forage” and include language regarding the specific conditions where harvested grasses can be used. If the Agency changes the definition of “grass”, then AMS needs to also look at the impact that makes on meeting the nutritional needs of the animal if the requirement is to still be 99 percent of the energy needs.

Conflicting statements in the definition – In the Notice, AMS proposes the following claim and standard:

“Grass (Forage) Fed – Grass (annual and perennial), forbs (legumes, brassicas), browse, forage, or stockpiled forages, and post-harvest crop residue without separated grain shall be **at least 99 percent of the energy source** for the lifetime of the ruminant specie, with the exception of milk consumed prior to weaning. Routine mineral and vitamin supplementation may also be included in the feeding regimen. Grass (forage) fed claims will be verified, as provided in 7 CFR part 62, by a feeding protocol that confirms a **grass or forage-based diet that is 99 percent or higher.**” (Emphasis added)

The two emphasized statements in the claim state two different requirements. One requires the grass or forage to be 99 percent of the energy source, while the last one requires the grass or forage diet to be 99 percent or higher. NCBA believes the last part should be changed to read: “that confirms a diet that meets the energy needs of the ruminant animal by at least 99 percent grass or forage.”

99 Percent Energy Level:

Science basis - In comments submitted by NCBA in 2003 to Docket No. LS-02-02, we asked for AMS to provide the scientific basis for choosing the proposed level of energy source at 80 percent. AMS did not provide this justification, nor have they still provided the scientific justification for the level now being 99 percent. The Agency only states in the Notice that “AMS determined the most appropriate way to integrate the grass (forage) fed claim into practical management systems and still maximize or keep the purest intent of grass and/or forage based diets was by changing the standard requirements to read that grass and/or forage shall be 99 percent or higher of the energy source for the lifetime of the animal.” The Agency does not provide any rationale for how this decision was reached or the scientific justification for such decision. In order for this standard to have validity, it must be based in science.

Nutritional requirements - NCBA feels that the process for standardizing the level of grass in the diet sufficient to make an approved label claim of “grass fed” should be defined within the context of ensuring the nutrient intake of cattle consuming forages meets the National Research

¹ Doc. No. LS-02-02. United States Standards for Livestock and Meat Marketing Claims. *Federal Register*, Vol. 67, No. 250. December 30, 2002.

Council (NRC) (1996. Nutrient Requirements of Beef Cattle. 7th ed. Nat. Acad. Press, Washington, DC) recommendations for protein, energy, minerals and vitamin intake necessary to provide for efficient use of feed resources and animal well-being.

Many studies have documented that some mature grass forages and hay have protein levels too low to sustain proper rumen function and efficient conversion of forage energy to gain. In addition, diets of cattle on forages should be supplemented to ensure appropriate levels of minerals, trace minerals and salt to sustain animal health and well-being.

Therefore, the standards for grass fed beef should be built around the NRC recommendations. Thus, on some low protein grass forages, additional protein may be needed. The necessary level should be consistent with NRC recommendations, not an arbitrary AMS standard.

Certification of a grass fed claim should be based upon feed analysis and proper supplementation to meet NRC recommendations.

The following literature illustrates some of the scientific basis supporting the need for proper supplementation of cattle consuming forages:

Swanson, D.W., S.I. Paisley, R.J. Gaebe. 2003. Utilization of mature low-quality grass hay by lambs and steers supplemented with soybean meal products. Professional Animal Scientist, August 2003.

DelCurto, T., R.C. Cochran, T.G. Nagaraja, L.R. Corah, A. A. Beharka, and E. S. Vanzant. 1990. Comparison of soybean meal/sorghum grain, alfalfa hay and dehydrated alfalfa pellets as supplemental protein sources for beef cattle consuming dormant tall grass prairie forage. J. Anim. Sci. 68:2901.

Sanson, D. W., D. C. Clanton, and I. G. Rush. 1990. Intake and digestion of low-quality meadow hay by steers and performance of cows on native range when fed various levels of corn. J. Anim. Sci. 68:595.

Product differences:

NCBA supports the Agency's position that requirements or characteristics beyond energy source (i.e., level of CLA or omega-3 fatty acids) should not be incorporated into the standard. Not all forages are equal in fatty acid composition. Feeding different types of forages to different types of cattle across the country can result in differing concentrations of CLA and omega-3 in the final product. Though grass-fed beef can contain significantly higher levels of these compounds than grain-fed beef, the industry is lacking evidence to suggest that these higher levels create a meaningful health benefit for humans. We agree that this issue warrants further investigation based on sound science and support omitting nutritional discussion from the language of this standard.

The following reference provided the basis and support for the preceding paragraph and will provide more information for the Agency on this topic:

Leheska, J. 2006. Nutrient composition of grass-fed beef. Ph.D. Dissertation, Texas Tech University, Lubbock, TX.

Consumer perceptions:

A recent national, random sample telephone survey of 1,000 U.S. adults found that 48 percent of those surveyed had heard of grass fed beef. All respondents were asked what they thought cattle raised as “grass fed” beef ate and 28 percent said they grazed on grass their whole life, while 60 percent said they grazed on grass but also ate other things. Probing further on what they thought were the “other” things the cattle ate, grains/oats, corn and hay/alfalfa were the top three responses.

This research shows there is recognition of “grass fed” beef in the market place and that consumers know that the cattle were fed grass. But there is a wide variety of interpretation of what exactly “grass fed” means to a consumer and if the cattle only ate grass or additional items. This research indicates the importance of AMS setting a proper definition, communicating that with the public, and ensuring that this definition is adhered to when the product is marketed as “grass fed.”

Summary

Based upon the comments above, NCBA requests that AMS consider all comments received and revise the standard before making it final to address the needs of the industry but also to be truthful and non-misleading to consumers.

Sincerely,



Leah Wilkinson
Director, Food Policy