Marketing Claims Used on Food Labels

Some information, like nutrition facts, are required to be listed on food labels. Other information is voluntary.

There are a wide range of voluntary claims used to market food. Some are legally defined while others are not, leaving them open to interpretation. Claims may include a third-party audit or there may not be an independent verification. Trying to sort through what these claims truly mean can be overwhelming and confusing.

Marketing claims may describe the food itself or refer to how the food is grown or raised. Most claims do not have anything to do with nutrition or food safety. Since these claims are voluntary, the absence of them does not mean a food bearing them is superior to one that doesn't.

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Several federal and state agencies are involved in the regulation and labeling of foods. Three agencies you should be familiar with are:

The United States Department of Agriculture (USDA)

USDA "provides leadership on food, agriculture, natural resources, rural development, nutrition and related issues" according to *www.usda.gov.*

USDA's Food Safety and Inspection Service (FSIS) is responsible for regulating meat, poultry and egg products and making sure the labeling is truthful. Any labeling with claims about the way an animal was raised must be evaluated and approved by FSIS before being used. Learn more at *www.fsis.usda.gov*.

The Agriculture Marking Service (AMS), a division of USDA, works to create marketing opportunities both domestically and internationally for US producers of food, fiber and specialty crops.

Food and Drug Administration (FDA)

FDA is responsible for protecting public health. Two areas they focus on is ensuring the safety and security of the United States food supply and public health, including helping people find science-based information on foods. They regulate a broad range of items including food such as dietary supplements, bottled water and food additives.

They also regulate medical products, veterinary products and cosmetics but not meat, poultry or eggs. For more information visit *www.fda.gov*.

Environmental Protection Agency (EPA)

EPA's mission is to protect human health and the environment. This includes developing and enforcing regulations based on laws written by Congress. Areas of focus include regulations related to emissions standards, pesticides and water. Visit their website at *www.epa.gov* for more information.

Third Party Audits

There are companies that offer voluntary, independent, third-party certification programs for product claims. These claims include Non-GMO, Certified Gluten Free, Grass Fed and Cage Free. Companies establish their own standards for these programs, which are provided for a fee. If approved to meet that group's standards, the product can bear the group's label.

Labels bearing these logos can be confusing for consumers. For example, there is an independent group that offers a "Certified Gluten-Free" certification. This label can appear on products that don't naturally have gluten.

Another example is a non-profit agency that manages a third-party audit which verifies a product does not have GMO ingredients. The label can be found on many products that don't have a GMO option.

These independent groups are not regulated by a government agency. If a claim is certified by a third-party agency, the label must include information on the certifying entity.

Claims Found on Food Labels

Many common claims used in marketing food are below. Companies may use terms to describe the product or include a logo. This list in not inclusive and is current as of the date of this publication. For the most up-to-date description or regulation, check with the agencies listed above.

All Natural/Natural/100% Natural

FDA has no formal definition for "all natural" or "natural" but is working on setting a standard. FDA has considered the term "natural" to mean "nothing artificial or synthetic (including all color additives regardless of source) has been included in, or added to, a food that would not normally be expected to be in that food."

USDA defines a "natural" product as one that does not have any artificial ingredients or added colors and is minimally processed. A product that is "minimally processed" has not been significantly altered. See the "Processed/Unprocessed" section further in this document for a deeper explanation.

If this claim is used, the label must explain the meaning of the term "natural." For example, the label may say "no artificial ingredients". This claim is not regulated and refers to how a food item is processed. It is not an indicator of food safety or nutritional value.

All fresh meat qualifies as "natural" even if the term isn't used on the label.

Resources

https://www.fda.gov/food/food-labeling-nutrition/use-term-natural-food-labeling
https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/meat-and-poultry-labeling-terms

Antibiotic Free

Antibiotics are one tool farmers use to keep animals healthy. They are used to treat sick animals or prevent disease.

