Where's the beef labeling?: a policy proposal concerning red meat

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WHERE’S THE BEEF LABELING?:
A POLICY PROPOSAL CONCERNING RED MEAT

A thesis submitted to
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in
Political Science
by
Ann Elaine Bryant
Approved by
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We, the faculty supervising the work of Ann Elaine Bryant, affirm that Where’s the Beef Labeling?: A Policy Proposal Concerning Red Meat, meets the high academic standards for original scholarship and creative work established by the Master of Arts in Political Science and the College of Liberal Arts. This work also conforms to the editorial standards of our discipline and the Graduate College of Marshall University. With our signatures, we approve the manuscript for publication.

Accepted by the Graduate Faculty, Marshall University, in partial fulfillment of the requirements for the degree of Master of Arts in Political Science.

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For Shirley Ann Sullivan who always supported me to further my education.
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ABSTRACT

The Nutrition Labeling and Education Act (NLEA) 1990, required all foods regulated by the Federal Food and Drug Administration (FDA) to have nutritional information labels directly on the product. Red meat is regulated by the United States Department of Agriculture (USDA), which is not subject to the NLEA. Red meat nutrition labeling was voluntarily until 2009, and even with the changes in the regulations most red meat still does not have to have a nutrition label directly on the package. Red meat has been linked to obesity, which is a serious health problem in the United States. This thesis argues that red meat should be have nutrition labels directly on the packaging just like the foods regulated by the FDA. Four policy proposals are proposed to accomplish this, including the best solution, which is to give all the regulatory authority for nutrition labeling to the FDA.
CHAPTER 1
INTRODUCTION

On a beautiful September day this year I set out to visit several local grocery stores. I had no plans to buy anything, but wanted to take a long, hard look at their red meat selections. Having read more than my fair share of articles and research on nutrition labeling and how red meat had a much different standard for nutrition labeling than nearly every other food out there, I wanted to see how this played out in real life – what the average consumer could experience when buying red meat. I did not attend this “experiment” of mine to be a representative sample or be generalizable to national supermarkets, nor was it necessary for it to be representative. Rather I wanted to simply understand what all the bureaucratic confusion that is red meat nutritional labeling requirements, really looks like when it is applied and red meat is labeled, or not labeled as the case may be, and set out for purchase. What I found during my trek to these supermarkets is illustrative of what this thesis will argue, that the requirements for red meat nutrition labeling need to be changed.

I live in Huntington, West Virginia. A city, which recently made national headlines as being the unhealthiest city in the Nation (Breen, 2010). Along with this dubious distinction, Huntington is surrounded by a great deal of poverty\(^1\). Thus, I went to supermarkets in my county, Cabell, as well as neighboring Wayne County, which is much poorer than Cabell to see if perhaps a difference in the presence of nutrition labels would be found based upon the poverty levels surrounding a supermarket. I chose to visit Walmart, Kroger, which have unions, a local

\(^1\) A full discussion of the field experiment, statistical information on the poverty levels, and the citations for such is detailed Appendix A.
chain (Foodfair), and a discount chain (Save-A-Lot). Prior to my visits to the supermarkets, I designed a method which would illustrate the complicated process for applying the regulations for red meat.\textsuperscript{2} What I discovered was a relatively convoluted system of labeling, where the regulation differ depending on the “cut” of meat. For example, the regulations treat ground red meat differently than cuts of red meat, such as steaks and roasts. In the case of ground meat, the law requires a nutrition label. With all other cuts, however, only 12 of the traditional 39 are required to have nutrition labels, but they do not have to be placed on the package itself. Having a nutritional information sign somewhere in the vicinity is sufficient, and of those 12 required, if they meet the exemption requirements they do not have to have a label on the package or in the vicinity (F.R. 66 No. 12, 4970).

I decided to choose six total packages, including, two random packages of ground red meat, two cuts of steaks and two cuts of roasts. On each I would examine it to see if it had a label on the package, see if I could determine if it had an exemption allowing it to not have any nutrition labels and if instead of on the package labeling if it had a Point of Purchase (POP) sign.

