



March 25, 2003

Elsa Murano, Ph.D., Undersecretary of Food Safety
Gary McKee, Ph.D., Administrator
U.S. Department of Agriculture
Food Safety and Inspection Service
Washington, DC 20250-3700

Dear Drs. Murano and McKee:

We would like to apprise you of nationally marketed mislabeled meat. CSPI commissioned analyses of the two most popular steaks – ribeye and strip – marketed by the Laura’s Lean Beef Company (Lexington, Kentucky). (Attachment 1) We found that the actual calorie, fat, and saturated-fat content of those two steaks is about twice what is stated on the nutrition labels affixed to the products and in information provided by the company in pamphlets and on the Internet. Those labels (and other sources of information, if considered labeling) appear to violate the Federal Meat Inspection Act, which states that a food is “‘misbranded’ ... if its labeling is false or misleading in any particular.”¹ It also states: “No article subject to this subchapter shall be sold or offered for sale ... under any name or other marking or labeling which is false or misleading.”² The labels also are not consistent with USDA’s regulations concerning nutrition labeling.³

Ribeye steaks: Most (15/16) of those Laura’s steaks had Nutrition Facts labels, and those labels stated that 4-ounce servings provide 5 grams of fat, 2 grams of saturated fat, and 145 calories. We tested 16 ribeye steaks purchased at 16 different supermarkets in five cities.⁴ (We did not instruct our buyers, who were not told the purpose of our study, to choose obviously fattier or leaner meat.) Our tests found that the average 4-ounce portion actually contained 11.4 grams of fat, more than twice the stated amount; 5.6 grams of saturated fat, almost three times the stated

¹ 21 USC 601(n)(1)

² 21 USC 607(d)

³ 9 CFR 317.309

⁴ Tests were conducted by Intertek Testing Services, Metairie, Louisiana, in January 2003.

amount; and 211 calories, almost 50 percent more than is stated on the label. Clearly, health-conscious consumers are being misled by the erroneous information.

Strip steaks: While Laura's strip steaks do not have conventional Nutrition Facts labels, some strip steaks have affixed to packages small brochures (Attachment 2) that fold open to show Nutrition Facts information for strip and other steaks. That brochure states that the strip steak contains 4 grams of fat, 2 grams of saturated fat, and 140 calories per 4-ounce serving. In addition, some supermarket meat counters provide pamphlets produced by Laura's Lean Beef Co. containing a table with the same nutrition information (Attachment 3). Such pamphlets, offered at the point of purchase, are considered "labeling." Furthermore, the brochure affixed to packages suggests that visitors go to a Laura's web site (Attachment 4) that provides the same nutrition information.⁵ We tested 14 strip steaks purchased at 14 different supermarkets in five cities. Our tests found that the average 4-ounce portion of strip steak contained 9.7 grams of fat, more than or almost two and a half times the stated amount; 4.4 grams of saturated fat, more than twice the stated amount; and 200 calories, almost 50 percent more than the stated amount. Again, health-conscious consumers are being misled by the erroneous information.

Laura's ribeye and strip steaks, while not declaring accurate information on the Nutrition Facts labels and elsewhere, do meet USDA's definition for "lean." Also, the steaks do contain significantly less fat than the average ribeye or strip steak. Nevertheless, Laura's ribeye and strip steaks provide much more fat and calories than the labels state and that the average consumer might expect from a "lean" meat. The average Laura's ribeye steak weighs 9.5 ounces raw and probably about 7 to 7.5 ounces cooked.⁶ We suspect that the average consumer would eat the entire steak notwithstanding USDA's "official" 4-ounce serving size. (CSPI's tests of foods served at popular steak houses found that the average cooked ribeye steak weighed 9.7 ounces and the average strip steak weighed 9.4 ounces.) One Laura's ribeye steak would provide 27 grams of fat (42 percent of the DV for a 2,000-calorie diet) and 13 grams of saturated

⁵ Information on the Internet may be considered labeling when food labels refer consumers to an Internet site, as labels or brochure affixed to packages of Laura's products do. The U.S. Food and Drug Administration (FDA) has sought to ensure that the Internet is not used as a means of circumventing FDA requirements for health claims. In a January 19, 2001, letter to Ocean Spray Cranberries, Inc. (Warning Letter NWE-08-01W from Gail T. Costello, District Director, New England District Office, FDA, to Robert Hawthorne, President, Ocean Spray Cranberries, Inc. (Jan. 19, 2001). [http://www.fda.gov/foi/warning_letters/m5075n.pdf; accessed 3/13/03]), FDA determined that references to the company's website on their product labels caused the website to be "labeling." As a result, any claims made on the label are to be in accordance with FDA requirements. We believe the same situation applies to the mislabeling we are discussing in this letter.

⁶ Gebhardt SE, Thomas RG. Nutritive Value of Foods. Home and Garden Bulletin No. 72. Table 3, Yield of Cooked Meat per Pound of Raw Meat as Purchased. U.S. Department of Agriculture. (2002)

fat (66 percent of the DV), along with 500 calories. Likewise, the average Laura's strip steak weighed 9 ounces raw (probably about 7 ounces cooked) and provides 22 grams of fat, 10 grams of saturated fat, and 450 calories. Those are shockingly high numbers for "lean" steaks and reflect a basic flaw in USDA's approach to nutrition claims.

Providing inaccurate or misleading nutrition information on meat could endanger the health of consumers who are consciously choosing a brand that is marketed to be low in fat, saturated-fat, and calories. We urge USDA to stop Laura's Lean Beef Company from misleading consumers through its inaccurate Nutrition Facts labels and related printed and electronic marketing information. To correct the misperceptions that have been fostered by some years of misleading labels, USDA should consider requiring Laura's to publicize its past mislabeling wherever its steaks are sold (the Federal Trade Commission sometimes has required "corrective advertising"). (In addition to this letter, we also have written to the Federal Trade Commission concerning the company's deceptive advertising (Attachment 5) and to the American Heart Association because of Laura's apparent misuse of that association's logo (Attachment 6)).

Also, considering the misleading nature of 4-ounce serving sizes for steaks, we urge USDA to require marketers that label or advertise the nutrient levels of their steaks to indicate not just the nutrient content per 4 ounces, but also the nutrient contents of entire steaks, when the steaks are of such size as they are likely to be eaten by a single consumer.⁷ Furthermore, we urge USDA to more aggressively monitor the accuracy of nutrition information when it is provided on meat and poultry products. Finally, we urge USDA to require Nutrition Facts labels on all meat and poultry products.

Sincerely,

Michael F. Jacobson, Ph.D.
Executive Director

cc: Secretary Ann Veneman
Robert Post, director, USDA labeling and consumer protection staff
Laura Freeman, Laura's Lean Beef Company.

⁷ FDA regulations state: "Packages sold individually that contain 200 percent or more of the applicable Reference Amount may be labeled as a single-serving if the entire content of the package can reasonably be consumed at a single-eating occasion." 9 C.F.R. 317.309(b)(8)