H. R. ___

To amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers can make informed decisions in choosing between meat products such as beef and imitation meat products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MARSHALL introduced the following bill; which was referred to the Committee on _________________________

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers can make informed decisions in choosing between meat products such as beef and imitation meat products, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Real Marketing Edible
5 Artificially Truthfully Act of 2019” or the “Real MEAT
6 Act of 2019”.
SEC. 2. FINDINGS.

The Congress finds the following:

(1) Traditionally, food standards of identity and composition have provided a framework for identifying products and helping to ensure these products meet consumer expectations regarding composition and characteristics, as well as safety.

(2) The legislative intent of standards of identity is to ensure product integrity and prevent economic adulteration. Both consumers and industry have relied on the current system of standards since the enactment in 1938 of the Federal Food, Drug, and Cosmetic Act (in this section referred to as the “FFDCA”) (52 Stat. 1040).

(3) The Federal Meat Inspection Act (in this section referred to as the “FMIA”) grants the Department of Agriculture (in this section referred to as the “USDA”) sole regulatory authority over all meat and meat food products.

(4) Section 1002 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 392) limits the regulatory authority of the Food and Drug Administration (in this section referred to as the “FDA”) to all meat and meat food products not otherwise regulated by the USDA under the Federal Meat Inspect—
tion Act, Poultry Products Inspection Act, or the Egg Products Inspection Act.

(5) Both USDA and FDA are responsible for enforcing a universal standard that labels are truthful and not misleading.

(6) Several applicable terms are defined in law or regulation including—

(A) the term “meat food product” defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601);

(B) the terms “meat”, “meat broker”, and “meat byproduct” defined in section 301.2 of 17 title 9, Code of Federal Regulations;

(C) the term “beef” defined as the flesh of cattle in section 3 of the Beef Research and Information Act (7 U.S.C. 2902); and

(D) the term “beef products” defined as edible products produced in whole or in part from beef, exclusive of milk and milk products produced therefrom, in such section 3 (7 U.S.C. 2902).

(7) The definitions of “beef” and “beef products” were established under the Beef Research and Information Act for the purpose of strengthening the beef industry’s position in the marketplace and
to maintain and expand domestic and foreign mar-
kets and uses for beef and beef products only.

(8) The lack of any Federal definition of “beef”
or “beef products” for the purposes of meat food
product labeling has led some to begin marketing
imitation products as meat or beef, creating the op-
portunity for marketplace confusion and consumer
fraud that Congress originally charged the various
Federal food regulatory agencies with the duty to
prevent.

(9) Imitation products labeled as beef or as beef
products create confusion in the marketplace. These
products are in direct violation of the “Congressional
Findings and Declaration of Policy” authorized
under section 2 of the Beef Research and Informa-
tion Act (7 U.S.C. 2901) and undermine the integ-
rity of that Act.

SEC. 3. LABELING OF IMITATION MEAT PRODUCTS.

The Federal Food, Drug, and Cosmetic Act is amend-
ed by inserting after section 403C of such Act (21 U.S.C.
21 343-3) the following:

“SEC. 403D. LABELING OF IMITATION MEAT PRODUCTS.

“(a) IN GENERAL.—Notwithstanding the provision of
section 403(c), any imitation meat food product, beef, or
beef product shall be deemed to be misbranded unless its
label bears, in type of uniform size and prominence, the
word ‘imitation’ immediately before or after the name of
the food and a statement that clearly indicates the product
is not derived from or does not contain meat.

“(b) COORDINATION WITH SECRETARY OF AGRI-
culture.—

“(1) NOTIFICATION OF MISBRANDING.—If the
Secretary of Health and Human Services finds that
food is misbranded under subsection (a), the Sec-
retary of Health and Human Services shall within
60 days of such finding transmit a notice of such
finding to the Secretary of Agriculture.

“(2) ENFORCEMENT FAILURE.—If the Sec-
retary of Health and Human Services fails, within
30 days of transmitting a notice under paragraph
(1), to initiate an enforcement action, the Secretary
of Agriculture may treat each such finding of mis-
branding under subsection (a) of this Act as a find-
ing of misbranding under section 1(n) of the Federal
Meat Inspection Act.

“(c) RULE OF CONSTRUCTION.—This section shall
not be construed as limiting the authority of the Secretary
of Agriculture to take enforcement or other action under
the Federal Meat Inspection Act or other applicable law.

“(d) DEFINITION.—In this section:
“(1) The term ‘beef’ or ‘beef product’ means any product containing edible meat tissue harvested in whole form from domesticated Bos indicus or Bos taurus cattle.

“(2) The term ‘imitation meat food product’ is any product manufactured to appear as a meat food product or any food product which approximates the aesthetic qualities (primarily texture, flavor, and appearance) and/or chemical characteristics of specific types of meat but does not contain any meat, meat food product, or meat byproduct ingredients.

“(3) The terms ‘meat’ means meat as such term is used in the Federal Meat Inspection Act.

“(4) The term ‘meat food product’ has the meaning given to that term in section 1 of the Federal Meat Inspection Act.”.