What I found was information in general for red meat is frequently not provided or if it is provided it is in such a confusing manner as to render it practically unusable. In many cases the most of the answers to the flowcharts were ‘unknown.’ There was no readily available information to know if a cut of red meat was exempt from regulations because it came from a small processing plant, or qualified for other exemptions. There was no readily available

\textsuperscript{2} The process is described in detail later in this thesis as well as illustrated in Figures 5 and 6 in Chapter 2: A Review of the History/Current Policies, Current USDA Regulations beginning on page 32. It is mentioned here in Chapter 1: Introduction to give the reader a general overview of the impetus behind this thesis and offer an initial framework of the arguments made herein in hopes of guiding the reader through this thesis without confusion about the arguments and research presented throughout.
information on where the meat came from to make this determination. The 12 cuts that are required to have labels on the package or have a POP sign have specific names stated in the Code of Federal Regulations (CFR). Frequently I found that the cuts of red meat were not named with these traditional cut names. Thus, I had no idea whether or not the cut had to have a label or POP or not. Walmart surprised me with having voluntarily placed nutrition labels on all the cuts of red meat regardless of whether or not it was required under the regulations. This was the same at the Walmarts in both Cabell and Wayne Counties, so poverty levels of the area seem to have no impact for this chain. However, at all the other stores, regardless of county, there were no labels on cuts of red meat. There were POP signs at these stores, but with the cuts not always being named with the traditional names the POP signs were of little help. All but one store had labels on the ground red meat. I assume the one that did not, qualified for an exemption under the regulations, but there was no information available to confirm this.

The flowcharts demonstrate the complexity to the red meat nutrition labeling regulations. A complexity that does not exists for other food products. Bread and cereal and nearly all other items you buy in a supermarket simply have nutrition labels directly on the package. And as my experiment demonstrated the application of the complex regulations for red meat amounts to a general lack of nutritional information provided to consumers. All of this leads to a simple question, why is red meat not required to be labeled like others foods? It is this question that this thesis will discuss, and further I will offer four policy proposals to have red meat labeled like other foods.

But why is this important? Why bother changing the current policy? The American consumer should have ready access to nutritional information of red meat just as they do for the other food items they purchase and consume. For consumers to make a choice of what they eat
they need information. By restricting the nutritional information about red meat essentially the ability to make informed choices is taken from consumers. In our democratic society consumers should have this information to make choices, but the information is being kept and censored from them.

There are tangible, quantifiable reasons why it is important to offer this information as well; as to why this is of great importance to the nation, and why a policy change is very much needed. The United States has a health epidemic that is costing individuals and the nation millions and leaving its citizens subject to loss of quality of life and premature mortality; this epidemic is obesity. Current predictions are that half the country will be obese in just a few decades. According to The Robert Wood Johnson Foundation (2012), by 2030 more than half of all people in 39 states will be obese. Red meat, a common menu item for many Americans, and the subject of this thesis, is linked to the obesity epidemic (Rouhani, Salehi-Abargouei, Surkan and Azadbakht, 2014, 741; Vang, Arnold, et al., 2008; Vergnaud, Anne-Claire, et al., 2010; Montonen, Jukka, et al., 2013; Eichholzer, M., and B. Bisig, 2000; Lin, Yi, et al., 2011; Schmid, Alexandra, 2010; Alkerwi, Ala, et al., 2015; Ogorodnikova, Alexandra D., et al., 2012; Wang and Beydoun, 2009). Red meat also enjoys being excluded from the regulations the majority of food items are subject to, specifically as discussed here, namely, the requirement to disclose nutritional information directly on the packaging.

3 There is a growing body of work on democracy and food. Neva Hassanein has written about “Food Democracy,” arguing that everyone, not just large food companies, should be involved in the changes that need to occur in the U.S. food supply (2003). For more on the relationship between democracy and food see: Follet, 2009; Levoke, 2006 and Hamilton, 2004.
Not having access to the nutritional information of the red meat they purchase and consume means individuals have no opportunity to make healthful choices when it comes to red meat. Research has shown that the availability of nutrition labels on products does help people make healthier decisions about their food choices (Kreuter and Brennan, 1997; Kristal, et al., 1998; Heike and Taylor, 2012; Pomeranz 2011; Ollberding, et al., 2011; Driskell, et al., 2008; Cranage, et al., 2005; Blitstein, et al., 2006; Barreiro-Hurlé, et al., 2010; Campos, et al., 2011; McLean-Meyinsse, et al., 2001; Yong, et al., 2009), but red meat does not have to adhere to the same regulations for these nutrition labels. Requiring red meat, a staple of many diets, to have the same nutrition labels as a box of cereal or loaf of bread, will give people the necessary information to make informed and healthful decisions for all their eating choices, which is necessary to combating obesity.

