



March 18, 2010

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 2-2127
George Washington Carver Center
5601 Sunnyside Avenue
Mailstop 5474
Beltsville MD 20705-5474

Re: Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products Docket No. FSIS-2005-0018

The Center for Science in the Public Interest (CSPI) wishes to commend USDA for reviving this proposed rule that has sat dormant for nine years. For close to a decade, consumers have been deprived of key information that could have helped them make healthier dietary choices and reduce the risk of diet-related disease. USDA's recent attention to this issue has the potential to correct the lapse that has left consumers uninformed or misled as they shop for meat and poultry.

I. Introduction

Although CSPI is pleased that USDA is, once again, addressing this important issue, we believe that the FSIS needs to modify the proposal as follows:

Nutrition Facts labels:

- Nutrition Facts should be required to appear on product labels for major cuts of meat; if posters remain an option, USDA should: (1) specify format and placement requirements (2) eliminate data for meats that are "trimmed of all visible fat," and (3) conduct a survey to determine whether consumers are better served by on-pack labels;
- Nutrition Facts should be provided for single-serving packages that exceed 4 ounces; alternatively, such packages should carry the following disclosure: "Nutrition Facts are based on a 4 oz. serving. This package may contain a serving larger than 4 oz."
- The number of servings should be required to be listed on product labels; if this is not required, packages that contain multiple portions, should state: "Nutrition Facts are provided for a 4 oz. serving. This package contains multiple portions each of which exceeds 4 oz."
- Nutrition labels should be required to indicate the amount of trans fat.

Prevention of Misleading Claims including “% lean”:

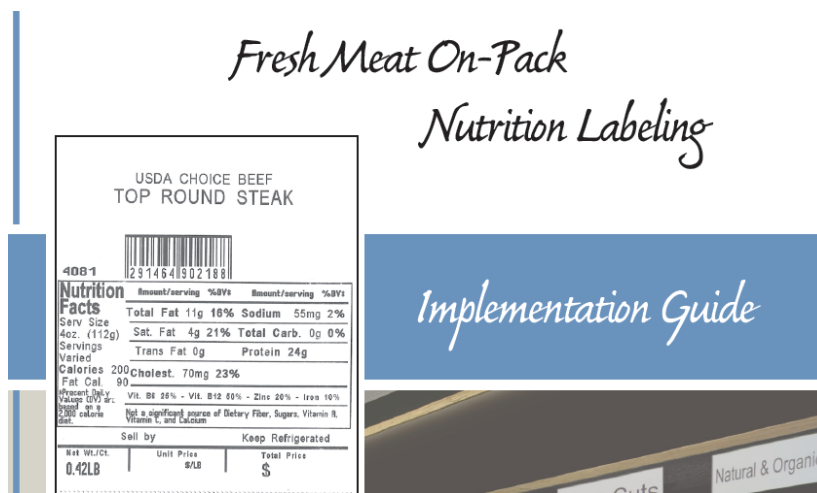
- USDA should prohibit percent lean claims for products that are not low in fat;
- USDA should prohibit misleading health and structure/function claims and require that nutrient content claims bear disclosure statements when appropriate.

II. Nutrition Facts should be required on product labels for “major cuts.”

A. Major parts of the industry are already using on-pack nutrition labeling.

USDA’s decision to permit producers to provide nutrition information either on the package or on a poster for major cuts of single-ingredient raw meat and poultry products ignores the fact that industry trade associations are currently promoting the use of on-package nutrition labels. Although USDA acknowledges industry research reported in 2009 in the preamble to the supplemental proposed rule under the heading “Focus Group Key Learnings,” the Department ignores a key finding: “Consumers currently use on-pack labels most often to learn about the nutritional content of meat products because there is higher awareness for labels than for posters or take-home brochures.”¹

In 2008, the Cattlemen’s Beef Board and National Cattlemen’s Beef Association published a *Fresh Meat On-Pack Nutrition Labeling Implementation Guide* funded by the Beef Checkoff. The *Guide* provides step-by-step instructions for providing nutrition labeling on major cuts of meat. According to the *Guide*, many retailers are now including nutrition labeling on product labels for meat.²



The cover of the industry’s Fresh Meat On-Pack Nutrition Labeling Guide depicts a Nutrition Facts label for use on the front of a package of round steak.

¹ 74 Fed. Reg. 67,736, 67,781 (Dec. 18, 2009).

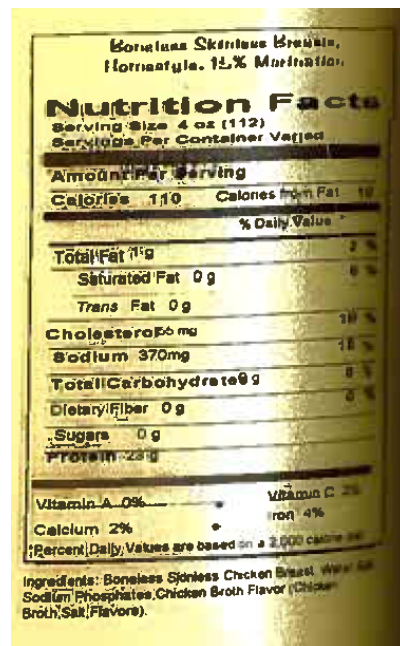
² *Id.* at 3.

The Guide also notes that most, if not all, case-ready chicken and turkey products shipped from a USDA inspected processing facility contain nutrition labeling.³



Perdue Chicken already carries on-pack nutrition labeling.

Moreover, even supermarket chains such as Giant are including nutrition labels on chicken that does not come prepackaged.



Giant is one of the growing number of supermarkets that are including nutrition labeling on meat and poultry packages.

³ *Id.* at 8.

There is no question that the industry is highly motivated to use on-pack nutrition labeling. For example, the beef industry website www.beefretail.org profiles the success of Indiana's Marsh Supermarkets' implementation of the On-Pack Nutrition Labeling program in 2006. Over a 16-week period, Marsh conducted consumer research via consumer intercepts and sales data of the effectiveness of a Nutrition Facts panel that was incorporated into the scale label.⁴ The meat industry was so excited about the positive research results that it told members to implement on-pack nutrition labeling for fresh meats without waiting for the USDA to issue a rule.⁵ In addition to Marsh, the following chains carry on-pack nutrition labeling: Hannaford Brothers, Food Lion, Bloom, Ukrop's and Giant.⁶

Moreover, USDA has not considered the fact that if similar labels and labeling equipment are needed to provide Nutrition Facts labels on both ground and major cuts, retailers will not incur substantial additional costs by adding nutrition labels to major cuts.

In sum, USDA seems to have resurrected the 1991 proposal without addressing current marketplace realities. Accordingly, we urge USDA to revise its proposal to require on-pack labeling for major cuts of meat.

B. Posters are ineffective communication tools.

1) Posters are difficult to read.

As the pictures shown below demonstrate, posters are difficult to read, particularly when detailed information must be provided for numerous cuts. Consumers need to look through a large number of columns to find the proper cut, locate the nutrition facts for a 4 oz. serving of that particular cut and then calculate the nutrition facts for the random-sized cut they are purchasing. In addition, although on-package labels are subject to stringent requirements to ensure legibility, point-of-purchase materials are not subject to any format requirements under the supplemental rule.⁷ Consumers in today's supermarket may not even know that the nutrition posters exist for fresh meat. Furthermore, even if they find the posters, the information is not always clear because of a lack of consistent formatting and location requirements.

For example, in one Giant supermarket in the Washington, D.C. area, the poster is set atop the meat case. As a result, the poster is one of the highest signs in the market, well out of a consumer's line of sight. In addition, the poster uses a small font that is difficult for many to read. The sign also almost appears as an after-thought: some posters are crooked and haphazardly placed.

⁴ Marsh Implements On-Pack Nutrition Labeling Program, <http://www.beefretail.org/MarshImplementsNutritionLabelingProgram.aspx>

⁵ On-Pack Nutrition Labeling A Business & Marketing Opportunity (Funded by the Beef Checkoff c. 2006) 26, available at <http://www.beefretail.org/CMDocs/BeefRetail/nutrition/OnPackNutritionLabelingPresentation.pdf>.

⁶ Roseanne Harper, *Giant Adopts New Beef Labels*, Supermarket News 38 (Jan. 5, 2009).

⁷ 9 C.F.R. § 381.455((q)(3)(ii)(proposed)) 74 Fed. Reg. at 67,799.