All meat sold in the US is free of antibiotic residue. If an animal is given an antibiotic it must go through a withdrawal time before being harvested. The withdrawal time is the specific length of time it takes for the antibiotic to work its way through the animal's system. Since animals must meet the required withdrawal times before being harvested, all meat can be considered "antibiotic free." This claim is not an indicator of food safety or nutritional value.

All milk—both conventional and organic—is tested for antibiotics, both on the farm and at the processing plant. In accordance with government regulations, any milk testing positive for antibiotics cannot be sold to the public.

FDA oversees the Veterinary Feed Directive (VFD), which, in January of 2017, was revised to ensure the judicious use of medically important antimicrobials when used in food producing animals. These medications must be issued by a licensed veterinarian who has a relationship with the animal producer and has evaluated the animal's health.

Resources

https://www.fsis.usda.gov/wps/portal/informational/aboutfsis
https://www.fda.gov/animal-veterinary/development-approval-process/veterinary-feed-directive-vfd
https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/
https://www.beefitswhatsfordinner.com/newsroom/answers-to-beef-production

No Antibiotics Ever/Raised without Antibiotics

If sold with this claim on the label, the farmer must have documentation the animal never received an antibiotic over the course of its life. Documentation supporting this claim must be submitted to USDA as part of label approval. This claim is not regulated but does fall under the USDA AMS Process Verification Program, which does carry an official USDA listing. It is not an indicator of food safety or nutritional value.

If an animal gets sick and must be treated with an antibiotic, it can't be marketed under this claim.

Resources

USDA Process Verified Program https://www.ams.usda.gov/services/auditing/process-verified-programs

Bioengineered food (BE)

Congress passed the National Bioengineered Food Disclosure Law in July 2016. This established a national standard for identifying foods that are or may be bioengineered. According to USDA AMS, a bioengineered food is one that may "contain detectable genetic material that has been modified through certain lab techniques and cannot be created through conventional breeding or found in nature." Bioengineered food has been consumed in the US since 1994. Alternative terms for bioengineered food are Genetically Engineered (GE), Genetically Modified Organism (GMO) and Transgenic.

Food offered for sale that is bioengineered or uses bioengineered ingredients will need to be identified. Food produced from an animal fed bioengineered feed is not considered a bioengineered food. This standard will apply to food manufacturers, importers and certain retailers, although there are some exceptions.

All must comply by January 1, 2022. Approved labels will say either “Bioengineered” or “Derived from Bioengineering.” This label is regulated by a government agency.

This label does not address nutrition or food safety. The National Academies of Sciences, Engineering and Medicine found “no substantiated evidence of a difference in risks to human health between current commercially available genetically engineered (GE) crops and conventionally bred crops, nor did it find conclusive cause-and-effect evidence of environmental problems from the GE crops.”

Resources

USDA https://www.ams.usda.gov/rules-regulations/be/consumers

National Academies of Sciences, Engineering and Medicine
http://dels.nas.edu/Report/Genetically-Engineered-Crops-Experiences-Prospects/23395
https://www.fda.gov/food/food-new-plant-varieties/how-fda-regulates-food-genetically-engineered-plants

Cage Free

This term is most commonly used when referring to hens laying eggs. There is no legal definition, but it is generally accepted that cage free hens are not raised in cages or other enclosures. The birds may roam in a building, room or other open area that includes nesting space and perches. The term describes the environment the birds were housed in and does not reference food safety or nutritional value.

USDA does set standards for cage free eggs if they are graded by USDA inspectors and packed with a USDA grade mark or shield. Cage free eggs are laid by hens that can roam freely in indoor houses and have access to fresh food and water. In addition to eating grains, these hens may forage for wild plants and insects. Housing systems vary. They must allow hens to exhibit natural behaviors and include enrichments such as scratch areas, perches and nests. Hens must have access to litter, protection from predators and be able to move in a barn in a manner that promotes bird welfare.All chickens and turkeys raised for meat live “cage free”. They are never raised in cages or other enclosures, no matter what size the farm or how many birds the farmer cares for. They also have continuous access to fresh water and feed. If the term “cage free” is used to describe poultry meat, it can be misleading.