And not just for the health issues does obesity need to be dealt with; it also carries a high price tag for individuals and the nation. Just in medical services for obesity the cost alone was $78.5 billion, in 1998, and Medicare and Medicaid, both tax funded public insurance programs, were responsible for half of these costs (Finkelstien, et al., 2009). Individuals also bear a great cost for their obesity paying more for insurance and the loss of income due to being unable to work due to their health conditions brought on by obesity. Obese women pay a total of $4,879 more annually. Obese men pay $2,646 more a year (Dor, et al., 2010).

In 1990, Congress passed The Nutrition Labeling and Education Act (Pub. Law 101-535), which made nutrition labeling required on all foods regulated by the Federal Food and Drug Administration (FDA). However, the FDA does not have regulatory authority for Red Meat, Poultry and Eggs, due to a law from 1906, The Meat Inspection Act, (34 Stat. 674) which gave regulatory authority of these three food items to the United States Department of
Agriculture (USDA). This regulatory split over food remains today. Although the NLEA did not require the USDA to require nutrition labels on the three foods they regulate, they voluntarily joined with the FDA after the passage of the NLEA and made proposals for nutrition labeling regulations. Their proposals met with severe resistance from the Meat Lobbies ultimately stopping mandatory nutrition labels on red meat. The Meat Lobbies expertly wielded their power, money and influence to halt the regulations for red meat nutrition labels because they feared to disclose this nutritional information on their products could negatively impact their sales (Nestle 2007). Their influence remains strong today and they keep the money flowing as will be shown later. Due to this, the few mandatory labels that are now required on red meat, years after the passage of the NLEA, are confusing and unhelpful to a consumer trying to make healthful choices.

This thesis will argue that red meat should be labeled in the same manner as other foods, and the reason it is not already is because of the power and influence of the Meat Lobbies. Further it is important for this labeling to be required because it is needed for people to make healthful decisions, which in turn is needed to combat the obesity epidemic that has seized our country to which red meat has been linked as a contributor. Based upon this, four policy proposals to require nutrition labels on red meat will be offered. Beginning with the Presentation of the Problem section, the obesity crisis will be discussed showing the extent of the problem, the costs to individuals and the nation. It will also discuss the link between red meat and obesity and discuss the research on the effectiveness of nutrition labels on individuals making healthful choices. A History of the Current Policies will be offered next. In that section a review of the policies impacting nutrition labels will be discussed including a look at current proposals by the FDA to change the current nutrition labels. Then an examination of how the power and influence
of Meat Lobbies shaped the regulations on red meat will be discussed. Four policy proposals will follow this in the Viable Alternatives section, including the best option proposed here, giving all nutrition labeling authority to the FDA. A look at the implementation and costs of this proposal will wrap up that section. Finally, the conclusion will summarize the arguments herein and offer suggestions for future research.

**PRESENTATION OF THE PROBLEM**

“People get fat because they eat more than people who are lean. I know this seems obvious, but we’re spent decades being confused by it. Even now some people question the link between food consumption and weight gain. But we finally have strong evidence that weight gain is primarily due to overeating” (Kessler, 2003).

The United States is facing a serious, “health crisis affecting every state, every city, every community, and every school across our great nation. The crisis is obesity. It’s the fastest-growing cause of disease and death in America. And it’s completely preventable,” Dr. Richard Carmona, United States Surgeon General⁴. More than 12 years ago, Dr. Carmona warned the nation of the rapidly growing problem of obesity. In years since his warning, the number of obese adults in the United States has continued to dramatically increase. Further, now predictions place nearly half of the citizens of this country as obese in just a few decades. Without a change in the current trends The Robert Wood Johnson Foundation (2012) projects that in 2030 more than half of all people in 39 states will be obese. As a country, the number only decreases to 44 percent of the population being obese.

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⁴ Addressing the Subcommittee on Education Reform Committee on Education and the Workforce United States House of Representatives on July 16, 2003.
Citing the frightening increase in obesity, specifically in children, and acknowledging
that obese children become obese adults, Dr. Carmona laid the responsibility of the crisis, as well
as the solution, squarely at the feet of the people of the United States:

We know more than ever about the combination of genetic, social, metabolic, and
environmental factors that play a role in children’s weight. But the fundamental reason
that our children are overweight is this: Too many children are eating too much and
moving too little. … Our children did not create this problem. Adults did. Adults
increased the portion size of children’s meals, developed the games and television that
children find spellbinding, and chose the sedentary lifestyles that our children emulate.
So adults must take the lead in solving this problem (Carmona, 2003).

