

RE: Protecting Consumers from Meat Falsely Advertised as “Raised Without Antibiotics”

I am writing to you on behalf of Farm Forward, a nonprofit organization that works to promote more sustainable and humane agricultural practices. We are deeply concerned about the widespread practice of humanewashing by the meat industry: the systemic misrepresentation of animal products aimed at misleading consumers to pay a higher price for products that are—in some cases—falsely labeled as “raised without antibiotics” (RWA), “humanely raised,” and “natural.” This is especially concerning considering the growing public health crisis of antibiotic-resistant superbugs caused in major part by the widespread overuse of antibiotics in animal agriculture.<sup>1</sup>

A recent peer-reviewed study published in *Science* magazine detected antibiotic residue in nearly 25 percent of cattle marketed as RWA, indicating unauthorized antibiotic use in a significant percentage of the beef supply chain.<sup>2</sup> This is concerning for the millions of consumers who are paying a premium for RWA-labeled products, which can cost as much as 20 percent more than conventional meat.<sup>3</sup> Further, last year Farm Forward published an investigation that found an antibiotic in meat sold by Whole Foods Market that was labeled “antibiotic free,” “Organic” and Animal Welfare Certified. At a time when food prices are experiencing high inflation, it is especially important that consumers can be confident that they’re getting what they pay for.

In 2022, a consumer class action lawsuit was filed against Whole Foods Market (WFM), one of the largest retailers of RWA products, alleging that WFM engaged in false and deceptive advertising. On July 25th, 2023, a U.S. District judge in Southern California ruled that the consumer class case can proceed; the same U.S. District judge denied, in part, Whole Foods’ motion to dismiss, and the case is currently in discovery.

Federal government agencies with enforcement power over meat labels need to do much more to protect consumers. Though the USDA approves meat companies to label products as “raised without antibiotics,” the USDA does not currently require meat companies to test their products to verify those claims. Virtually all animal raising claims, such as “humanely raised” and “raised without antibiotics,” are verified merely through producer affidavits, and there is significant evidence, some of which done by the USDA’s own Office of Inspector General (OIG), that the agency isn’t complying with their own label approval processes.<sup>4</sup>

Earlier this year, the USDA announced new guidelines for companies seeking to label their products as “humanely raised,” “free range,” and “RWA.”<sup>5</sup> The new guidelines include a *recommendation* that meat companies test animals who are going to be marketed as RWA, but the USDA failed to *require* meat companies to test their products. The USDA’s announcement is

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<sup>1</sup>Centers for Disease Control and Prevention. (2019). “Antibiotic Resistance Threats in the United States.

<sup>2</sup>Lance B. Price, Laura Rogers, and Kevin Lo, (2022). “Policy reforms for antibiotic use claims in livestock,” *Science* 376, (6589).

<sup>3</sup>Laura Reiley, (2022). “Antibiotic-free meat routinely tests positive for antibiotics, says new study,” *The Washington Post*.

<sup>4</sup>Animal Welfare Institute. (2023). *Deceptive Consumer Labels: How the USDA’s Failure to Oversee its Label Approval Program Allows the Meat Industry to Co-Opt Humane and Sustainable Claims*.

<sup>5</sup>United States Department of Agriculture, “USDA Launches Effort to Strengthen Substantiation of Animal-Raising Claims.”



an important step in the right direction, but more needs to be done to encourage grocery retailers and meat companies to ensure their products are accurately marketed.

Until the USDA requires that meat companies verify through testing that their products are, in fact, “antibiotic free,” state attorneys general have a responsibility to protect consumers in STATE by ensuring that the claims they make about “antibiotic free” meat are true and that consumers are assured transparency.

**That is why we are asking you to urge the largest retailers in STATE to require independent antibiotic testing to ensure meat companies whose products they sell marketed as “antibiotic free” “no antibiotics, ever” or “RWA” are true. More specifically, we are requesting that you encourage retailers in STATE to:**

- Require that their suppliers conduct regular testing on a statistically significant percentage of their meat products labeled “raised without antibiotics” for the presence of antibiotics, using reliable and independent laboratories, testing with a high level of sensitivity (i.e., parts per billion);
- Implement corrective actions for suppliers who fail to meet “raised without antibiotics” standards and policies.

The above actions are aligned with existing consumer expectations. A recent consumer survey revealed that consumers expect grocers to verify the claims made by meat producers and that they would lose trust in grocers if they learned that meat with the RWA label contained antibiotic residue.<sup>6</sup> The office of the STATE Attorney General can help ensure that consumers who spend more for meat labeled as “antibiotic free” get what they pay for.

Farm Forward would be happy to work with your team on this issue in whatever way we can, including providing a list of retailers in your state that sell “antibiotic free” meat, and we would be happy to support you in drafting a letter to those retailers. Attached to this document, you will find the cited *Washington Post* article, as well as the cited peer-reviewed article from *Science*.

Thank you for your consideration in this matter, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "A. L. ...".

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<sup>6</sup>Grace Adcox et al., (2023). “Holding Companies Accountable: Humanewashing, Antibiotics, and Animal Welfare.” Data for Progress.  
[https://www.filesforprogress.org/memos/holding\\_companies\\_accountable\\_humanewashing\\_antibiotics\\_and\\_animal\\_welfare.pdf](https://www.filesforprogress.org/memos/holding_companies_accountable_humanewashing_antibiotics_and_animal_welfare.pdf)



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