

“Grass Fed” Gone? re: Food Law

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[USDA's Agricultural Marketing Service withdraws the standards for “grass fed” and “naturally raised” marketing claims](#)

- The **Agricultural Marketing Service (AMS)** of the **USDA** provides the livestock and meat industries with an option to voluntarily have marketing claims covered by AMS standards verified by the USDA, and to identify such claims as “USDA Certified”. AMS established standards for grass (forage) fed livestock marketing claims in 2007 and for naturally raised marketing claims in 2009. See [72 Fed. Reg. 58631](#) and [74 Fed. Reg. 3541](#).
- On January 11, AMS [announced](#) it has determined that the “grass fed” and “naturally raised” marketing claims do not fit within the agency’s statutory authority. AMS explained that persons seeking to use these USDA-verified claims on product labels must receive pre-approval from the USDA’s Food Safety and Inspection Service (FSIS) or meet FDA labeling requirements. AMS has concluded that, because AMS does not have express Congressional authority to define these claims, and because there is no guarantee that an USDA-verified production/marketing claim will be approved by FSIS or permitted by FDA, the standards for marketing claims “do[] not facilitate the marketing of agricultural products in a manner that is useful to stakeholders or consumers.”
- Current users of the USDA Grass (Forage) Fed Marketing Claim Standard must identify a new Grass-fed Standard their company intends to meet by February 11, 2016 and must implement the new standard by April 11, 2016. This may be accomplished by (1) converting the USDA Grass (Forage) Fed Marketing Claim Standard into their private grass-fed standard, (2) using another recognized grass-fed standard, or (3) developing a new grass-fed standard. There are no current users of the USDA Naturally Raised Marketing Claim Standard. Although AMS has identified a legitimate issue – lack of coordination between partner agencies – AMS’ solution has drawn swift [criticism](#) from those who say the policy will create non-uniform labels and erode consumer trust in “grass fed” claims. A conference call will be held for stakeholders on Thursday, January 14, 2016.

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