Dr. Carmona made three simple suggestions to solve the obesity epidemic: increase
physical activity, promote healthier eating, and improve health literacy. His suggestions were not
novel or radical. Yet, still the crisis has not improved. Dire scientific predictions suggest that if
the status quo remains 1 out of every 2 people in the United States will be obese in less than two

The last two suggestions Dr. Carmona made are the one that will be examined here.
These two suggestions also have bureaucratic institutions directly responsible for making and
enforcing policies that affect them, which allows for the changes in policy which are suggested
herein. As this thesis will show there is a long and arduous history of these agencies being
swayed by influence of lobbying groups on them, turf battles with other agencies and influence
of Presidential Administrations on their policies, which directly influence healthier eating and
increased health literacy. Thus, these two aspects of combating obesity are something that can
and should be dealt with by changes in public policies. Marion Nestle and Malden Nesheim
argue that while physical activity is important to helping combat obesity it cannot make a dent in
the increased caloric consumption most people have due to the environment of ‘eat more’ that
results from the influence of food companies and their lobbies. They argue that food companies
with the help of government agencies try to make the emphasis of losing weight on increased physical activity not on consuming fewer calories, stating:

This, however, does not stop food companies and government agencies from emphasizing physical activity as the primary strategy for maintaining or losing body weight. From a political standpoint, advice to move more is much less threatening than advice to eat less. Moving more does not affect the economic interests of food companies or any other powerful industry. In contrast, as we keep reminding you, eating less is bad for business (Nestle & Nesheim 2012, 69).

Additionally, food lobbying groups are among some of the most powerful, with some scholars comparing them and their tactics to those of the tobacco industry (Brownell & Warner, 2009). And the lobbying groups for red meat are some of the most active and influential players. Their lobbying efforts have had and continue to have significant influence on the regulations that govern their products. As will be discussed, red meat is a large culprit in the obesity epidemic, but due to the power and influence of these lobbying groups on the bureaucratic institutions, they are able to not divulge the caloric content and other nutritional information on many of their products, effectively hiding or misleading consumers as to the health information of a staple of their diets. Thus, by examining the issue of regulations on nutrition labeling through the lens of red meat, I can address a current public crisis that needs a policy change while discussing the power and agenda setting that is at work in the bureaucratic institutions, which are tasked with regulating one of the most important public problems in the United States.

This thesis will propose policy changes to have red meat, a staple in many Americans’ diets, contain the same nutrition labeling as any other food products. Currently, The Nutrition Labeling and Education Act (NLEA) requires all food for human consumption to have nutrition
labels on the packaging\(^5\). The United States Food and Drug Administration (FDA) regulates these labeling requirements under the NLEA. But, the NLEA only applies to the foods regulated by the FDA. Because of The Meat Inspection Act of 1906 (34 Stat. 674), red meat, poultry, and eggs are not subject to the requirements of the NLEA. These three food items are under the regulatory purview of the United States Department of Agriculture (USDA). The USDA is not subject to the regulatory or bureaucratic authority of the NLEA; the USDA is free to make their own regulations pertaining to the labeling requirements of red meat, poultry, and eggs. Until 2009, nearly all red meat was not required to have nutrition labeling on packaging, and what labeling it does have is favorable to the producers (Moss 2013, 219; Nestle and Nesheim 2012, 212-13)\(^6\)\(^7\). A full examination of the policies will be discussed in the History of the Current Policy later in this section.

This section, however, details the problem that is faced and that the policy proposals of this thesis aim to rectify. The first sub-section will focus on the extent of the obesity crisis, followed in the next sub-section by a look at the amounts and types of food, specifically red meat, we consume that have contributed to the rise of obesity in the United States, the costs of obesity to individuals and the Nation will be examined, and finally an examination of the impact of nutrition labeling on healthful choices by consumers will be discussed.

