

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE

Petition to Establish Ceilings on the Amount of )  
Sodium in Products Containing Meat or Poultry )

Docket No. \_\_\_\_\_

Submitted by the

CENTER FOR SCIENCE IN THE PUBLIC INTEREST

January 3, 2007

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## CITIZEN PETITION

### I. Action Requested

Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(e), and 7 C.F.R. 1.28, the Center for Science in the Public Interest<sup>1</sup> (“CSPI”) requests that the Food Safety and Inspection Service (“FSIS”) of the United States Department of Agriculture (“USDA”) amend 9 C.F.R. 424.21(c) to establish ceilings for sodium in various categories of products containing meat or poultry.

### II. Factual Background

The *Dietary Guidelines for Americans 2005* recommends that Americans consume less salt because reducing salt intake lowers blood pressure in many people, thereby lowering an individual’s risk of coronary heart disease, stroke, congestive heart failure, and kidney disease.<sup>2</sup> Despite the requirement since 1994 by both the USDA and the Food and Drug Administration (“FDA”) that packaged foods – but not foods served in restaurants<sup>3</sup> – disclose the amount of sodium per serving, the average per capita intake of sodium has remained at about 3,400 milligrams (“mg”) since 1988-94.<sup>4</sup> That is well above the FDA’s current recommended level of

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<sup>1</sup> Petitioner Center for Science in the Public Interest (“CSPI”), a non-profit organization based in Washington, D.C., is supported largely by its 900,000 members in the United States and Canada who subscribe to its *Nutrition Action Healthletter*. CSPI has been working to improve the nation’s health through better nutrition and safer food since 1971.

<sup>2</sup> *Dietary Guidelines for Americans 2005* (Department of Health and Human Services and Department of Agriculture 2005) at 39-40.

<sup>3</sup> Americans get an average of one-third of their calories from food-service establishments, twice as much as 30 years ago.

<sup>4</sup> Average per capita sodium consumption was 3,427 mg in 1988-94, 3,271 mg in 1994-96, and 3,375 mg in 1990-2000 (the last period for which data are available). See dietary-recall studies in National Health and Nutrition Examination Survey III (Department of Health and Human Services), National Food Consumption Survey and Continuing Studies of Food Intakes of Individuals (Department of Agriculture), and National Health and Nutrition Examination Survey IV (Department of Health and Human Services). The data do not include salt added at the table and may also underestimate actual consumption because people do not accurately

2,400 mg, let alone the *Dietary Guidelines for Americans*' recommendation, based on an Institute of Medicine report, of 1,500 mg for middle-aged and older adults, as well as people with hypertension and African Americans, with 2,300 mg being recommended for healthy, young white adults.<sup>5</sup>

Meat and poultry – including ham, beef, cold cuts, and sausage – account for at least 11 percent of Americans' total intake of sodium.<sup>6</sup> Accordingly, on behalf of our 800,000 United States members, CSPI asks that the USDA immediately take steps to set ceilings on the amounts of salt in various kinds of meat and poultry products.

There is a wide variation in the amount of sodium in various products regulated by the USDA (see the enclosed *Salt Assault: Brand-Name Comparisons of Processed Foods*). For example,

- Banquet Chicken Breast Nuggets have 20 percent more sodium than Manor House Chicken Nuggets.
- Banquet Chicken Tenders have 93 percent more sodium than Weaver Original Chicken Tenders.
- Oscar Mayer Center Cut Bacon (30% lower fat) has 50 percent more sodium than Gwatney Thick Sliced Virginia Cured bacon.
- Jamestown Hardwood Sliced Smoked Bacon has 65 percent more sodium than Safeway Select Naturally Smoked Bacon.
- Amick Farms Poultry Boneless Skinless Chicken Thighs have 560 percent more sodium than Perdue Chicken Split Breasts.
- Tyson 97% Fat Free Shaved Smoked Sliced Ham has 100 percent more sodium than The Butcher's Cut 95% Fat Free Cooked Sliced Ham.
- Bar S Jumbo Hot Dogs have 48 percent more sodium than Nathan's Bigger-than-the-Bun 8 Skinless Beef Hot Dogs.
- Tyson Fresh Tenderloin Pork has 575 percent more sodium than IBP Supreme Lean Pork

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remember or report what they eat.

<sup>5</sup> *Dietary Guidelines for Americans 2005* at 40.

<sup>6</sup> Cotton PA, Subar AF, Friday JE, et al. "Dietary sources of nutrients among US adults, 1994 to 1996," *J Am Diet Assoc.* 2004; 104:921-30.

Tenderloin.