This claim is not regulated by a government agency if used to describe a meat product. Documentation supporting this claim must be submitted to USDA as part of label approval.

If eggs bearing this claim are sold with a USDA grade shield, they are regulated. It is not an indicator of food safety or nutritional value.

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Resources

NC Egg Association	https://ncegg.org/
NC Poultry Federation	https://ncpoultry.org/
American Egg Board	https://www.aeb.org/

Certified Organic

The National Organic Program was established in 2001 and is a federal regulatory program overseen by USDA AMS. It sets and enforces the standards for organically produced agricultural products sold in the US. The program takes into consideration how food was grown or processed, not food safety or nutritional value.

This is a voluntary, third-party audit conducted by a USDA approved certifier. A farmer, processor or handler must meet USDA production and handling standards to be certified organic. If a farm or other business sells more than $5,000 of organic products a year, they are required to be certified. This is a yearly inspection paid for by the farmer or handler.

Inputs that are not allowed under organic certification include unapproved antibiotics, synthetic fertilizers or pesticides, hormones or genetically modified ingredients.

There are three levels for organic claims on food:

"100% Percent Organic" can be used to label any product that has 100% organic ingredients.

Products labeled "Organic" must have a minimum of 95% organic ingredients

If you see "Made with organic ___" on the label, at least 70% of the ingredients are certified organic.

This product cannot use the USDA organic seal.

For more information on specific requirements for fruits and vegetables, livestock, dairy or other agriculture crop, visit the USDA website.

Resources

USDA	https://www.ams.usda.gov/about-ams/programs-offices/national-organic-program

Free Range

This term is more commonly used in chicken or turkey but can be used to describe any meat animal. The term describes the environment the birds were housed in and does not reference food safety or nutritional value.

There is no regulated definition of this term when used to describe a meat product. USDA approves the use of "free range" for poultry on a case-by-case basis. To be approved to use this term, a farmer must demonstrate that birds have been allowed access

outdoors. Since there is no legal definition, there are no standards for what type of outdoor access animals have, the size of outdoor areas or the length of time an animal must spend outside.

USDA does set standards for free range eggs if they are graded by USDA inspectors and packed with a USDA grade mark or shield. Free range eggs are laid by hens that can roam freely in indoor houses, have access to fresh food and water and continuous access to the outdoors during their laying cycle. In addition to eating grains, these hens may forage for wild plants and insects. Housing systems and outdoor areas can vary. They must allow hens to exhibit natural behaviors and include enrichments such as scratch areas, perches and nests. Hens must have access to litter, protection from predators and be able to move in a barn in a manner that promotes bird welfare.

If also participating in the National Organic Program, chicken labeled as "Organic" must also be "free range" but not all "free range" chicken is organic.

Resources

USDA Q&A – USDA Shell Egg Grading Service
https://www.ams.usda.gov/publications/qa-shell-eggs

USDA FSIS Meat and Poultry Labeling Terms
https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/meat-and-poultry-labeling-terms/meat-and-poultry-labeling-terms

American Egg Board www.aeb.org

United Egg Producers www.unitedegg.com

GAP – Good Agricultural Practices

According to USDA, GAP is a "voluntary audit that verifies fruits and vegetables are produced, packed, handled and stored as safely as possible to minimize risks of microbial food safety hazards."

This is a third-party audit that is completed once a year at the farmers expense. Farmers choose which crops they want to be GAP certified. Once they pass the audit the farm will receive a certificate listing which crops are GAP certified.

This audit is often required by buyers and they may indicate which company or level of GAP a farm needs to obtain. Many companies offer GAP certification, including USDA. Some farms may have Global GAP or Harmonized GAP, which are often required by buyers in other countries.

Resource

USDA https://www.ams.usda.gov/services/auditing/gap-ghp

Gluten Free and Certified Gluten Free

Gluten is a natural protein found in wheat, rye, barley and crossbreeds of these grains. According to the NC Small Grain Growers Association, gluten provides structure for baked products that require volume, like bread.

About 1% of the US population has celiac disease. This autoimmune disease can cause damage to the small intestines if someone with diagnosed celiac consumes even a small amount of gluten.