\(^5\) There are several exceptions to this, including red meat, poultry and eggs. The full extent of the policy will be discussed in the History of the Policy Section.
\(^6\) Some red meat did have nutrition labeling, but this was strictly voluntary and up to producers of the products.
\(^7\) As discussed above the USDA also regulates the labeling for poultry and eggs, but this thesis will only focus on the labeling of red meat products. This is for two reasons. One eggs do have to have nutrition labels (Hogan & Hartson, 2007), and two, while poultry is consumed highly in the United States, there is limited research on its link, if any, to the obesity epidemic. This thesis argues that red meat’s link to obesity constitutes a need for policy change to examine the possibility of poultry’s impact on the obesity crisis, if any, and to detail the history of its nutritional labeling regulations would exceed the size limitations of this paper.
The individual behavior of people, their environment and their genetics can all contribute to obesity. Simply put, obesity typically results from eating more calories than necessary and the lack of exercise to burn off this excess consumption (CDC, 2013). There are health conditions that contribute to people being overweight, and therefore there is no one simple smoking gun to blame the obesity epidemic on. Yet, again, the caloric consumption aspect discussed earlier is a significant contributor to the public problem of obesity.

Interestingly, obesity is a relatively new social issue. In 1960 the CDC began tracking the health of the nation with the National Health and Nutrition Examination Survey (NHANES, 1960). The most recent obesity statistics reported from NHANES was in 2011 through 2012. As illustrated by Figure 1, over nearly fifty years, the number of adults who are obese has nearly tripled from thirteen percent to thirty-four percent.

8 The NHANES data they collected for adults had three categories of obesity reported. Overweight respondents are respondents with a BMI of 25 to 30, obese respondents have a BMI of greater than or equal to 30, and extremely obese respondents have a BMI equal to or greater than 40. The results reported are for adults from the age of 20 to 74.
Even more alarming is that the number of adults who are extremely obese has grown from less than one percent to six percent. The population of adults who are simply just overweight has stayed fairly constant. In 1960 it was thirty-one percent, and in 2008 it had only risen to thirty-three percent (Ogden and Carol 2010a; Ogden, Carol, Kit and Flegal 2013). Moreover, one of the most concerning reports were the changes in childhood obesity. According to Figure 2, the results reported from the NHANES surveys found that since 1960 the percentage of obese children has increased from less than one percent to nearly seventeen percent in 2008 (Ogden and Carol 2010b). The CDC reported, however, early in 2014, that there has been a significant decline in obesity rates for children aged 2 to 5 years old. The rates have fallen to eight percent in 2011-2012. They are unsure of what could account for the decline, but cite several possible contributors such as better nutrition and physical activities at daycares, and an

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9 The 2011-2012 NHANES report only measured the prevalence of obesity. It does not include data on differing levels of obesity (i.e. overweight, obese, morbidly obese).
10 In the NHANES studies obesity for children is defined as the respondent having a body mass index (BMI) greater than or equal to those of the same age and sex in the 95th percentile of the CDC Growth Chart for 2000.
increase in breastfed children, which is highly beneficial in keeping children from being obese at young ages (CDC 2014)\textsuperscript{11}. 

Nevertheless, at this point one-third of the U.S. is obese. Unless a preventative policy measure or mechanism is implemented to curb the growing public problem, there is a substantial possibility that in less than twenty years, half of Americans will be obese. Allowing obesity to reach the predicted levels poses an unquestioned societal crisis for the United States. How we got to this point, and how the present situation will get worse is further discussed in the next section.

\textsuperscript{11} Because the 2011-2012 NHANES data only had obese statistics, the graph only shows data up to 2008, the last survey that contained information on the differing levels of obesity.
Figure 2: Obesity Rates in the United States 1960-2008 (4 Categories; Childhood obesity Adults overweight, Adults Obese, and Adults Extremely Obese) Source: Ogden and Carol 2010a; Ogden, Carol, Kit and Flegal 2013.

**How We Grow**

We have become the nation of eat more, not less. Kessler, former commissioner of the FDA, argues this eat more mentality has made food a drug we can’t just say no to. In his book “The End of Over Eating,” he describes even coins his own phrase “Conditioned Hypereating” (2009). He blames this conditioned hypereating on the “Chronic exposure to highly palatable foods changes our brains, conditioned stimulation. Over time, a powerful drive for combination of sugar, fat, and salt competes with our conscious capacity to say no,” (2009, 1372). Our collective national craving for foods in great quantities is not by accident. The food industry
employs scientists and researchers to hone in on the exact chemicals and tastes to encourage people to want to eat more, and in many cases become addicted to certain foods, such as sugar and salt. Michael Moss (2013) argues that this is because the more we eat, the higher the profits for the food industry.