Safeway locates its Nutrition Facts poster for chicken and turkey across the aisle from the case where such products are sold, decreasing the likelihood that it will be viewed by consumers while they are purchasing poultry. Harris Teeter groups posters for all of its meats together on the side of one of the meat cases instead of positioning them prominently in front of the particular type of meat described on the poster. Customers may have no idea that that there is any nutrition information posted in this obscure location.

Photographs of the posters as they appear in Washington, D.C. area supermarkets are shown on the next three pages.



This picture was taken at a Giant in the Washington, DC, area. The store's Nutrition Facts poster for chicken and turkey is placed very high and in an unlit location. This particular sign is also crooked and haphazardly placed.



This Safeway lists chicken and turkey nutrition information across the aisle from the actual case, unlikely to be used by a customer purchasing poultry.



Harris Teeter's Nutrition Facts posters are tucked away on the side of the meat case. They are hard to find and less likely to be used than if they were placed on the front of the meat case.

The lack of consistent requirements for format and sign location is confusing for consumers. In one store, shoppers have to crane their necks to see the posters and may need glasses to read the information. In others, the location of the signs is so varied that shoppers may have to hunt for the sign that corresponds to their meat selection. All of these problems should be eliminated by including the Nutrition Facts on each package of meat.

2) Posters provide information that is difficult to comprehend.

Even if consumers are successful in locating a Nutrition Facts poster in the fresh meat section of a supermarket, they may be confused when they go to find the information that corresponds with the cut of meat they are purchasing. Given the vast array of cuts of meats available in the market (one store surveyed had 16 different cuts of beef alone), developing a poster to give information on all cuts is a daunting task. Moreover, the meats in the cases may not correspond to the cuts listed on the charts (see Appendix II).

Furthermore, Nutrition Facts posters are difficult to understand in part because they provide information both for meat that is trimmed to 1/8” and for meat that is “trimmed of all visible fat.” Dividing each section of the chart diagonally to make room for two sets of data makes the chart far more difficult to use (see p. 18). Moreover, Nutrition Facts should apply to meat as sold, not as some consumers might alter it before eating. Nutrition Facts based on meat that is “trimmed of all visible fat” are deceptive because the data come from analyses of meat that is trimmed by lab technicians with scalpels. Even if consumers trim their meat before eating, it is not clear that they would remove as much fat as the technicians. Yet many people would assume that the trimmed meat on the poster applies to the meat that they trim at home. Finally, anyone who visits a meat counter can see that many cuts of meat have more than 1/8” of fat. Therefore, allowing Nutrition Facts posters to use data for an 1/8” trim probably underestimates the fat in many cuts of meat. If USDA rejects arguments to require Nutrition Facts on packages, the Department should simplify posters by eliminating data for meats trimmed of all visible fats.

3) Posters are not favored by consumers.

A study conducted for CSPI by Infogroup Opinion Research Corporation (ORC) during February of this year found that 86% of consumers surveyed preferred nutrition facts labels on meat packages.⁸ The telephone survey was conducted among a national probability sample of 1,015 adults comprising 502 men and 513 women 18 years of age and older, living in private households in the continental United States during the period from February 11-14, 2010.

Yet USDA has no intention of doing additional research to see if consumers would be better served by on-pack nutrition labeling.

[USDA] does not intend to conduct consumer surveys or additional research to determine whether individual nutrition labels or charts covering multiple products would best address consumer needs because most comments received on this issue supported the use of charts covering multiple products.⁹

Consumers want on-pack labeling, and industry is happy to provide it. Given this new information, the administrative record demonstrates that USDA should require on-pack labeling for all major cuts.

C. USDA is incorrect in assuming that consumers can visually determine the difference in fat content between various cuts.

USDA justifies the disparate treatment of ground meat and major cuts on an unsubstantiated assertion that “Consumers have reasonable expectations as to the nutrient content of [major cuts] and can make comparative judgments about the fat content of various cuts.”¹⁰ But as discussed below, this is not the case.

⁸ Infogroup/ORC, *Ground Beef Content Description Survey Prepared for CSPI* (Feb. 14-16, 2010). Ques. F.2.

⁹ 74 Fed. Reg. at 67,746-47.

¹⁰ 74 Fed. Reg. at 67745.

The ORC survey recently conducted for CSPI also revealed that nearly 80% could not correctly determine which of the following cuts of meat has the least amount of fat: rib eye steak, ground beef that's 80% lean and 20% fat, or chuck pot roast. Only 20% knew that that chuck pot roast had the least fat.¹¹

Moreover, as demonstrated by the photographs below, it is difficult for consumers to determine whether, for example, a ribeye steak has more fat than a New York strip steak.



Rancher's Reserve Boneless Ribeye



Rancher's Reserve New York Strip Steak

Which has more fat? It is nearly impossible for consumers to answer that question with any degree of accuracy by merely looking at the marbling and trim of each cut.

USDA cites no data to support its belief that consumers have “reasonable expectations” about the comparative nutrient content of different cuts of meat. Similarly, USDA appears to have no data to substantiate its view that consumers can accurately compare the fat content of various meats through visual examination. USDA’s unsupported presumption that consumers can compare nutrient content by “eyeballing” different cuts of meat is not supported by the administrative record.

In the event USDA chooses to retain the poster alternative, it should conduct a study to determine whether consumers would be better served by posters or on-package labels. USDA cannot make an informed decision to forego the use of on-package nutrition unless it obtains the data to support its view. In addition, if USDA requires posters, it should set specific requirements to ensure posters are displayed properly and are easy-to-read.

Furthermore, if the Department permits posters, it should develop criteria for format and design. The Food and Drug Administration (FDA) has format requirements for posters for fish and fresh fruits and vegetables, even though such posters are not mandatory. Thus, FDA requires that the heading “Nutrition Facts” must be in a type size larger than all other print in the nutrition label; and that the required information “must be clearly presented and of sufficient type size and color contrast to be plainly legible.” Numeric values for percent of DV must be highlighted and appear in contrast to the quantitative amounts by weight. All nutrients must be

¹¹ ORC Survey supra note 6 at Ques. F1A.

separated by hairlines.¹² Although we find FDA's posters difficult to read, they are substantially better than the posters for meat and poultry currently in Washington, D.C. area supermarkets. USDA should work with FDA to update format and readability requirements for posters.

III. Nutrition Facts should be provided for single serving packages that exceed 4 oz.

A. Single servings of steaks, ribs, veal, etc. that exceed 4 oz. are commonly sold in supermarkets and by mail-order.

USDA's decision to continue using 4 oz. as the reference amount customarily consumed for meat and poultry is out of date and needs to be revised upward to reflect actual consumption. Supermarket meat cases are filled with single serving packages of steaks ribs, veal, etc. that exceed 4 oz. For example, as shown on the next page:

Safeway sells:

- 6.4 oz. Beef eye of round steak
- 7.8 oz. Boneless rib eyes steak
- 9.12 oz Strip steak.¹³

¹² 21 C.F.R. § 101.45. Unlike USDA, FDA's website includes downloadable facts sheets for seafood, and fruits and vegetables.

<http://www.fda.gov/Food/LabelingNutrition/FoodLabelingGuidanceRegulatoryInformation/InformationforRestaurantsRetailEstablishments/ucm063367.htm>

¹³ Purchased at Safeway, Washington, D.C..



Steaks typically sold in supermarkets for likely consumption by one person are much larger than 4 oz.

Similarly, mail-order meat companies regularly sell single-serving products that exceed 4 oz. For example,

Omaha Steak sells:

- 5 oz. filet mignons
- 6 oz. top sirloins¹⁴

Kansas City Steak Company sells:

- Boneless rib eye steaks ranging from 8-12 oz.
- Filet mignons ranging from 6-10 oz.
- 10 oz. top sirloin¹⁵

Chicago Steak Company sells:

- 10 oz. boneless strip
- 8 oz. boneless pork chops¹⁶

Further, the American Meat Institute website calls for recipes whose meat content significantly exceeds 4 oz. For example, a recipe for Grilled Chutney Pork Tenderloin that yields about ten entrée servings calls for a three-four pound boneless pork loin roast. A three-pound roast for ten people yields 4.8 oz. per person, while a four-pound roast would yield a 6.4 oz. serving per person.¹⁷ A recipe for Chicken Lasagna for four calls for four 5-oz boneless chicken breasts.¹⁸

In brief, this information demonstrates that USDA's 4 oz. serving size for major cuts is out of date and needs to be revised.

B. Nutrition Facts should be provided for entire package if product can reasonably be consumed at a single eating occasion.

