

**United States Standards for Livestock and Meat Marketing Claims,  
Grass (Forage) Fed Claim for Ruminant Livestock and the Meat Products  
Derived From Such Livestock**

[Federal Register: October 16, 2007 (Volume 72, Number 199)]  
[Page 58631-58637] <http://www.ams.usda.gov/lsg/stand/claim.htm>

SUMMARY: The Agricultural Marketing Service (AMS) is establishing a **voluntary standard** for a grass (forage) fed livestock marketing claim. This standard incorporates revisions made as a result of comments received from an earlier proposed standard. A number of livestock producers make claims associated with production practices in order to distinguish their products in the marketplace. With the establishment of this voluntary standard, livestock producers may request that a grass (forage) fed claim be verified by the Department of Agriculture (USDA). Verification of this claim will be accomplished through an audit of the production process in accordance with procedures that are contained in Part 62 of Title 7 of the Code of Federal Regulations (7 CFR part 62), and the meat sold from these approved programs can carry a claim verified by USDA.

DATES: Effective Date: November 15, 2007.

In the December 30, 2002, Federal Register Notice (67 FR 79552), the grass (forage) fed claim standard proposed that grass, green or range pasture, or forage shall be 80 percent or more of the primary energy source throughout the animal's life cycle. As a result of the public comments received, AMS determined significant modification to the proposed grass (forage) fed standard was needed. AMS re-proposed the grass (forage) fed claim standard in the May 12, 2006, Federal Register Notice (71 FR 27662). It proposed that grass (annual and perennial), forbs (legumes, Brassica), 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.

By the close of the comment period for the May 12, 2006, AMS received **19,811** comments concerning the grass (forage) fed claim. Summaries of AMS' responses follow.

**Grass (Forage) Percentage**

After evaluating the extensive comments received regarding the appropriate diet percentage, AMS determined that in order to make a grass (forage) fed marketing claim, a diet of grass (forage) should be maximized. AMS believes that the **99 percent grass or forage-based diet** proposed in the May 12, 2006, Federal Register Notice (71 FR 27662) was appropriate. However, AMS concurs it is easier to verify a 100 percent grass (forage)-based diet. AMS also concurs that as proposed, various interpretations on what the percentage refers to and how it will be measured (calculated) might occur. The language in the standard regarding the use of grass (forage) as an ``energy source'' should be changed and clarified to represent that the standard is based solely on the consumption of a grass (forage)-based diet. **Removing the ``energy source'' terminology** will further clarify that supplemental energy and protein sources are not permitted and will remove any confusion about how to measure (calculate) percent energy source. Again, AMS believes that due to the nature of grass (forage) fed production systems, it will be more appropriate to verify a maximized (100 percent) grass (forage)-based diet. Therefore, AMS will not adopt any of the other suggested percentage levels and will remove any reference to a percentage in the standard. Accordingly, the **grass (forage) fed marketing claim will only apply to ruminant animals whose diet throughout their lifespan is derived solely from grass (forage), with the exception of milk consumed prior to weaning.** AMS realizes that incidental supplementation may occur due to inadvertent exposure to non-forage feedstuffs or to ensure the animal's well being at all times during adverse environmental or physical conditions. If incidental supplementation occurs as described above, the producer must fully document (e.g., receipts, ingredients, and tear tags) the incidental supplementation that occurs including how much, how often, and what was supplemented. The producer must maintain sufficient records of the animal's diet for the lifespan of the animal to demonstrate compliance with the requirement that, throughout its lifespan, the ruminant animal's diet is derived solely from grass and forage, with the exceptions previously discussed.

Finally, with regard to the commenter requesting scientific justification for the 99 percent grass (forage)-based diet, AMS notes that this is a marketing claim centered on a production method where the animal's diet is derived from grass and not a computed scientific figure.

#### **Clarification of Language and Definition Relative to the Exclusion of Grains**

AMS did not intend for the standard to permit meat from grain fed animals to be labeled as grass (forage) fed. AMS agrees further clarification and more specific language are needed to prevent the feeding of grain. AMS has incorporated several of the suggested clarifications received through the comments on this point and the definition of grass (forage) will be clarified so that crops normally harvested for grain may qualify for forage only if they are harvested or are grazed in the vegetative state (pre-grain). The details regarding the language clarifications are set forth in this standard. Regarding milk consumed by calves prior to weaning, AMS has determined that it is not necessary to insert the word "mother's" as one commenter suggested. Milk replacer fed prior to weaning is within the intent of the grass (forage) fed standard, as it is an acceptable alternative feed source to mother's milk. The remainder of the comments were considered, but not incorporated into the standard as AMS has determined the standard, with the revisions made, is clear, attainable, and appropriate.