There are measures that indicate this, quite strongly. Overall, the amounts of most foods we eat have increased over the years, according to USDA reports. Individuals consumed a yearly amount of 44.6 pounds of fats and oils in the 1950s. By 2000 the individual consumption of fats and oils had increased to 74.5 pounds a year. Fresh fruits and vegetables intake also showed increases from 587.5 pounds in the 1970s to 707.7 pounds in 2000. Caloric sweeteners intake has gone from 109.6 pounds in the 1950s to 152.4 pounds in 2000. Dairy products have seen a decrease though, from 703 pounds in the 1950s to 593 pounds in 2000. Meat consumption has also risen. The total pounds of meat consumed in the US went from 138.2 pounds in the 1950s to 195.2 in 2000. Poultry consumption has seen the most drastic increase, from 20.5 pounds per year in the 1950s to 66.5 pounds in 2000. Red meat\(^\text{12}\) has also seen a steady increase from 106.7 pounds in the 1950s to 113.5 pounds in 2000 (USDA Fact Book, 2002).

It is argued throughout this thesis that obesity is a national health crisis and that one necessary step in fighting this crisis is to fully inform consumers about the food they consume. For this to occur, a policy change to require red meat to be labeled in the same manner as other foods is needed. As will be discussed more fully later, when consumers have access to nutrition labels and thus are properly informed as to the caloric amount of a food, they tend to make

\(^{12}\) This data included beef, pork, veal and lamb as red meat.
healthier choices (Neuhouser, Kristal and Patterson 1999). And, as discussed next, red meat is a high calorie food that does play a role in the obesity epidemic. If red meat was required to make the same nutritional disclosures as other foods, it follows that people could make healthier decisions on what they consume, which could then lead to a healthier caloric consumption and less chance of obesity. Arguing for a policy change in the labeling of red meat raises the question of whether red meat is actually culprit in the obesity epidemic. Studies have found that there is a link between meat consumption and obesity. Wang and Beydoun, 2009 found that people who had a high consumption of meat were 27 percent more likely to be obese\textsuperscript{13} \textsuperscript{14} and 33 percent more likely to have central obesity\textsuperscript{15} as compared with those with low meat consumption.

Utilizing data from the NHANES from 1999-2002 and 2003-2004, which included participants who recalled the amount and types of food they had consumed in the previous 24-48 hours (depending on the years of the study) as well as data on the participants’ height, weight, and waist circumferences, the researchers calculated BMI from these numbers. Using regression analysis, controlling for confounders such as smoking status, consumption of alcohol, sugar consumption, fat consumption and vegetable consumption, they found that even with controls, increased meat consumption had a positive association with obesity and central obesity (Wang and Beydoun, 2009)\textsuperscript{16} \textsuperscript{17}.

\textsuperscript{13} Department of Internal Health, Johns Hopkins Bloomberg School of Public Health, Baltimore, MD, USA.
\textsuperscript{14} This study measured obesity as those who had a BMI of greater than or equal to 30.
\textsuperscript{15} This study measured central obesity as men who had a waist circumference of 40 inches or greater for men and 35 inches or greater for women.
\textsuperscript{16} The authors of the study note that due to the type of study they could not test for a causal relationship between increased consumption of meat and obesity. They recognize the possibility that some obese individuals may have higher meat consumption due to following a high protein diet, such as the Atkins diet, thus demonstrating a positive association with meat consumption and obesity. Also, individuals who were obese may have decreased their meat consumption due to health and weight concerns.
\textsuperscript{17} The researchers also address the high popularity of high-protein diets, such as the Atkins diet. They cite studies that found that there is no evidence that the Atkins diet is effective beyond six months. They also point out that there
Another study narrowed the focus to just red meat. Using a meta-analysis of other observational studies, Rouhani, Salehi-Abargouei, Surkan and Azadbakht, (2014) conducted a study to analyze the associations between meat consumption and obesity. Their findings reported that red meat is a staple in the Western diet, and the consumption of it can lead to obesity, wherein they state, “[t]he Western dietary pattern includes high amounts of red and processed meat and is considered an ‘obesity inducing dietary pattern’” (2014, 741). They found a positive relationship between consumption of red meat and chances of obesity, wherein they argue, “[w]e found that red and processed meat intake was directly associated with the risk of obesity. Moreover, the results illustrate that consumption of more red or processed meat intake was associated with higher BMI and WC [waist circumference],” (2014, 745).