USDA's current regulations are virtually identical to the FDA's regulations for serving size. Both agencies require that products sold individually that contain less than 200% of the reference amount customarily consumed (RACC) must be labeled as single servings unless an exemption applies. For products of 100 grams or larger, manufacturers have the option to declare one or two servings if the product is between 150 and 199% of the RACC amount. If a product is 200% or more of the RACC, producers may label the package as a single serving if "the entire content of the package can reasonably be consumed at a single eating occasion."¹⁹

¹⁴ www.omahasteaks.com/servlet/OnlineShopping.

¹⁵ www.kansascitysteaks.com.

¹⁶ www.mychicagosteak.com

¹⁷ <http://www.meatpoultrynutrition.org/ht/d/sp/i/50828/pid/50828>.

¹⁸ <http://www.meatpoultrynutrition.org/ht/d/sp/i/30211/pid/30211>.

¹⁹ Compare 9 C.F.R. § 317.309 (b)(8) and 21 C.F.R. § 101.9(b)(6).

In 2004, FDA sent a Letter to Food Manufacturers attempting to address the problem of supersized, single-serving products being marketed as multi-serving products. The FDA encouraged them to:

[P]rovide the most accurate and useful nutrition information to consumers by taking advantage of the flexibility in current regulations. . .and label food packages as containing a single-serving if the entire contents of the package can reasonably be consumed at a single-eating occasion.²⁰

USDA needs to update its serving sizes to reflect modern consumption habits. In the interim, it should follow FDA's example and require companies to label meats as containing a single serving if the meat can reasonably be consumed by an individual at a single eating occasion.

If USDA chooses not to do so, it should require that packages of meat that can reasonably be consumed at a single eating occasion require the following disclosure: "Nutrition Facts are based on a 4 oz. serving. This package may contain a serving larger than 4 oz."

IV. The number of servings must be required on product labels.

A. USDA's decision not to require the specific number of servings to be listed is based on an outdated rationale.

In its supplemental proposal, USDA concludes that major cuts and ground beef need only comply with the existing rule²¹ that random weight products declare the number of servings as "varied." It remains optional to provide the typical number of servings in parentheses following the "varied" statement," e.g., varied (approximately 8 servings).²² This rule is identical to FDA's rule for random weight products.²³ In a 1993 Preamble to its serving size rule, FDA explained that its reason for not requiring the listing of the actual number of servings was a technological one: "it would be difficult for retailers and manufacturers to have labels printed with the number of servings per container unless they have automated label machines that print the number of servings as they print the weight."²⁴ Nevertheless, FDA encouraged companies to permit an optional declaration of "typical number of servings" with the term "varied" on random weight packages because FDA agreed with comments that "an approximate number of servings per container could help consumers determine the approximate number of servings contained in the package."²⁵

²⁰ FDA, *Letter to Food Manufacturer About Accurate Serving size Declaration on Food Products*, 2 (Mar. 12, 2004) available at <http://www.cfsan.fda.gov/~dms/fl-ltr4.html>.

²¹ 74 Fed. Reg. 67740.

²² 29 C.F.R. §§ 317.309(10)(iii), 381.409(b)(10)(iii).

²³ 21 C.F.R. § 109(b)(8)(iii).

²⁴ 58 Fed. Reg. 2229, 2283 (Jan. 6, 1993).

²⁵ *Id.*

As the meat industry has shown in its *Fresh Meat On-Pack Nutrition Labeling Implementation Guide*, in the 17 years since USDA published its serving size rules, many retailers are able to provide nutrition information on packages and have machinery that may be able to, or can easily be adapted to, calculate the number of servings in a package. Moreover, companies such as Laura's Lean Beef already include the number of servings.



Laura's Lean Beef already informs consumers of the number of servings in a package of ground beef.

USDA should ascertain the feasibility of including the specific number of servings on product labels rather than assuming that technology has remained stagnant over the past 17 years.

B. The number of servings in a package reminds consumers that a package has multiple servings.

Given technological advances, there is no reason why consumers should only be able to see the number of servings on processed meat and non-meat foods. The number of servings alerts consumers to the fact that they should not eat the entire package by themselves. It also reminds them that if they eat more than the standard serving size, they need to multiply the declared nutrients by the number of servings they consume. It is particularly important that consumers monitor their consumption of saturated fat and cholesterol. The 2005 Dietary Guidelines for Americans states that consumers must count the amount of fat in higher fat meats (e.g., ground beef with more than 5% fat by weight and poultry with skin) when calculating their

discretionary calorie allowance.²⁶ However, it is difficult for consumers to do this if they are unaware of the number of servings a package contains.

Retailers list the weight of packaged meat in pounds. But unless the number of servings is provided, consumers will need to take a calculator to the supermarket to figure out how many 4 oz. servings are in a package. For example, a package of 2 boneless rib eyes at Harris Teeter contains a label declaring a net weight of 1.79 pounds. If a consumer intended to eat one of the steaks and wanted to know its Nutrition Facts, the consumer would need to: (1) convert the number of pounds to ounces (28.64); (2) divide by two to find out the approximate weight of one steak in ounces (14.32); (3) divide by 4 to determine how many four-ounce servings are in that one steak (3.58); and then (5) multiply the nutrition facts by 3.58. Consumers should not be expected to go through this ordeal.

Instead, for major cuts, the USDA should require companies to list the number of servings as the number of discrete pieces of meat in a package, e.g., 2 steaks, 4 pork chops, etc. and compute the serving size based on the average weight of the various cuts included in the package, i.e. compute the serving size by dividing the total weight by the number of cuts in the package. For ground meats and roasts, USDA should require that the package list the number of 4 oz. servings.

In the event that USDA decides not to require labels to disclose the number of servings per package, the Department should require packages that contain multiple portions, each of which is likely to be consumed by one person, to state: “Nutrition Facts are provided for a 4 oz. serving. This package contains multiple individual portions that may exceed 4 oz.”

V. Nutrition Labels should be required to indicate amount of trans fat.

In its *Federal Register* proposal, USDA said that it would allow meats to voluntarily list trans fat on Nutrition Facts labels. The Department should require trans fat disclosures on all foods it regulates. Studies indicate that the naturally occurring trans fat in beef and dairy products has the same detrimental impact on LDL cholesterol as the trans fat in partially hydrogenated oils.^{27,28,29,30} USDA has no scientific basis for treating naturally occurring trans fat differently than the trans fat in processed foods. FDA already requires the listing of trans fat

²⁶ U.S. Dep’t of Health and Human Services, USDA, Dietary Guidelines for Americans 2005 at 54 note 6.

²⁷ Chardigny JM, et al. [Do trans fatty acids from industrially produced sources and from natural sources have the same effect on cardiovascular disease risk factors in healthy subjects? Results of the Trans Fatty Acids Collaboration \(TRANSEFACT\) study.](#) *Am J Clin Nutr* 2008 Mar;87(3):558-66.

²⁸ Walter Willett and Dariush Mozaffarian. Ruminant or industrial sources of *trans* fatty acids: public health issue or food label skirmish? *Am J Clin Nutr* 2008 87: 515-516.

²⁹ Motard-Bélanger, A, et al. Study of the effect of *trans* fatty acids from ruminants on blood lipids and other risk factors for cardiovascular disease. *Am J Clin Nutr* 2008 87: 593-599.

³⁰ Brouwer, IA, et al. Effect of animal and industrial *trans* fatty acids on HDL and LDL cholesterol levels in humans – a quantitative review. *PLoS ONE* 2010. 5: e9434.

on nutrition labels.³¹ USDA should issue nutrition labeling rules that are consistent with FDA's requirements.

VI. USDA Should Prohibit Percent Fat/Lean Claims for Products that are not Low in Saturated Fat.

CSPI strongly objects to USDA's proposal to allow ground meat packages to use percent lean claims. The Department's decision contradicts the Food and Drug Administration's policy that percent fat-free claims are deceptive on foods that are not low in fat.³² USDA's decision also ignores the position taken by numerous consumer health and nutrition organizations, who argue that the claims are deceptive and confusing to consumers. Instead, USDA takes the industry's position, which holds that percent lean claims are not misleading for the sole reason that they have been in use for more than 20 years. This flawed reasoning illustrates USDA's inherent conflict of interest between its mission to protect consumers and its mission to promote the meat industry.

