

ALLIANCE ^{FOR}
MEAT, POULTRY
AND SEAFOOD
INNOVATION

December 2, 2021

Submitted electronically via regulations.gov

U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue SW, Mailstop 3758 Washington, DC 20250-3700

Re: Labeling of Meat or Poultry Products Comprised of or Containing Cultured Animal Cells
advance notice of proposed rulemaking, Food Safety and Inspection Service, U.S. Department of
Agriculture
Docket No. FSIS-2020-0036, RIN 0583-AD89

Dear Sir or Madam:

The Alliance for Meat, Poultry and Seafood Innovation (AMPS Innovation) greatly appreciates the opportunity to submit comments and information requested in the Labeling of Meat or Poultry Products Comprised of or Containing Cultured Animal Cells advance notice of proposed rulemaking (ANPR), Docket NO. FSIS-2020-0036. Collectively, AMPS Innovation represents the majority of companies in the United States working to produce and bring to market meat, poultry and seafood through cell culture technology, including Artemys Foods, BlueNalu, Finless Foods, Fork & Goode, Future Meat Technologies, GOOD Meat, New Age Meats, Orbillion Bio and UPSIDE Foods. AMPS Innovation was formed in August 2019 out of a desire for a growing industry to come together and speak with a unified voice as we emerge as a viable, impactful partner in the food and agricultural sector.

In October 2020, AMPS Innovation partnered with the North American Meat Institute (NAMI), a trade association whose members process the vast majority of U.S. beef, pork, lamb and turkey, to request that USDA issue an ANPR to solicit feedback before proposing a rule regarding the labeling of meat and poultry produced using cell culture technology. We appreciate USDA's responsiveness to our joint request. As stated in the letter, we continue to support a labeling framework that fosters transparency, consumer confidence, and a level playing field while also aligning with longstanding law and policy.

Our comments in response to the specific questions raised in USDA's ANPR are intended to be in service of these themes and represent the views of the majority of AMPS Innovation, including all of the cultivated meat and poultry member companies. Our comments here relate to meat and poultry specifically, as those are the products regulated by USDA's Food Safety and Inspection Service (FSIS), though we understand and appreciate that USDA and the U.S. Food

and Drug Administration (FDA) have committed to joint principles ensuring consistency in regulation and oversight across meat, poultry and seafood products.

The first question in the ANPR asks “should the product name of a meat or poultry product comprised of or containing cultured animal cells differentiate the product from slaughtered meat or poultry by informing consumers the product was made using animal cell culture technology?”

As stated in the joint letter submitted with NAMI, we support a labeling requirement that differentiates our products from those produced using conventional methods. AMPS Innovation member companies support principles that ensure labeling is truthful and not misleading, do not disparage cultivated or conventional products, signal that consumers with allergies or sensitivities to such conventional products should not consume the cultivated product, enable consumers to distinguish between such products, and are consistent with the safety and nutritional qualities of the product.

Questions 2-5 in the ANPR seek input on terms that are appropriate for the product name of a food comprised of or containing cultivated animal cells and which terms are inappropriate or potentially negatively impactful to this emerging industry. We appreciate USDA’s series of questions in this regard, as it is vital to AMPS Innovation that the conversation around our new industry remain inclusive and approachable while simultaneously ensuring that terminology used is scientifically accurate, not inherently misleading, and not demeaning towards products made using cell culture technology or conventionally produced meat and poultry products.

Based on several consumer studies, and taking into consideration the processes by which our products are made, the majority of AMPS Innovation members, including all of the cultivated meat and poultry member companies, believe the term “cultivated” is sufficiently descriptive to convey to consumers that a meat or poultry product comprises or contains cultured animal cells. For example, “cultivated beef” or “cultivated chicken” is appropriate to distinguish from conventionally-produced meat and poultry products and indicate the technology used in the production process. Appropriate labeling would be extended to products with additional descriptors, for example “cultivated hamburger,” “cultivated beef patty,” “cultivated chicken nugget,” etc.