- Johnsonville Original Breakfast Link Sausages have 95 percent more sodium than Jimmy Dean Pork Original Breakfast Link Sausages.
- Marvel Prime Young Turkey Breast (frozen) has 780 percent more sodium than Shady Brook Farms Fresh Natural Young Turkey Breast with ribs, portions of back and wing meat.
- The Butcher’s Cut Sliced, Packaged Turkey Breast has 196 percent more sodium than Empire Kosher Sliced, Packaged Turkey Breast.

Those wide variations in the amount of salt for a particular food clearly demonstrate that – without affecting the safety of the food – it is feasible for the firms making high-sodium products to lower sodium levels and still have tasty products that would be competitive in the marketplace.

### **III. USDA has the legal authority to set standards that help Americans have a more nutritious diet.**

In the Federal Meat Inspection Act, Congress determined that “It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged.”<sup>7</sup> The Poultry Products Inspection Act has an identical congressional finding.<sup>8</sup> “Wholesome” means promoting or conducive to good health.<sup>9</sup> Thus, the USDA has long recognized that its statutory mandate to take actions “necessary for the protection of the public”<sup>10</sup> includes setting standards for foods to help Americans have a more nutritious diet. For example, in order to reduce the consumption of fat, in 1969 the USDA amended its “standard of identity” regulations to provide that the maximum amount of fat in a hot dog is 30 percent<sup>11</sup> and in 1988

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<sup>7</sup> Section 2 of the Federal Meat Inspection Act, 21 U.S.C. 602.

<sup>8</sup> Section 2 of the Poultry Products Inspection Act, 21 U.S.C. 451.

<sup>9</sup> *Webster’s New World Dictionary* (2<sup>nd</sup> college edition 1986) at 1624.

<sup>10</sup> Section 7(c)(2) of the Federal Meat Protection Act, 21 U.S.C. 607(c)(2), and section 8(b) of the Poultry Products Inspection Act, 21 U.S.C. 457(b).

<sup>11</sup> 34 Fed. Reg. 14685 (September 23, 1969).


the USDA permitted food companies to increase the amount of water in their hot dogs.<sup>12</sup> In 2005 the USDA and the FDA jointly announced proposed amendments to their food-standards regulations to make more explicit that improving “the overall nutritional quality of the food supply” is one of the principles those agencies would use to revise their food standards.<sup>13</sup>

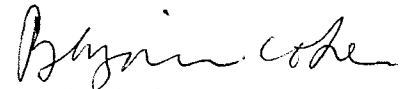
The USDA should not wait for the FDA to act on CSPI’s November 2005 petition to revoke the “generally recognized as safe” (“GRAS”) status of salt (enclosed). The USDA already sets ceilings on numerous ingredients used in the preparation of meat and poultry products – such as citric acid, sodium citrate, potassium lactate, calcium lactate, sodium lactate, tocopherol, sodium caseinate, dry or dried whey, ascorbic acid, and sodium ascorbate – even though the FDA says those ingredients are GRAS.<sup>14</sup> Indeed, the USDA already has a ceiling on the amount of salt that can be used in chilling raw poultry products.<sup>15</sup>

#### IV. Conclusion

In conclusion, the USDA should immediately announce that it will propose regulations that would set ceilings for sodium in various categories of products containing meat or poultry. Those ceilings might be set equal to the average or median level of sodium in different brands of the same food, the lowest level found in any brand with significant sales, or some other standard.

Respectfully submitted,

  
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enclosures: *Salt Assault, Brand-Name Comparisons of Processed Foods* (CSPI, August 2005)

CSPI Petition to FDA to Revoke the GRAS Status of Salt, to Set Ceilings on the Amount of Sodium in Processed Foods, to Require a Health Warning on Packaged Salt, and to Reduce the Daily Value for Sodium (November 8, 2005).

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<sup>12</sup> 53 Fed. Reg. 8425 (March 15, 1988). The combination of fat and added water may not exceed 40 percent. These hot dog requirements are codified at 9 C.F.R. 319.180(a).

<sup>13</sup> 97 Fed. Reg. 29214 (May 20, 2005) at 29222, 29234, 29235. The USDA’s and FDA’s proposed rules are a response to the public comments on the 1995 notices of proposed rulemaking by the two agencies.

<sup>14</sup> These USDA regulatory ceilings are in 9 C.F.R. 424.21(c). The ingredients that the FDA considers GRAS are in 21 C.F.R. parts 182 and 184.

<sup>15</sup> 9 C.F.R. 424.21(c) (limiting the amount of salt to 700 lbs. to 10,000 gallons of water).