A. Percent lean claims are deceptive.

Percent lean claims on ground beef are misleading because they imply that the meat is low in fat. FDA banned percent fat-free on all foods that were not low in fat to prevent that deception. Health experts do not use "percent by weight" to advise the public about foods because those percentages can be misleading. Percent by weight does not tell consumers the amount of fat in a product, as it would be disclosed on a Nutrition Facts label, but rather indicates how much of the weight of the product is composed of fat. For example, butter gets 100% of its calories from fat, but two pats of butter in a glass of water yields a liquid that is 98% fat free by weight. In contrast, the Nutrition Facts for "butter water" would reflect 8 grams of fat.

Although "lean means "containing little or no fat," according to Merriam-Webster, the meat industry uses "lean" on labels to mean something entirely different: the non-fat portion of meat. This specialized meaning of lean enables the meat industry to imply that its ground beef is low in fat. In fact, ground beef is typically one of the fattiest meats in the supermarket.

³¹ 21 C.F.R. § 101.9.

³² 21 C.F.R. § 101.62(b)(6).

Nutrition Facts

Giant Beef

nutrition facts for beef

1/8" fat trim
Trimmed of visible fat

	Calories	Calories from fat	Total Fat	Saturated Fat	Cholesterol	Sodium	Protein	Iron
Beef, 3oz. cooked serving	g	g	mg	mg	mg	mg	g	mcg
Ground Beef, broiled, well done (10% fat*)	210	100	11	4	85	70	27	15
Ground Beef, broiled, well done (17% fat*)	230	120	13	5	85	70	24	15
Ground Beef, broiled, well done (27% fat*)	250	150	17	6	85	80	23	15
Brisket, Whole, braised	290	190	11	8	85	50	24	15
Chuck, Arm Pot Roast, braised	260	160	18	7	80	45	20	6
Chuck, Blade Roast, braised	290	190	21	11	90	55	23	15
Rib Roast, Large End, roasted	300	220	24	10	70	55	20	10
Rib Steak, Small End, broiled	280	190	21	9	70	55	20	10
Top Loin, Steak, broiled	230	130	15	6	65	55	22	10
Loin, Tenderloin Steak, broiled	240	150	16	9	75	50	22	15
Loin, Sirloin Steak, broiled	210	110	12	6	75	55	24	15
Eye Round, Roast, roasted	170	60	7	4	60	50	24	10
Bottom Round, Steak, braised	220	110	12	7	80	40	25	15
Round, Tip Roast, roasted	190	90	10	6	70	55	23	15
Top Round, Steak, broiled	180	70	7	4	70	50	26	15

According to this Giant Nutrition Facts poster, Ground Beef is the leader when it comes to total fat per serving.

B. Survey data demonstrate that percent lean claims mislead consumers.

To demonstrate the impact of percent lean claims, CSPI commissioned an independent survey by Infogroup/Opinion Research Corporation.³³ Respondents were asked the same questions, except that for half of the sample, ground beef was described as 20% fat, while in the other half, ground beef was described as 80% lean and 20% fat (See appendix I).

VERSION A

Which of the following cuts of beef has the LEAST fat?

- 01 Chuck pot roast
- 02 Rib eye steak
- 03 Ground beef that's 80% lean and 20% fat

³³ The methodology is described in appendix I. In its *Federal Register* notice, USDA argued that telephone surveys were not appropriate for evaluating the public's knowledge about the fat content of meats because people cannot see the meats as they would in a supermarket. However, our recent telephone survey was not designed to measure the public's ability to evaluate the fat content of meats. Whether respondents were able to identify the leanest meat (chuck pot roast) is irrelevant. This survey was designed to measure only the impact of percent lean claims on the public's perception of the fat content of meat.

VERSION B

- 01 Chuck pot roast
- 02 Rib eye steak
- 03 Ground beef that's 20% fat

The results were as follows:

- A. For the total sample, 28% of respondents chose ground beef as the meat with the least fat when it was described as 80% lean and 20% fat.
- B. Only 18% of respondents chose the ground beef as the meat with the least fat when it was described as 20% fat.

This difference, which is significant at the 99% level, demonstrates that consumers are more likely to believe that ground beef is low in fat when it is described with a percent lean and percent fat claim than when it is described with only a percent fat claim. These results indicate that percent lean claims are not simply a statement of fact. Rather, the claims influence the public's perception of the fat content of ground meat. That would explain why the meat industry has fought so hard to retain percent lean claims for so many years. Percent lean claims promote the sale of ground meat by misleading consumers who are following advice to eat lean meat.

Furthermore, our survey indicates that percent lean claims may be especially misleading among some segments of the population. Among black and Hispanic respondents, roughly 40% chose ground beef as the meat with the least fat when it was described as 80% lean and 20% fat, while only 16% of black and only 10% of Hispanic respondents chose ground beef as the meat with the least fat when it was described as 20% fat.

These results should be of great concern to USDA. If the department determines that our minority sample sizes are too small to draw firm conclusions, it should commission its own survey with a larger minority sample. Clearly, USDA should not allow ground beef labels to carry labels that deceive the general public, and minorities in particular, simply because those labels have been in use for several decades. On the contrary, USDA should use this data to prohibit the ground beef industry from making deceptive percent lean claims, just as FDA prohibited labels from making deceptive percent fat-free claims in 1993.

C. Percent lean claims harm consumers who are trying to follow advice to eat lean meats.

Health authorities, including USDA, The Department of Health and Human Services, the National Heart, Lung, and Blood Institute, the U.S. Surgeon General, the American Heart Association, and the Institute of Medicine have urged Americans to eat less saturated fat to reduce the risk of heart disease. The Dietary Guidelines for Americans urges consumers to make choices that are "lean, low-fat, or fat-free"³⁴ when selecting and preparing meat and other foods. Many consumers would assume that they are making lean choices when they purchase a package of ground beef labeled 75 percent lean. Only a fraction of consumers would understand that meat labeled "75% lean, 25% fat" is high in fat.

³⁴ HHS, USDA, Dietary Guidelines for Americans 2005 viii.

All ground beef is 70 to 95% lean because the meat is roughly 60% water by weight. Even the fattiest ground beef is 70% lean. However, most ground beef would not meet USDA's requirements for a nutrient content claim for "lean" (roughly 10 percent fat), as opposed to a % lean claim, or a "low-fat" claim (roughly 3 percent fat). On the contrary, the fattiest ground beef (30% fat) contains 13 grams of saturated fat per serving.³⁵ That is two-thirds of a day's saturated fat in one meat patty. Ground beef that is 80% lean and 20% fat contains 9 grams of sat fat (half a day's saturated fat) per serving. Thus, although percent lean claims make ground meat sound low in fat, ground meat is typically among the fattiest meats available.

D. Nutrition Facts and percent fat claims do not correct percent lean claims.

USDA's proposal contends that percent lean claims are not deceptive if they appear next to percent fat claims and Nutrition Facts labels. However, a percent fat disclosure does little to correct the deception caused by the percent lean claim. The percentage of fat (typically 7 to 30%) is dwarfed by the percent lean (70 to 93%). Furthermore, consumers have no context with which to interpret the percent fat claim. The only other food that typically lists percent fat is 1% or 2% fat milk, which few consumers would compare to ground beef. Consumers could use the percent fat to compare one ground beef package to another, but that process would not help them understand that nearly all ground beef is high in fat compared to other meats and other foods in the supermarket.

Nor can USDA argue that Nutrition Facts labels correct the deception caused by percent lean claims. USDA should not allow claims that are deceptive under the assumption that consumers will seek and find label information that corrects the deception. Many consumers will look no further than the percent lean claim before deciding to purchase a product.³⁶

Even consumers who check the Nutrition Facts would have to compare the fat content of the ground beef to a variety of other meats to realize that most ground beef is relatively high in fat. Many consumers do not use Nutrition Facts or do not have the time or ability to figure out whether the facts counter the claims. Consumers should not have to study Nutrition Facts labels to find the flaws in the deceptive claims.³⁷

E. Percent lean claims are redundant.

USDA's proposal would allow percent lean claims in part because "[p]roducers, according to industry, have been using lean percentage statements on the labeling of ground beef and hamburger products for over 20 years."³⁸ However, producers have also been using percentage fat statements for 20 years. Furthermore, USDA states that "interested consumers use

³⁵ Figures for 4 oz. of raw meat (which cooks down to a standard 3 oz. serving)

³⁶ See Alan S. Levy et al., *The Impact of Health Claims on Consumer Search and Product Evaluation Outcomes: Results from FDA Experimental Data.* : *Journal of Public Policy & Marketing*, Vol. 18, No. 1, Pricing and Public Policy (Spring, 1999), pp. 89-105, available at : <http://www.jstor.org/stable/30000511>.