“Cultivated” is in our view the term that most appropriately reflects the fundamental production of these products. “Cultivator” is a term many companies use to refer to the bioreactors where cellular agriculture takes place. The adjective “cultivated” proceeds logically from this and provides a technically accurate definition. In addition, many news outlets that focus on the food industry are also using “cultivated” to describe meat and poultry made using cell culture technology.¹

¹For materials related to nomenclature, see Anderson, Elisabeth, and Stephen Anderson. “Cultivated Meat & Seafood – Technology.” *Michigan State University*, 11 Oct. 2021, <https://www.canr.msu.edu/news/cultivated-meat-seafood-technology>; Anderson, Elisabeth, and Jinpeng Li. “Cultivated Meat & Seafood – Regulations.” *Michigan State University*, 18 Oct. 2021, <https://www.canr.msu.edu/news/cultivated-meat-seafood-regulations>; Poinski, Megan. “Mission Barns partnership produces plant-based sausage with cultivated fat.” *Food Dive*, 21 Oct. 2021, <https://www.fooddive.com/news/mission-barns-partnership-produces-plant-based-sausage-with-cultivated-fat/608598/>; Watrous, Monica. “Leonardo DiCaprio leans into cultivated meat startups.” *Meat and Poultry*, 22 Sep. 2021, <https://www.meatpoultry.com/articles/25548-leonardo-dicaprio-leans-in-to-cultivated-meat-startups>; Wolf, Michael. “USDA Awards \$10 Million to Tufts University to Establish a Cultivated Protein Center of Excellence.” *The Spoon*, 13 Oct. 2021, <https://thespoon.tech/usda-awards-10-million-to-tufts-university-to-establish-a-cultivated-protein-center-of-excellence/>.

The ANPR also asks about costs and benefits to industry associated with using these terms. In addition to accurately reflecting our production process, a 2019 study conducted by the Good Food Institute found that, of nine potential terms that could be used to describe meat, poultry and seafood created from cell culture technology, “cultivated” received the highest score for consumer appeal.² For a nascent industry, selecting scientifically sound, understandable terminology that serves a purpose of educating consumers while at the same time supporting consumer acceptance by keeping the dialogue with consumers open is critically important. Cultivated also received an above average score for perceived descriptiveness compared to other terms, and combined with its technical accuracy, we believe this is the best term for describing the nature or source of the product to consumers while supporting consumer acceptance for the industry long-term.

In response to questions 4 and 5, the following are examples of terms that we believe are false, misleading, or would have a potentially negative impact:

- “Lab-based” or “lab-grown meat”: As with many other foods, early-stage research is typically conducted in a laboratory. Large-scale production, however, will occur in a food production facility that will not resemble a laboratory. This is a similar lifecycle to many products. Moreover, the process for making cultivated meat and poultry is similar to the process for making other food and beverages that are not referred to as “lab-grown” (for instance, beer is not referred to as “lab-grown beer”). These terms are false, misleading, and intended to be derogatory. They have no place in food labeling.
- “Clean meat”: This term is used by some proponents of the category. This term is meant to reference the controlled nature of the production environment. AMPS Innovation does not accept or use this term, as it implies other meats are not clean and therefore may be disparaging or harmful to conventionally-produced meat.
- “Synthetic meat”: This is a misleading and an intentionally derogatory term. The term “synthetic” generally means made by chemical synthesis to imitate a natural product.³ The production process for cultivated meat is a biological process, not chemical synthesis, and the products are composed of real animal cells just as meat is and are not imitation. This term is also harmful to consumers who have sensitivities or allergies to conventional products who would also react to products produced from the culture of cells from the same animal.
- “Fake meat” or “artificial meat” or “faux meat” or “meat alternative”: These terms are both false and misleading as products in this category have been recognized as meat, down to the compositional level, and should be distinguished from plant-based products (which are sometimes referred to as meat alternatives). These terms are commonly used by detractors of the category and are intended to create consumer aversion to the category, before any products have come to market.

The remaining questions in the ANPR (6-14) seek input on whether USDA should alter or issue new definitions, new standards of identity, regulations or guidance especially for the labeling of

² Szejda, K., Allen, M., Cull, A., Banisch, A., Stuckey, B., & Dillard, C., & Urbanovich, T. (2019). Meat cultivation: Embracing the science of nature. Project Report. Washington, DC: The Good Food Institute. Available at go.gfi.org/meat-cultivation-project

³ "synthetic." Merriam-Webster.com. 4 Nov 2021. <https://www.merriam-webster.com/dictionary/synthetic>.

products made using cell culture technology. As a general matter, the majority of AMPS Innovation members, including all of the cultivated meat and poultry member companies, support using the term "cultivated" to differentiate products made using cell culture technology from their conventionally harvested counterparts. Beyond that, we expect cultivated meat and poultry products to be regulated according to the same criteria the agency applies to conventionally produced meat and poultry, since our products will be fundamentally the same. We want to avoid – as should USDA – regulation that could stifle innovation for our new and growing industry and unnecessarily tie up valuable USDA resources.

