



The Real Marketing Edible Artificially Truthfully (MEAT) Act of 2019

The Problem: In recent years, ultra-processed alternative protein products have begun to proliferate the marketplace. These products “bleed” like real meat, “sizzle” like real meat, and are being marketed to real meat eaters under the guise that these products are more than just an imitation, they are a superior replacement to real meat products. Rather than empower consumers to make informed purchasing decisions by way of accurate and truthful labeling, a growing number of imitation products are relying on clever marketing campaigns and flagrantly deceptive labeling practices as a means of growing their market share.

Consumers have the right to expect that the information on food labels is truthful and not misleading, just as all food products should expect to compete on a fair, level playing field. The federal government understands this, too. That’s why the various laws governing food product oversight all include a universal standard that labels are truthful and not misleading. Unfortunately, the Food and Drug Administration’s (FDA) has failed to initiate meaningful enforcement action against a host of legally misbranded products for decades. FDA’s willful ignorance of the law has created a de facto loophole that is now being exploited by an entirely new, niche industry whose marketing tactics rely solely on deception.

The Real Meat Act will:

- 1. Codify the Definition of Beef for Labeling Purposes**
 - a. Establish a federal definition of beef that applies to food labels
 - b. Preserve the Congressional Intent of the Beef Promotion and Research Act
- 2. Reinforce Existing Misbranding Provisions to Eliminate Consumer Confusion**
 - a. FDA has misbranding provisions for false or misleading labels
 - b. Prevent further consumer confusion with alternative protein products
 - c. Clarify the imitation nature of these alternative protein products
- 3. Enhance the Federal Government’s Ability to Enforce the Law**
 - a. FDA will have to notify USDA if an imitation meat product is determined to be misbranded
 - b. If FDA fail to undertake enforcement within 30 days of notifying USDA, Secretary of Agriculture is granted authority to seek enforcement action

The Solution Part 1: Codify the Definition of Beef for Labeling Purposes

The Beef Promotion and Research Act of 1985 recognized the importance of U.S. beef production to the American economy and defined the terms “beef” and “beef products” as part of an effort to strengthen the beef industry’s position in both domestic and foreign markets. While these definitions were codified in 1985, they are not applicable for labeling purposes. The United States Department of Agriculture’s Food Safety Inspection Service (USDA FSIS) regulates meat labeling under the statutory authority of the Federal Meat Inspection Act (FMIA). FSIS enforces the law’s misbranding provisions in two important ways 1) a mandatory labeling preapproval process and 2) the Agency’s Food Standards and Labeling Policy Book, which offers guidance to help manufacturers prepare product labels that are truthful and not misleading. The FSIS Labeling Policy Book defines certain terms and sets specific product ingredient parameters, but to date, the term “beef” is what’s referred to as a “common or usual name.” The “Real Marketing Edible Artificially Truthfully Act of 2019” or “Real MEAT Act” will codify a definition of “beef,”





preserving the integrity of the Beef Promotion and Research Act of '85 and strengthening the federal government's ability to enforce appropriate labeling standards.

The Solution Part 2: Reinforce Existing Misbranding Provisions to Eliminate Consumer Confusion

Proper labeling to provide the consumer with useful, factual information was the rationale for the original FDCA misbranding provisions, and that motivation has not changed in more than half a century. Over the years, there has been a tremendous change in the types of food products available to the American consumer, as well as some significant changes in the way food products are packaged and marketed. As new iterations of imitation meat products enter the market, data indicates that there is considerable consumer confusion surrounding these products. When choosing between real meat and imitation meat, both of which are in the meat case, most consumers don't realize that these products are regulated by two different government agencies and are held to an entirely different set of standards. In a recent nationwide survey conducted by the National Cattlemen's Beef Association, 55% did not understand that "plant-based beef" was an entirely vegan or vegetarian product. Further, when asked to compare plant-based meat to real beef, a majority of respondents believed plant-based meat products were healthier, more natural, less processed, lower in sodium, and better for the environment. A quick look at the ingredient labels indicate none of those beliefs could be further from the truth.

The Solution Part 3: Enhanced the Federal Government's Ability to Enforce the Law

Under FDCA, a food is considered misbranded if it: has a false or misleading label; is offered for sale under the name of another food; if it is an imitation of another food unless prominently labeled "imitation"; or if its container is so made, formed or filled to be misleading. While the law requires FDA to enforce these provisions, the Agency takes a fundamentally different approach than USDA. For example, FDA does not pre-approve food product labels. In order to properly fulfill its statutory mission, FDA must seek enforcement action after a product has already entered the market and the damage has already been done. FDA oversees roughly 80% of the grocery store and it has been well documented that FDA's oversight and enforcement efforts have not kept pace with the ever-increasing number of food products sold in the U.S. in part due to a lack of resources. The Real MEAT Act addresses this issue by closing the regulatory gap that exists between USDA and FDA. If enacted, FDA will be required to notify USDA immediately, in writing, whenever the Agency determines that an imitation meat food product is legally misbranded or if said product's labeling or marketing is misleading to consumers. After 30 days of receipt of notification, should FDA fail to initiate formal or informal enforcement proceedings, the Secretary of Agriculture is granted the authority to seek enforcement action.

Conclusion: The Real Meat Act will be a strong signal to the FDA that the labeling of food products must be honest and accurate. The enforcement of truthful labeling will encourage fair and honest competition in the marketplace and benefit consumers. Consumers will be ensured that the labels they see in the grocery stores is a truthful representation of the product and allow individuals to make purchasing decisions that are best for them in terms of health and affordability.