³⁷ See *Williams v. Gerber Products, Co.*, 523 F.3d 934 (9th Cir. 2008)

³⁸ 74 Fed. Reg. at 67,752.

this information [lean and fat percentages] as a quick way to compare ground beef products. . .

„39

However, consumers could also use *only* fat percentages as a quick way to compare ground beef products using labeling statements that are familiar to consumers. Moreover, percent fat claims convey all the necessary information to consumers—that is, some packages of ground beef contain more fat than others—without misleading consumers with percent lean claims. Neither industry nor USDA has any survey data or other evidence indicating that combined percent lean/percent fat claims offer any advantages over percent fat claims for consumers. The sole advantage to industry is that percent lean claims imply that ground beef is lean.

Nevertheless, percent fat claims are far from an ideal means of labeling ground meat. As noted above, percent fat claims are influenced by the moisture content of foods. Furthermore, they do not correspond to nutrient content claims for fat (e.g., low-fat, reduced fat, fat-free) used on most other foods in the supermarket, so consumers cannot use either percentage to compare the fat content of ground beef to other meats or other foods.

F. USDA contradicts FDA’s policy on percent fat-free claims without evidence.

The FDA has concluded that percent fat-free claims are deceptive unless they appear on a food that meets the definition of “low-fat.” It is surprising that USDA would propose a policy that contradicts FDA’s conclusion without evidence that FDA’s determination is wrong. Instead, USDA cites industry surveys that purportedly show that consumers interpret percent lean claims as statements about the fat content of the meat (rather than as a percent daily value (DV) or percent of calories from fat). Significantly, USDA does not have evidence that percent lean claims enable consumers to reach accurate conclusions about the fat content of ground meat. Instead, USDA concludes that percent lean claims are not misleading because the claims have appeared on labels for over 20 years. It is bad enough that the Department failed to protect consumers for two decades by putting the issue on a back burner, but now USDA argues that its very failure to act is the rationale for issuing a formal rule that fails to protect consumers. This reasoning is flawed.

When Congress passed the Nutrition Labeling and Education Act, it required FDA to prohibit deceptive claims without regard to their history of use. That is why FDA issued a rule renaming 2% low-fat milk as 2% reduced fat milk, because 2% fat milk did not meet the agency’s criteria for a low-fat food. At that time, 2% fat milk had been called “low-fat” for many years. The history of that claim did not persuade FDA to continue allowing a misleading claim on milk. Similarly, the USDA should not permit the meat industry to continue the deception.

G. USDA’s proposal illustrates the Department’s conflict of interest.

USDA’s proposal highlights the inherent conflict between the Department’s obligation to protect consumers and its obligation to promote the meat industry. The proposal acknowledges that:

³⁹ *Id.*

[I]ndividuals and consumer and nutrition organizations generally did not support the use of statements of lean percentages on the label or in labeling of ground or chopped products that do not meet the regulatory criteria for ‘low fat.’ A coalition of consumer and health and nutrition organizations stated that permitting such claims on packages of ground meat and poultry is inherently deceptive and will confuse consumers about the healthfulness of fresh ground meat and poultry products compared to other fresh meat, processed meat, and other foods.⁴⁰

However, USDA ignores the views of consumer and health organizations in favor of the industry’s position. USDA states that “although individuals, consumer commenters and nutrition organizations generally did not support this provision, most industry commenters did.”⁴¹ In other words, USDA rejected the arguments of consumer and health organizations, medical school, and medical organization, and others in favor of the industry’s position, backed by the industry’s surveys, and based, above all, on the argument that labels have used percent lean claims for more than 20 years, which, in USDA’s view, is evidence that the claims are not misleading. USDA should revise its view in light of the CSPI survey indicating that despite the fact that the percent lean has been used for 20 years, consumers are still confused.

VII. USDA should prohibit misleading health and structure/function claims and should prohibit any claims on nutrition facts labels.

The consumer education component of the meat industry’s on-pack nutrition labeling program encourages companies to make health claims that have not been authorized by the FDA or USDA. For example, one such health claim states: “Beef is an excellent source of zinc to help your body fight colds and flu.” FSIS has stated that it will consider on a case-by-case basis the use of an FDA regulated health claim or such a health claim in conjunction with a third party certification program such as the American Heart Association’s heart-check mark.⁴² FSIS should make it a priority to prohibit the use of unauthorized health claims such as the one quoted above.⁴³

The Meat Industry’s Fresh Meat-On Pack Nutrition Labeling Implementation Guide funded by the Beef Checkoff promotes the health benefits of meat without notifying consumers about the health consequences also associated with certain meats. Thus, a label for eye of round states that “Iron helps give you energy for daily activities. Beef is a good source of iron.”⁴⁴ But the label fails to tell consumers to see nutrition information for saturated fat and cholesterol content. Permitting such statements without appropriate disclosures contradicts the approach taken by the FDA under which it requires disclosure statements if a nutrient content claims is

⁴⁰ 74 Fed. Reg. at 67,751.

⁴¹ *Id.* at 67,752.

⁴² USDA, [A Guide to Federal Food Labeling Requirements for Meat and Poultry Products](#) 94 (2007) (Work performed under contract by Hogan & Hartson, LLP).

⁴³ We recognize that such promotional materials are developed by the industry with oversight by the Agricultural Marketing Service. We urge FSIS to work closely with the AMS to ensure that Beef Check Off funds are used for purposes consistent with the Department’s overall nutrition education priorities and FSIS’s food labeling policies.

⁴⁴ Guide, *supra* note 5 at 6.

made for a product that exceeds disqualifying levels of fat, saturated fat, cholesterol and sodium.⁴⁵ USDA should adopt similar requirements.

Other promotional materials advocate the use of misleading structure/function claims. For example, suggested structure/function claims about protein include: “helps you maintain healthy muscle,” “helps build and maintain healthy muscles and bones,” helps your body maintain a healthy weight,” “acts as a building block for muscles, which helps your metabolism.” There are also structure function claims for lean, iron, B vitamins and zinc.⁴⁶ USDA needs to develop a list of permissible claims and ensure that they do not undermine the mandatory disclosure of nutrition information.⁴⁷

VIII. Conclusion

For the reasons discussed above, CSPI urges USDA to: require on pack nutrition labeling for major cuts; provide nutrition information for single serving packages that exceed 4 oz.; require that the number of servings be listed on product labels; list the amount of trans fat; prohibit percent fat/lean claims for products that are not low in saturated fat; prohibit misleading health and structure/function claims and ensure that nutrient content claims bear disclosure statements when appropriate.

Respectfully submitted.

Ilene Ringel Heller
Senior Staff Attorney

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Director of Nutrition

⁴⁵ 21 C.F.R. 101.13.

⁴⁶ <http://www.beefretail.org/guidetobeefnutritionmessages.aspx>.

⁴⁷ See Alan S. Levy et al., supra note 36.

APPENDIX I

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ORC STUDY #719068

CARAVAN

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question F1A

Which of the following cuts of beef has the LEAST fat?

Base = Asked Version A (Ground beef that's 80% lean and 20% fat)

Race

White	Black	His-	Sex			Age				Region						
			panic	Fe-	18-	35-	45-	55-	North-	Mid-	South					
Non-	(Non-	(Non-	(Any	Total	Male	male	34	44	54	64	65+	east	west	South		
West	Metro	Metro	Hisp)	Hisp)	Race)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
(L)	(M)	(N)	(O)	(P)	(Q)											
Unweighted Total					472	246	226	60	71	82	121	135	90	100	180	
102	356	116	355	49	33											
Weighted Total					500	242	258	152*	92*	96*	73	82	93*	110*	184	
113*	377	123*	340	57*	66**											
Rib eye steak					177	85	93	47	37	35	31	27	32	44	56	
46	139	38	130	12	25											
41%	37%	31%	38%P	20%	35%	35%	36%	31%	40%	37%	43%	33%	34%	39%	31%	
Ground beef that's 80% lean and 20% fat					139	61	78	46	21	28	17	27	33	27	49	
30	103	37	79	22	27											
27%	27%	30%	23%	39%	28%	25%	30%	30%	23%	29%	23%	33%	36%	24%	27%	
27%	27%	30%	23%	39%	41%											
Chuck pot roast					92	56	36	25	15	21	14	15	12	19	43	
18	68	24	69	8	4											
16%	18%	20%	20%	14%	18%	23%C	14%	16%	17%	22%	20%	19%	13%	17%	24%	
16%	18%	20%	20%	14%	6%											
Don't know					87	38	49	35	17	10	10	13	16	19	33	
19	65	23	58	15	9											
17%	17%	19%	17%	26%	17%	16%	19%	23%	18%	10%	14%	15%	18%	17%	18%	
17%	17%	19%	17%	26%	13%											
Refused					4	2	2	0	2	1	1	0	0	2	2	
0	3	1	3	0	1											
0	1%	1%	1%	0	1%	1%	1%	0	2%	1%	1%	0	0	2%	1%	
0	1%	1%	1%	0	2%											

Proportions/Means: Columns Tested (5% risk level) - B/C - D/E/F/G/H - I/J/K/L - M/N - O/P/Q
 Overlap formulae used. * small base; ** very small base (under 30) ineligible for sig testing

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question F1A

Which of the following cuts of beef has the LEAST fat?