Some foods are naturally gluten-free including:

- All fruits and vegetables including beans
- Fruit juices
- Water
- Sodas
- Meats, poultry, seafood, eggs (unless breaded/coated or seasoned)
- Milk, cheese, yogurt (unless topped with granola), dairy products
- Herbs, spices
- Rice, wild rice, quinoa
- Wine

Many products could contain gluten including seasoning mixes, soups, pastries, candy, beer, medications and makeup. Food items may come in contact with gluten through shared production or storage facilities. This is known as "cross contact."

Since 2013 when FDA first issued guidance on using this claim, food labeled as "gluten-free" is required to have less than 20 parts per million (ppm) of gluten. This number, according to FDA, is the lowest that can be reliably detected in foods using scientifically validated analytical methods. This is a voluntary claim and may appear on foods that would not naturally have gluten (see list above) or foods that have been manufactured to be free of gluten. This "gluten-free" claim is regulated but does not address food safety or nutritional value.

Resources

FDA	https://www.fda.gov/food/food-labeling-nutrition/gluten-free-labeling-foods
Gluten Intolerance Group	https://gfco.org/

GMO/Non-GMO

Definition:

> *A genetically modified organism (GMO) is one that has been produced through genetic modification (GM) or genetic engineering (GE). This type of biotechnology lets plant breeders take a desirable trait found in nature and transfer it*

from one plant or organism to a plant they want to improve. Examples of desirable traits include insect and disease resistance, anti-browning and drought resistance.

There are currently 10 genetically modified crops commercially available in the US today:

- Alfalfa
- Apples (only the Arctic variety)
- Canola
- Corn (field and sweet)
- Cotton
- Papaya
- Potatoes (only the Simplot Innate brand)
- Soybeans
- Squash
- Sugar beets

GM crops are regulated by USDA, EPA and FDA. Certified organic farms and processors are not allowed to use GM crops.

The National Academies of Sciences, Engineering and Medicine found "no substantiated evidence of a difference in risks to human health between current commercially available genetically engineered (GE) crops and conventionally bred crops, nor did it find conclusive cause-and-effect evidence of environmental problems from the GE crops."

Resources

USDA https://www.usda.gov/topics/biotechnology

GMO Answers https://gmoanswers.com/

National Academies of Sciences, Engineering and Medicine
http://dels.nas.edu/Report/Genetically-Engineered-Crops-Experiences-Prospects/23395

Grass Fed/ Grass Finished

USDA's FSIS has guidance but no regulated definition for "grassfed" or any variation of the term. This term only references what the animal ate; it is not a reference to antibiotics, hormones, organic status or nutritional value.

FSIS guidelines say the term "grassfed" or "grass finished" can be used for meat, dairy and meat or dairy products derived from cattle that were fed only grass or forage after being weaned from their mother. Animals can't be fed grain or grain by-products and must have continuous access to pasture. Exceptions are made in the event hay or forages are not available or if animals need supplements for health.

The term “100% grass fed”, while not regulated, generally means all the animal’s nutrition came entirely from grass or other forages and not grains. Otherwise the animal may have been fed grain or grain by-products.

“Grass fed” is not the same as “Grass finished.” Animals that are labeled with the claim “Grass finished” may have been fed grain early in their life. All production methods produce beef with the same nutritional value.

A producer must provide documentation verifying the animal qualifies for as grass fed if that claim appears on the label. It is not an indicator of food safety or nutritional value.

Resources

USDA Grass Fed Small & Very Small Producer Program https://www.ams.usda.gov/services/auditing/grass-fed-SVS

Grain Finished

This term is not legally defined. According to the National Cattlemen’s Beef Association, these cattle spend most of their lives grazing in pasture. Grain-finished cattle spend the last few months before harvest eating a balanced diet of grain or other ingredients and hay in a feed yard. Most beef is harvested from grain finished cattle. This term alone on a label is not an indicator of food safety or nutritional value.