Question 8 asks whether FSIS should establish a regulatory standard of identity for foods comprised of or containing cultured animal cells. AMPS Innovation does not support adoption of a specific standard of identity for foods comprised of or containing cultured animal cells. First, based on our current assessment of the new technology, we expect the meat products produced through cell culture technology will be comparable to their conventional counterparts in terms of appearance, texture, nutritional value and composition. It is thus appropriate for these products to be freely substituted for meat and poultry in applicable standards of identity. AMPS Innovation supports use of the term "cultivated" to differentiate meat produced using cell culture technology from conventionally harvested meat in the interests of consumer transparency. However, this distinction is intended to empower transparency and is grounded in the recognition that differences in production method may be important to consumer choice; it is not intended to suggest a material difference between the cultivated and conventional products, as a class, in terms of functional, nutritional or chemical characteristics.

For example, question 14 asks, “What label claims are likely to appear on FSIS regulated products comprised of or containing cultured animal cells? Should FSIS develop new regulations or guidance on such claims to ensure they are neither false nor misleading?” It is premature to identify what types of claims or labeling terms would be considered or submitted to FSIS for approval. However, in keeping with the above theme, AMPS Innovation would encourage FSIS to use the same process as currently used for labeling claims, including the requirement that companies provide sufficient supporting documentation. FSIS should ensure that any approved claim provides transparency for consumers, is truthful and not misleading, not disparaging to conventionally produced products, and is evidence-based.

Cultivated meat and poultry should be permitted to be freely substituted for the conventional ingredient in USDA-regulated products covered by a standard of identity. USDA should clarify that this is permitted through Guidance, such as the "Food Standards and Labeling Policy Book." In addition, USDA should establish a “descriptive designation” that specifies that products containing cultivated ingredients must be labeled as cultivated. Examples of such a descriptive designation include USDA’s descriptive designation for mechanically tenderized beef (codified at 9 C.F.R. § 317.2(e)(3)) or those for meat or poultry that contains added solutions (codified at 9 C.F.R. §§ 317.2(e)(2), 381.117(h)). The same approach would work for cultivated meat and poultry products. Among other benefits, it would provide useful information to consumers, clarity to manufacturers, and conserve USDA resources.

Questions 6, 7, 12 and 13 all ask if terms for various well-known products that are now typically made using conventionally produced meat and poultry, ranging from broths and flavors to

lasagnas, or widely recognized cuts and “forms” (e.g., patty or steak) should bear differentiating terminology or if they should be allowed to accompany foods comprised of or containing animal cells. Consistent with the concepts laid out above, AMPS Innovation believes that, with the addition of an appropriate qualifying term, the names of established cuts and forms should be applicable to products derived from animal culture cells, provided that the product maintains other key similarities with the conventionally-produced counterpart.

Finally, AMPS Innovation does not believe the definitions for “meat,” “meat byproduct,” “meat food product,” “poultry product” or “poultry food product” need to be amended to specifically exclude foods comprised of or containing cultured animal cells, as is asked in questions 10 and 11. For the reasons described above, we also submit that cultivated meat should be freely substituted for conventional meat in the definition of “meat,” subject to the expectation that such meat be identified as “cultivated,” and we support USDA clarifying that position through Guidance or as a general principle promulgated in this labeling rulemaking.

AMPS Innovation expects the cultivated meat and poultry products will be comparable to the conventional counterparts in terms of appearance, texture and composition. Any differences between the products can be clarified through appropriate labeling vehicles like the Nutrition Facts panel or Guidance.

AMPS Innovation looks forward to FSIS’ continuation of this important process and further opportunities to provide input at the proposed rule stage.

Best regards,

AMPS Innovation

The logo for Artemys Foods, featuring the words "ARTEMYS" and "FOODS" in a bold, black, sans-serif font.The logo for Finless Foods, featuring a blue geometric icon of four interlocking squares to the left of the words "FINLESS FOODS" in a blue, sans-serif font.The logo for GOOD, consisting of the letters "G", "O", and "D" stacked vertically inside a black rectangular border.The logo for New Age Meats, with the words "NEW", "AGE", and "MEATS" stacked vertically in a bold, black, sans-serif font, separated by horizontal lines.The logo for Future Meat, with the words "FUTURE" and "MEAT" stacked vertically in a bold, red, sans-serif font.The logo for BlueNalu, featuring a blue circular icon with a white wave-like pattern to the left of the word "BlueNalu" in a blue, sans-serif font.The logo for Fork & Goode, with the words "FORK" and "GOODE" in a black, sans-serif font, separated by an ampersand.The logo for Orbillion, featuring a circular icon composed of small blue and green dots to the left of the word "Orbillion" in a blue, sans-serif font.The logo for Upside Foods, featuring a red heart shape with the word "UPSIDE" in white, bold, sans-serif font inside the heart, and the word "Foods" in a smaller, white, sans-serif font below it.