Base = Asked Version A (Ground beef that's 80% lean and 20% fat)

Education		Household Income								H.H. Size			Children	
		In H.H.		-----		\$35K-	\$50K-	\$75K-	\$100K	-----	-----	-----	-----	-----
Under 12	12-17	HS	Coll	LT	Coll	LT	LT	LT	Or	1	2	3 Or	None	Total
(L)	(M)	(N)	(O)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Unweighted Total				472	119	56	67	48	82	96	185	186	324	143
99	69	35	127	116	190									
Weighted Total				500	131*	48*	64*	58**	88*	70*	145	275	277	213
164*	91*	49**	142*	120*	184									
Rib eye steak				177	38	16	28	19	40	24	54	98	95	81
66	31	10	54	43	69									
40%	35%	21%	38%	36%	38%	34%	44%	33%	46%B	34%	38%	36%	34%	38%
Ground beef that's 80% lean and 20% fat				139	45	13	13	18	24	14	44	78	82	54
45	16	14	44	43	36									
27%	17%	28%	31%	36%Q	20%	27%	20%	30%	27%	20%	31%	28%	30%	25%
Chuck pot roast				92	20	13	16	14	10	22	30	40	58	34
24	23	8	21	19	44									
15%	25%	17%	14%	16%	24%	27%F	24%	24%	12%	31%I	21%	15%	21%	16%
Don't know				87	28	5	7	7	11	11	16	55	40	41
29	19	17	24	15	31									
17%	21%	35%	17%	12%	17%	10%	11%	12%	13%	15%	11%	20%H	14%	19%
Refused				4	0	1	0	1	2	0	0	4	1	3
1	2	0	0	0	4									
*	2%	0	0	0	2%	1%	0	2%	3%	0	0	1%	*	1%

Proportions/Mean: Columns Tested (5% risk level) - B/C/D/E/F - G/H/I - J/K - N/O/P/Q
 Overlap formulae used. * small base; ** very small base (under 30) ineligible for sig testing

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question F1B

Which of the following cuts of beef has the LEAST fat?

Base = Asked Version B (Ground beef that's 20% fat)

Education		Household Income								H.H. Size			Children	
		-----		-----		-----		-----		-----		-----		-----
In H.H.		HS	Coll	LT	LT	LT	LT	Or		1	2	3 Or	None	Total
Under 12	12-17	Incom-plete	HS Grad	Incom-plete	Coll Grad	\$35K-\$50K	\$50K-\$75K	\$75K-\$100K	\$100K+ More	(G)	(H)	(I)	(J)	(K)
(L)	(M)	(N)	(O)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Unweighted Total				543	162	53	75	57	78	103	226	208	387	149
108	82	45	144	138	209									
Weighted Total				500	150*	41*	79*	53*	81*	62*	168	266	277	217
175*	99*	41**	124*	138*	191									
Rib eye steak				199	59	14	36	29	35	23	67	108	102	95
72	56	20	43	58	76									
				40%	40%	34%	45%	55%	43%	37%	40%	41%	37%	44%
41%	57%	49%	34%	42%	40%									
Chuck pot roast				142	47	13	16	12	25	16	48	76	84	55
45	21	7	39	38	56									
				28%	32%	30%	20%	22%	31%	26%	28%	28%	31%	25%
26%	21%	18%	31%	27%	29%									
Ground beef that's 20% fat				89	27	11	12	7	12	13	28	47	46	40
35	13	10	28	21	29									
				18%	18%	27%	15%	13%	15%	21%	17%	18%	17%	19%
20%	13%	24%	22%	15%	15%									
Don't know				69	16	4	15	5	9	10	25	34	43	26
22	9	4	14	20	30									
				14%	11%	9%	19%	9%	11%	16%	15%	13%	15%	12%
13%	9%	9%	12%	14%	16%									
Refused				2	1	0	1	1	0	0	1	1	1	1
1	0	0	1	1	0									
				*	*	0	1%	1%	0	0	1%	*	*	*
*	0	0	*	1%	0									

Proportions/Mean: Columns Tested (5% risk level) - B/C/D/E/F - G/H/I - J/K - N/O/P/Q
 Overlap formulae used. * small base; ** very small base (under 30) ineligible for sig testing

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question F2

When it comes to nutrition information for meat, would you prefer to have...

Race

White					Black					Hispanic					Sex			Age					Region								
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Non-West (L)	Non-Metro (M)	Non-Metro (N)	Non-Hisp (O)	Non-Hisp (P)	Non-Hisp (Q)	Male (A)	Male (B)	Male (C)	Male (D)	Male (E)	Male (F)	Male (G)	Male (H)	Male (I)	Male (J)	Male (K)	Female (A)	Female (B)	Female (C)	Female (D)	Female (E)	Female (F)	Female (G)	Female (H)	Female (I)	Female (J)	Female (K)	Female (L)	Female (M)	Female (N)	
238	766	249	754	108	64	1015	502	513	134	130	198	241	308	182	225	370															
226	757	243	676	111*	135*	1000	484	516	305	186	194	147	164	186	221	367															
190	651	206	569	101	117	857	388	468	265	161	162	125	141	163	175	328															
84%	86%	84%	84%	91%	87%	86%	80%	91%B	87%	86%	83%	85%	86%	88%	79%	89%J															
25	69	28	68	9	13	97	66	31	26	21	24	16	10	14	34	24															
11%	9%	12%	10%	8%	10%	10%	14%C	6%	9%	11%	12%H	11%H	6%	8%	15%K	6%															
7	25	6	28	1	1	31	19	12	10	2	6	3	10	7	8	10															
3%	3%	2%	4%	1%	1%	3%	4%	2%	3%	1%	3%	2%	6%EG	4%	3%	3%															
4	12	4	11	0	4	16	11	5	4	2	3	3	2	2	5	6															
2%	2%	2%	2%	0	3%	2%	2%	1%	1%	1%	2%	2%	1%	1%	2%	2%															

Proportions/Mean: Columns Tested (5% risk level) - B/C - D/E/F/G/H - I/J/K/L - M/N - O/P/Q
 Overlap formulae used. * small base

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question F2

When it comes to nutrition information for meat, would you prefer to have...

Education		Household Income								H.H. Size			Children	
In H.H.		-----								-----			-----	
		HS	Coll	LT		\$35K-	\$50K-	\$75K-	\$100K	-----			-----	
Under 12	12-17	Incom-plete	HS Grad	Incom-plete	Coll Grad	LT	LT	LT	Or	1	2	3 Or	None	Total
(L)	(M)	(N)	(O)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Unweighted Total				1015	281	109	142	105	160	199	411	394	711	292
207	151	80	271	254	399									
Weighted Total				1000	288	92*	143*	113*	168	133	321	535	555	432
340	191	89*	268	260	373									
Nutrition Facts labels on meat PACKAGES				857	250	78	126	100	137	110	270	471	461	387
304	170	72	230	219	326									
89%	89%	81%	86%	84%	87%	85%	88%	88%	82%	83%	84%	88%	83%	90%J
Nutrition information on wall posters or signs				97	25	12	13	7	24	15	31	47	55	38
30	19	14	24	23	35									
9%	10%	15%	9%	9%	9%	13%	9%	6%	14%	12%	10%	9%	10%	9%
Don't know				31	11	*	3	6	2	5	14	10	28	2
2	1	3	11	10	6									
1%	1%	4%	4%	4%	2%	*	2%	5%	1%	4%	4%	2%	5%K	1%
Refused				16	2	1	0	0	6	3	6	7	12	4
4	1	0	2	7	7									
1%	1%	0	1%	3%	2%	1%	0	0	3%	2%	2%	1%	2%	1%

Proportions/Mean: Columns Tested (5% risk level) - B/C/D/E/F - G/H/I - J/K - N/O/P/Q
 Overlap formulae used. * small base

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question SF

Do you have primary or equally shared responsibility for grocery shopping for your household?