#### **Stored and Harvested Forages and Other Supplements**

Due to the diverse range and climate conditions across the United States, it is not practical to limit consumption to grass (forage) consumed by the animal only while pasturing and to restrict the use of harvested, stockpiled or stored forages. During periods of inclement weather or low forage quality, the welfare and nutritional needs of the animal must be taken into account. Allowing harvested or stockpiled forages will address the lack of readily available grass (forage) throughout the year. Accordingly, harvested forage without grain is allowed. AMS realizes that silage is a fermented vegetative product that has undergone significant chemical alteration and is not as "green" as other freshly chopped forages; however, restricting silage due to a "green" criterion is outside the scope of the standard. As stated previously in the document, language will be in the standard to exclude grain, specifically to exclude forage crops containing grain as eligible feed.

With regard to other supplements mentioned in the comments, AMS does agree that certain supplemental ingredients should not be allowed in the diet because they are not grass (forage). These ingredients include cereal grains, grain byproducts (starch and protein sources), cottonseed and cottonseed meal, soybean and soybean meal, non-protein nitrogen sources such as urea, and animal byproducts. By contrast, roughage (e.g., cottonseed hulls, peanut hulls, and almond hulls), defined as any feed high in crude fiber and low in total digestible nutrients, on an air-dry basis, can be supplemented in a grass(forage)-based diet because it is low in nutrients and its bulk stimulates peristalsis. Further, AMS believes that mineral and vitamin supplements should be allowed so the animal's nutrient intake can be adjusted and that deficiencies in the diet can be corrected.

#### **Related Production Issues Including Access to Pasture, Confinement, and Antibiotics and Hormones**

In the May 12, 2006, Federal Register Notice (71 FR 27662), AMS determined that meat produced from animals which meet the minimum requirements for grass (forage) feeding should be eligible for the grass (forage) fed claim and additional production practices that go beyond a grass (forage) fed diet should not be incorporated in this standard. Additional labeling claims can be made in conjunction with the grass (forage) fed claim (e.g., free-range, no antibiotics or hormones administered) to highlight other production practices. AMS also has determined that animals must graze live pasture during the growing season as a requirement of the grass (forage) fed standard as it is inherent to the term grass (forage) fed. With regards to the issue of confinement and free-range, as stated in the May 12, 2006, Federal Register Notice (71 FR 27662), AMS recognizes the synergistic nature between grass feeding and free-range conditions; however, AMS has determined it is preferable to keep the terminology separate and develop two distinct standards for both grass (forage) fed and free-range claims,

particularly in view of possible distinctions in their diet. Similarly, AMS has determined it is preferable to keep the terminology separate for the use of antibiotics and hormones.

### **Verification, Compliance, and Labeling Issues**

Relative to the cost of AMS audit-based verification services, every effort has been made to make these services available in the most cost-effective manner possible to all applicants. The cost of AMS' verification services is outside the scope of voluntary marketing claim standards.

In response to the issue of penalties for producers and handlers who utilize a grass (forage) fed label without participating in the USDA Process Verified Program, it should be noted that all label claims, including the ones verified by a USDA Process Verified Program, must be approved by FSIS, LPDD. FSIS, LPDD develops and implements regulations and policies to ensure that meat, poultry, and egg product labeling is truthful and non-misleading. Under FMIA and PPIA, the labels of products must be approved by the Secretary of Agriculture, who has delegated this authority to FSIS, before these products can enter commerce. Accordingly, all labeling issues and questions, including requiring a USDA Process Verified Program for approval of a grass (forage) fed claim, transition periods, and the use of grass fed in a company's name must be addressed by FSIS.

The purpose of voluntarily participating in a USDA Process Verified Program is to obtain AMS verification for specific practices so that a livestock or meat producer's products can be differentiated in the marketplace. Although producers and handlers may use an approved grass (forage) fed label without participating in a USDA QSVP, the use of any official certificate, memoranda, marks, or other identifications, and devices for purposes of the Agricultural Marketing Act without complying with the program requirements may result in either a fine, imprisonment, or both. Section 203(h) of the Agricultural Marketing Act of 1946 authorizes the imposition of fines, imprisonment, or both for anyone who knowingly falsifies any official certificate, memorandum, mark, or other identification, or device for making such mark or identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized pursuant to USDA QSVP.

Relative to foreign producers who want to market grass (forage) fed products in the United States, a cost-effective, voluntary program to substantiate label claims can be developed between USDA and the appropriate national-level counterpart in the producer's country provided applicable FSIS regulatory approvals are in place.

### **Perceptions Associated With Grass (Forage) Fed Claim**

It will be up to the producer to make additional distinctions in their meat products beyond the grass (forage) fed claim. Further, it is up to an individual consumer to determine their reason for eating meat from animals fed grass (forage). Reasons consumers list for consuming meat from grass fed animals differ widely and such standards would be based on those various perceptions. However, this issue is not within the scope of this marketing claim standard. Nutritional issues on labels are more appropriately addressed through the FSIS, LPDD label approval process.

### **Additional Issues Raised**

At this time, a requirement prohibiting the use of **genetically engineered plants is not included due to the lack of research showing effects on animals consuming genetically engineered plants.** Further, this voluntary standard applies only to meat products from ruminants. Milk, milk products, animal fiber, and animal fiber products are determined to be outside the scope of this standard. AMS does agree a standardized spelling of grass fed would minimize confusion and has applied a standardized spelling to the standard.