



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

December 17, 2021

Serena Viswanathan
Associate Director, Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

VIA Electronic mail and USPS

Re: Follow-up regarding complaint to enjoin false or deceptive advertising by Boar's Head Provisions Co., Inc.

Dear Associate Director Viswanathan:

I am writing on behalf of the Animal Welfare Institute (AWI) requesting information regarding the status of our complaint submitted on February 23, 2021, requesting that the Federal Trade Commission investigate and enjoin Boar's Head Provisions Co., Inc. from using false and misleading claims on its turkey and chicken sausage products.

AWI is a nonprofit, 501(c)(3) organization dedicated to reducing animal suffering and promoting the welfare of all animals, including animals used in agriculture. As a part of its mission, AWI promotes humane farming systems and works to advance legislative and regulatory efforts to improve conditions for farm animals. AWI strives to educate consumers about the true meaning of the many animal care claims encountered in the marketplace and to ensure meaningful and transparent regulatory definitions for terms that appear on food labels.

Boar's Head claims on package labels that its chicken sausage and Simplicity All Natural turkey products come from "humanely raised" animals, which AWI argues is deceptive advertising. AWI's complaint demonstrates that the claim is both material and likely to mislead consumers, because it is 1) inconsistent with consumer perception of the claim and 2) not based upon scientifically established animal welfare standards.

The National Advertising Division (NAD) of BBB National Programs, Inc. recently issued a decision finding, much like AWI argued in its Boar's Head complaint, that the claim "humane" in advertising by turkey processor Butterball was only appropriate when clearly attributable to standards of care that exceed industry average.¹ Further, AWI's consumer perception research over the past eight years supports this position: We have consistently found that a large majority

¹ Nat'l Advertising Div., *National Advertising Division Finds Butterball's Qualified "All Natural" Claims Supported; Recommends Certain Other Claims be Modified or Discontinued* (Aug. 10, 2021) <https://bbbprograms.org/media-center/decisions-details/butterball-all-natural-claims>.

of consumers agree food producers should not be allowed to use the claim “humanely raised” on their product labels unless they exceed minimum industry animal care standards.²

Both the existence of science-based standards for the humane treatment of food animals and consumer perceptions of the claim establishes that “humanely raised” is not mere advertising puffery. As our complaint demonstrates, animal welfare exists on a scientifically established continuum of poor to optimal, and the level of welfare provided by conventional industry practices is unacceptable and inconsistent with the claim “humane.” In fact, the American Veterinary Medical Association’s policy on “Truthful and Non-misleading Human Food Labeling” states that “claims on labels regarding production practices should be clear, unambiguous, scientifically valid, and verifiable,” and “labels that state or imply increased food safety, superior animal welfare ... should be based on verifiable scientific evidence that is made available to the public and supports the claims.”³

According to AWI’s consumer perception research, Boar’s Head “humanely raised” turkey and chicken producers also engage in practices that consumers find unacceptable: lifelong indoor confinement; physical alterations without pain relief; continuous, artificial light for 20 hours a day; and the use of growth promoters/non-therapeutic antibiotics.⁴ Further, consumers rely upon animal production claims such as “humanely raised” in making decisions about which products to purchase and believe that the claim should be based upon meaningful, measurable standards.⁵

AWI respectfully requests that the FTC protect consumers by enjoining Boar’s Head from using this claim in a deceptive manner on its chicken and turkey products. Thank you for your consideration. Please feel free to contact me should any questions arise at dena@awionline.org or (202) 446-2146.

Sincerely,



Dena Jones, M.S.
Director, Farm Animal Program
Animal Welfare Institute

² Animal Welfare Institute, *Survey of Consumer Attitudes About the Claim “Humanely Raised”* (Oct. 2021) <https://awionline.org/sites/default/files/uploads/documents/survey-consumer-attitudes-claim-humanely-raised.pdf>.

³ American Veterinary Medical Association, *Truthful and Non-misleading Human Food Labeling* <https://www.avma.org/resources-tools/avma-policies/truthful-and-nonmisleading-human-food-labeling>.

⁴ Animal Welfare Institute, *Survey of Consumer Attitudes About Conventional Turkey Production Practices* (Oct. 2021) <https://awionline.org/sites/default/files/uploads/documents/Survey-Conventional-Turkey-Practices-Oct-2021.pdf>; Animal Welfare Inst., *Survey of Consumer Attitudes About Chicken Welfare* (Oct 2020) <https://awionline.org/sites/default/files/uploads/documents/SurveyConsumerAttitudesChickenWelfare.pdf>.

⁵ *Survey of Consumer Attitudes About the Claim “Humanely Raised”*, supra note 2 at 2–3 (66% of poultry purchasers say that claims such as “humanely raised” found on meat and poultry product packages help them decide which products to purchase; 84% agree that the claim “humanely raised” should be based on meaningful, measurable standards.”).