Race

White					Black		Hispanic		Sex		Age					Region		
West	Metro	Metro	Hispanic	Only	Only	panic	Fe-	18-	35-	45-	55-	65+	North-	Mid-	South			
(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	
Unweighted Total					1015	502	513	134	130	198	241	308	182	225	370			
238	766	249	754	108	64													
Weighted Total					1000	484	516	305	186	194	147	164	186	221	367			
226	757	243	676	111*	135*													
Yes, primary					485	156	329	102	81	109	89	100	91	121	178			
95	369	116	335	58	58													
					49%	32%	64%B	34%	43%	56%DE	61%DE	61%DE	49%	55%L	49%			
42%	49%	48%	50%	53%	43%													
Yes, equally shared					401	244	157	158	90	67	44	42	69	73	151			
108	300	101	263	39	66													
					40%	50%C	30%	52%FG	48%FG	34%	30%	26%	37%	33%	41%			
48%J	40%	41%	39%	36%	49%													
No, not responsible for grocery shopping					107	80	28	40	16	17	14	21	26	25	34			
22	84	23	74	13	11													
					11%	16%C	5%	13%	9%	9%	9%	13%	14%	11%	9%			
10%	11%	10%	11%	12%	8%													
Don't know/Refused					6	4	2	4	0	1	*	*	0	2	4			
1	3	3	4	0	0													
					1%	1%	*	1%	0	*	*	*	0	1%	1%			
*	*	1%	1%	0	0													

Proportions/Mean: Columns Tested (5% risk level) - B/C - D/E/F/G/H - I/J/K/L - M/N - O/P/Q
 Overlap formulae used. * small base

FEBRUARY 11-14, 2010

GROUND BEEF CONTENT DESCRIPTION SURVEY

Question SF

Do you have primary or equally shared responsibility for grocery shopping for your household?

Education				Household Income						H.H. Size			Children	
In H.H.				-----						-----			-----	
		HS	Coll			\$35K-	\$50K-	\$75K-	\$100K					
Under 12	12-17	Incom-plete	HS Grad	Incom-plete	Coll Grad	LT	LT	LT	Or	3 Or			None	Total
(L)	(M)	(N)	(O)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Unweighted Total				1015	281	109	142	105	160	199	411	394	711	292
207	151	80	271	254	399									
Weighted Total				1000	288	92*	143*	113*	168	133	321	535	555	432
340	191	89*	268	260	373									
Yes, primary				485	164	48	70	46	68	123	160	198	304	177
133	86	34	135	128	184									
				49%	57%EF	53%	49%	41%	40%	92%HI	50%I	37%	55%K	41%
39%	45%	38%	51%	49%	49%									
Yes, equally shared				401	104	36	63	50	74	4	125	269	191	205
171	80	39	112	106	139									
				40%	36%	39%	44%	44%	44%	3%	39%G	50%GH	34%	48%J
50%	42%	44%	42%	41%	37%									
No, not responsible for grocery shopping				107	20	6	11	17	26	6	36	66	59	48
34	24	13	20	26	48									
				11%	7%	7%	7%	15%	16%B	4%	11%G	12%G	11%	11%
10%	13%	15%	8%	10%	13%									
Don't know/Refused				6	0	2	0	0	0	*	0	2	1	1
1	0	3	0	0	2									
				1%	0	2%	0	0	0	*	0	*	*	*
*	0	3%OP	0	0	1%									

Proportions/Mean: Columns Tested (5% risk level) - B/C/D/E/F - G/H/I - J/K - N/O/P/Q
 Overlap formulae used. * small base

APPENDIX II

In order for a shopper to find out the nutrition information for a particular cut, that shopper must know the portion of the cow from which it is taken. For example, most would not be aware that a filet comes from the tenderloin, which is the cut of meat listed on a Nutrition Facts poster for a filet, or that a T-Bone steak corresponds with the Nutrition Facts for a top loin. A consumer practically has to be a beef expert to link a featured cut of meat to the part of the cow listed on the Nutrition Facts poster.

Meats in the showcase at a Safeway in the Washington D.C. area on Feb. 22, 2010:

Beef:

- Beef Chuck Short Ribs
- Beef Chuck Country Style Boneless Ribs
- Beef shank cross cut
- Ground beef
- Beef loin top sirloin steak boneless
- Beef ribeye steak bone-in
- Porterhouse
- Ribeye bone-in
- Beef loin top sirloin
- NY Strip steak
- Beef strips
- Beef flank steak
- Top round London broil
- Top round steak
- Beef chuck pot roast
- Beef round rump roast

Pork and Lamb:

- Pork shoulder blade country style ribs
- Pork country style boneless ribs
- Pork loin top chop boneless
- Pork loin assorted chops
- Pork loin rib chops
- Pork shoulder blade roast
- Veal loin chops
- Veal cube steak
- Veal osso buco
- Lamb rib chops frenched

1½" fat 3 oz.	Percent of Daily Value*	Total		Total Fat		Saturated Fat		Cholesterol		Sodium		Protein		Iron		
		Calories	Calories from Fat	g	g	g	mg	mg	g	g	%DV					
BEEF, 3 oz. cooked serving																
GROUND BEEF, broiled, well done (10% fat)		210	100	11	4	85	5	85	70	27	15	27	15	15	15	
GROUND BEEF, broiled, well done (11% fat)		230	120	13	5	85	5	85	70	24	15	24	15	15	15	
GROUND BEEF, broiled, well done (27% fat)		250	150	17	6	85	6	85	80	23	15	23	15	15	15	
BRISKET, WHOLE, braised																
CHUCK, ARM POT ROAST, braised		260	180	160	60	18	7	7	3	85	85	50	55	60	25	25
CHUCK, BLADE ROAST, braised		290	210	190	100	21	11	9	4	90	90	55	60	23	28	15
RIB ROAST, LARGE END, roasted		300	200	220	100	24	11	10	4	70	70	55	60	20	23	10
RIB STEAK, SMALL END, broiled		280	190	190	90	21	10	9	4	70	70	55	60	20	23	10
TOP LOIN, STEAK, broiled		230	180	130	70	15	8	6	3	65	55	60	22	24	10	10
LOIN, TENDERLOIN, STEAK, broiled		240	180	150	80	16	9	6	3	75	70	50	55	22	24	15
LOIN, SIRLOIN STEAK, broiled		210	170	110	60	12	6	5	2	75	75	55	55	24	24	15
EYE ROUND ROAST, roasted		170	140	60	40	7	4	3	2	60	60	50	55	24	26	15
BOTTOM ROUND, STEAK, braised		220	180	110	60	12	7	5	2	80	80	40	45	25	27	15
ROUND, TIP ROAST, roasted		190	160	90	50	10	6	4	2	70	70	55	55	23	24	15
TOP ROUND, STEAK, broiled		180	150	70	40	7	4	3	1	70	70	50	50	26	27	15
VEAL, 3 oz. cooked serving																
SHOULDER, BLADE STEAK, braised		200	170	80	40	9	5	3	1	125	130	75	75	29	30	6
RIB ROAST, roasted		190	170	80	50	9	6	-	2	130	135	85	85	27	28	6
LOIN CHOP, roasted		180	150	100	50	10	6	-	2	85	90	80	80	21	22	4
CUTLETS, roasted		140	130	35	25	4	3	-	1	85	90	60	60	24	24	4

Not a significant source of total carbohydrates, dietary fiber, sugars, vitamin A, vitamin C, and calcium.

SERVING SIZES: 3-oz. cooked portion, without added fat, salt or sauces.

DATA SOURCE: USDA Handbook 8-5 and research conducted in cooperation with USDA.