Resources

https://www.beefitswhatsfordinner.com/cuts/grass-vs-grain
https://www.beefitswhatsfordinner.com/newsroom/answers-to-beef-production

Local

There is no regulated definition of “local.” The definition could be within a specific radius, county, state or region. The definition may change depending on the season, product or special events.

Hormone Free

Regardless of how they are raised, all animals have naturally occurring hormones, so no beef, pork, poultry or any other meat product can be labeled “hormone free.”

No Hormones Administered/ No Hormones Added/ Raised Without Hormones

This term is defined by and regulated by USDA Food Safety and Inspection Service. It is not an indicator of food safety or nutritional value.

There are no hormones approved for use in in pigs or poultry and the use of them has been prohibited by federal law since the 1950s.

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Any brand of poultry or pork can carry the "No Hormones Added" or similar claim but must also include a disclaimer (often in fine print) that "Federal regulations prohibit the use of hormones."

Artificial hormones can be used in beef and dairy. The term "no hormones administered" may be approved for the label if a farmer or processor provides documentation to USDA showing that animals were raised from birth to harvest without added hormones.

Dairy products may have "rBST-free" on the label. FDA regulates the use of this term. Products with that statement must also have "No significant difference has been shown between milk derived from rBST-treated and non-rBST treated cows" somewhere on the label.

If the claim is certified by a third-party organization, the organization's information must appear on the label.

Resources

https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/meat-and-poultry-labeling-terms/
https://www.govinfo.gov/content/pkg/FR-1994-02-10/html/94-3214.htm
https://foodinsight.org/questions-and-answers-about-labeling-of-milk-products-containing-recombinant-bovine-somatotropin-rbst/
https://www.fda.gov/animal-veterinary/product-safety-information/report-food-and-drug-administrations-review-safety-recombinant-bovine-somatotropin

Pesticide Free

Pesticides are chemicals that are used to control, prevent, repel or kill pests such as weeds, mold, insects or rodents. The EPA oversees pesticides and works with federal and state agencies to regulate them. This includes approval of all natural and synthetic pesticides used by conventional and organic farmers in the United States.

There is no legal definition of the term "pesticide free." If a pesticide is used on a food crop, whether it be on a farm or in a garden, it must be used according to label directions. This includes observing the preharvest interval (PHI), or time required between the application of a pesticide and harvest of the crop. Because of this regulation, all food sold could be labeled "pesticide free." It is not an indicator of food safety or nutritional value.

For more than 20 years USDA's Pesticide Data Program has been monitoring residue levels on food products to ensure they fall below tolerance levels set by EPA.

Resources

National Pesticide Information Center http://npic.orst.edu/
USDA Pesticide Data Program https://www.ams.usda.gov/datasets/pdp
https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/meat-and-poultry-labeling-terms/meat-and-poultry-labeling-terms

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Sustainable Agriculture

"Sustainable agriculture" as defined in U.S. Code Title 7, Section 3103 means an integrated system of plant and animal production practices having a site-specific application that will over the long term:

Satisfy human food and fiber needs.

Enhance environmental quality and the natural resource base upon which the agricultural economy depends.

Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls.

Sustain the economic viability of farm operations.

Enhance the quality of life for farmers and society as a whole.

The basic goals of sustainable agriculture are environmental health, economic profitability, and social and economic equity.

Resources

https://www.nal.usda.gov/afsic/sustainable-agriculture-definitions-and-terms
https://nationalaglawcenter.org/overview/sustainable-ag/
https://sustainableagriculture.net/about-us/what-is-sustainable-ag/

Vegetarian Fed/ All Vegetable Diet

This term is most commonly used when referring to what poultry such as turkeys or chickens were fed. It is not an indicator of food safety or nutritional value or the final meat product.

Corn and soybean oil are common ingredients in poultry feed. The feed may also include processed protein or meat by-products. A company marketing poultry using this claim must feed birds a diet that does not include ingredients derived from animals. Chickens and turkeys are not naturally vegetarians so if fed a vegetarian diet it must include amino acids they would need and would otherwise get by consuming insects or animal products.

Resources

https://www.aafco.org/