*Before cooking

1½" fat 3 oz.	Percent of Daily Value*	Total		Total Fat		Saturated Fat		Cholesterol		Sodium		Protein		Iron		
		Calories	Calories from Fat	g	g	g	mg	mg	g	g	%DV					
PORK, 3 oz. cooked serving																
GROUND PORK, broiled		250	160	18	7	80	7	80	60	65	22	23	6	6	6	
SHOULDER, BLADE STEAK, broiled		220	190	130	100	14	11	5	4	80	80	60	65	22	23	6
LOIN, COUNTRY STYLE RIBS, roasted		280	210	190	110	22	13	8	5	80	80	45	25	20	23	6
LOIN, RIB CHOP, broiled		220	190	120	80	13	8	5	3	70	70	55	55	24	26	4
CENTER CHOP LOIN, broiled		200	170	100	60	11	7	4	3	70	70	50	50	24	26	4
TOP LOIN CHOP, boneless, broiled		200	170	90	60	10	7	3	2	70	70	55	55	25	26	4
TOP LOIN, ROAST, boneless, roasted		190	170	90	60	10	6	4	2	65	65	40	40	24	26	4
LOIN TENDERLOIN ROAST, roasted		150	140	45	35	5	4	2	1	65	65	45	50	24	24	6
LOIN, SIRLOIN ROAST, roast		220	180	120	80	14	9	5	3	75	75	50	55	23	25	4
SPARERIBS, braised		340	230	25	9	105	80	25	8							
LAMB, 3 oz. cooked serving																
SHOULDER, ARM CHOP, broiled		230	170	140	70	15	8	7	3	80	80	65	70	21	24	10
SHOULDER, BLADE CHOP, broiled		230	180	140	90	16	10	6	3	80	80	70	75	20	22	8
SHANK, braised		210	150	100	45	11	5	5	2	90	90	60	65	24	26	10
RIB ROAST, roasted		290	200	210	100	23	11	10	4	80	75	65	70	19	22	8
LOIN CHOP, broiled		250	180	180	80	18	6	7	3	85	80	65	70	22	25	10
LEG, WHOLE, roasted		210	160	110	60	12	7	5	2	80	75	55	60	22	24	10

Not a significant source of total carbohydrates, dietary fiber, sugars, vitamin A, vitamin C, and calcium.

SERVING SIZES: 3-oz. cooked portion, without added fat, salt or sauces.

DATA SOURCE: USDA Handbook 8-5 and research conducted in cooperation with USDA.

Chicken:

- Boneless, skinless chicken thighs
- Whole chicken
- Chicken breast
- Chicken wings
- Chicken drumsticks
- Ground turkey

chicken & turkey nutrition information

CHICKEN	WHOLE BIRD		Total Calories		Calories from Fat		Total Fat		Saturated Fat		Cholesterol		Sodium		Protein		Iron %DV	
	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS	WHOLE	SKINLESS
WHOLE* roasted			200	130	100	35	12	4	3	1	75	75	70	75	23	23	6	6
BREAST baked			170	120	60	15	7	1.5	2	.5	70	70	60	65	25	24	6	4
WING, baked			250	150	150	50	17	6	5	1.5	70	70	70	80	23	23	6	6
DRUMSTICK, baked			180	130	90	35	9	4	3	1	75	80	75	80	23	23	6	6
THIGH, baked			210	150	120	60	13	7	4	2	80	80	70	75	21	21	6	6
TURKEY																		
WHOLE* roasted			180	130	70	25	8	3	2	1	70	65	60	60	24	25	8	8
BREAST baked			160	120	60	10	6	1	2	0	65	55	55	45	24	26	6	8
WING, baked			200	140	100	25	11	3	3	1	70	60	50	75	23	26	6	8
DRUMSTICK, baked			170	140	70	40	8	4	2	1	70	65	75	80	23	24	10	15
THIGH, baked			160	140	60	40	7	5	2	1.5	70	65	70	70	22	23	10	15

*without neck or giblets

Meats in the showcase at a Giant in the Washington D.C. area on Feb. 22, 2010:

Beef:

- Chuck cube steak
- Round London broil
- Brisket flat
- Round roast
- Top round
- Chuck roast
- Tenderloin steak tips
- NY Strip steak
- Porterhouse
- Rump roast
- Eye round steak
- Boneless eye round
- Beef short ribs

Giant Beef

nutrition facts for beef

1/8" fat trim	Trimmed of visible fat	Calories		Calories from Fat		Total Fat		Saturated Fat		Cholesterol		Sodium		Protein		Iron	
		Calories	Calories from Fat	g	g	mg	mg	g	%DV								
Beef, 3oz. cooked serving																	
Ground Beef, broiled, well done (10% fat*)		210	100	11	4	85	70	27	15								
Ground Beef, broiled, well done (17% fat*)		230	120	13	5	85	70	24	15								
Ground Beef, broiled, well done (27% fat*)		250	150	17	6	85	80	23	15								
Brisket, Whole, braised		290	190	100	21	11	8	4	85	85	50	24	28	15	20		
Chuck, Arm Pot Roast, braised		260	180	160	60	18	7	3	80	80	45	25	20	23	6	8	
Chuck, Blade Roast, braised		290	210	190	100	21	11	9	4	90	90	55	60	23	26	15	15
Rib Roast, Large End, roasted		300	200	220	100	24	11	10	4	70	70	55	60	20	23	10	15
Rib Steak, Small End, broiled		280	190	190	90	21	10	9	4	70	70	55	60	20	24	10	10
Top Loin, Steak, broiled		230	180	130	70	15	8	6	3	65	65	55	60	22	24	10	10
Loin, Tenderloin Steak, broiled		240	180	150	80	16	9	6	3	75	70	50	55	22	24	15	15
Loin, Sirloin Steak, broiled		210	170	110	60	12	6	5	2	75	75	55	55	24	26	15	15
Eye Round, Roast, roasted		170	140	60	40	7	4	3	2	60	60	50	55	24	25	10	10
Bottom Round, Steak, braised		220	180	110	60	12	7	5	2	80	80	40	45	25	27	15	15
Round, Tip Roast, roasted		190	160	90	50	10	6	4	2	70	70	55	55	23	24	15	15
Top Round, Steak, broiled		180	150	70	40	7	4	3	1	70	70	50	50	26	27	15	15

Pork:

- Whole pork tenderloin
- Pork chop
- Boneless loin chops
- Pork butt bone-in roast
- Country style pork ribs
- Pork spare ribs

Giant Pork

nutrition facts for Pork

1/8" fat trim	Trimmed of visible fat	Calories		Calories from Fat		Total Fat		Saturated Fat		Cholesterol		Sodium		Protein		Iron	
		Calories	Calories from Fat	g	g	mg	mg	g	%DV								
Pork, 3oz. cooked serving																	
Ground Pork, broiled		250	160	18	7	80	60	22	6								
Shoulder, Blade Steak, broiled		220	190	130	100	14	11	5	4	80	80	60	65	22	23	6	8
Loin, Country Style Ribs, roasted		280	210	190	110	22	13	8	5	80	80	45	25	20	23	6	8
Loin, Rib Chop, broiled		220	190	120	80	13	8	5	3	70	70	55	55	24	26	4	4
Center Chop, Loin, broiled		200	170	100	60	11	7	4	3	70	70	50	50	24	26	4	4
Top Loin, Chop, boneless, roasted		200	170	90	60	10	7	3	2	70	70	55	55	25	26	4	4
Top Loin, Roast, boneless, roasted		190	170	90	60	10	6	4	2	65	65	40	40	24	26	4	4
Loin, Tenderloin Roast, roasted		150	140	45	35	5	4	2	1	65	65	45	50	24	24	6	6
Loin, Sirloin Roast, roasted		220	180	120	80	14	9	5	3	75	75	50	55	23	25	4	6
Spareribs, braised		340	230	26	9	105	80	25	8								

Chicken:

- Boneless chicken breast
- Chicken drumsticks
- Chicken tenderloin
- Turkey wings
- Chicken wings
- Boneless skinless chicken thighs
- Whole chicken
- Chicken feet

Nutrition Facts
Giant Chicken and Turkey

nutrition facts for chicken and turkey

1/8" fat trim

Trimmed of visible fat

	Calories	Calories from fat	Total fat	Saturated fat	Cholesterol	Sodium	Potassium	Total protein								
Chicken, 3oz. cooked serving																
Whole*, roasted	200	130	100	35	12	4	3	1	75	75	75	23	6	6		
Breast, baked	170	120	60	15	7	1.5	2	1	5	70	60	65	24	6	4	
Wing, baked	250	150	50	17	6	5	1.5	70	70	70	80	23	6	6		
Drumstick, baked	180	130	90	35	9	4	3	1	75	80	75	80	23	6	6	
Thigh, baked	210	150	120	60	13	7	4	2	80	80	70	75	21	6	6	
Turkey, 3oz. cooked serving																
Whole*, roasted	180	130	70	25	8	3	2	1	70	65	60	60	24	8	8	
Breast, baked	160	120	60	10	6	1	2	0	65	55	55	45	24	6	8	
Wing, baked	200	140	100	25	11	3	3	1	70	60	50	75	23	26	6	8
Drumstick, baked	170	140	70	40	8	4	2	1	70	65	50	75	23	24	10	15
Thigh, baked	160	140	60	40	7	5	2	1.5	70	65	70	70	22	23	10	15