Multiple other studies have found links to increased red meat consumption and obesity, and the health problems associated with obesity such as diabetes and heart disease. For example, Shay, Christina M., et al., found in their study that people that had a normal weight had a diet lower in energy-dense foods, including meats and fats (2012). Xu, Yin, and Tong (2007) conducted a study on the rising obesity problem in China and found a positive link between increased red meat consumption and weight gain. The authors point out that red meat is unlikely to be the only culprit that leads to obesity. There are of course other food items in peoples’ diets that are also contributors to obesity, such as sugars, fats, and refined grains (2014). For more studies on the link between red meat and increased obesity see; Vang, Arnold, et al., 2008; Vergnaud, Anne-Claire, et al., 2010; Montonen, Jukka, et al., 2013; Eichholzer, M., and B. Bisig, is no evidence that it helps people lose weight more than any other diet, noting that the long-term health consequences of a high meat diet are unknown. They also note the studies that have demonstrated a correlation of high meat consumption and the risks of chronic diseases, in their cautionary discussion of high-protein diets.
This thesis does not purport to place the blame of the obesity crisis solely on the consumption of red meat. Rather it argues that as one of the contributors to obesity, red meat should have nutrition labeling the same as any other food items. The presence of nutrition labeling is necessary to allow for people to make healthful eating decisions, including reducing caloric intake, which is one of the main ways to fight the obesity epidemic. This goal of informing consumers to allow them to make healthful decisions was the catalyst of the NLEA, and this thesis research argues that red meat should be subject to the same labeling requirements as all other foods. The reader at this point may question whether nutrition labels are helping; as has been shown above, the obesity crisis is growing worse each year. I will address this concern as the thesis unfolds, making the argument, which is supported by the extent research, the current labels will be changing to promote easier understanding and offer fuller information to consumers. Before discussing this, a final piece of the obesity crisis will be examined, by looking at the costs of obesity to individuals and to the nation.

**Weighing The Costs**

A plethora of health problems accompanies those individuals that are overweight. The Center for Disease Control Center for Disease Control (CDC) warns that these health consequences include: coronary heart disease, Type 2 diabetes, cancers (endometrial, breast and colon), hypertension, stroke, liver and gallbladder disease, sleep apnea and respiratory problems, and dyslipidemia (high cholesterol) (CDC “Causes and Consequences,” 2013). For individuals this can have dramatic effects on the quality and length of life as well as financially debilitating costs. For the country as whole, these combined costs are staggering. Individuals suffer the
monetary costs for their obesity, but employers of obese people share in the costs as well, such as higher disability insurances, absenteeism, and loss of productivity. Some of these costs are sent back to employees through lower wages. The government also assumes a great cost through direct payments for medical services through Medicare and Medicaid (Dor, et al., 2010).

Multiple studies have been conducted to calculate the costs associated with obesity (Dor, et al., 2010; Finkelstien, Trogdon, Cohen & Dietz, 2009). This section will discuss the costs of obesity to individuals and to the nation.

On an individual level, obesity causes increased costs for medical expenses, short-term disability insurance, disability pension insurance, sick leave, work-place productivity, gasoline for vehicles and life insurance. Lower wages also affect obese people. These costs and lost wages plague obese people throughout their lives, but sadly one of the greatest costs of obesity is loss of value of life, due to the premature mortality that comes with the health effects of obesity (Dor, et al., 2010).

Dor, Ferguson, Langwith and Tan’s (2010) study looked at multiple studies on the individual costs of obesity. They provided a systematic review of the literature on these costs. They found that how obese a person was has an impact on the level of costs to an individual. People who are morbidly obese have a higher cost than those who are just moderately obese. Gender also has a significant role. The cost of obesity is usually higher for women than it is for men. Their study found that the annual direct medical expenses for overweight men and women was $346, for the obese that figure grew to $1,474. Lost-decreased wages accounted for $1,855
for women, but men do not suffer this cost. Overweight women pay $48 more for short-term disability. Obese women pay $307 more. For men these figures are $61 for the overweight and $389 for the obese. Both men and women pay $69 more for disability pension insurance if they are obese. Life insurance costs overweight women $15 more and obese women $121. Overweight men pay $15 more and obese men pay $23 more. Sick leave costs overweight women $106 and obese women $674; men do not have an increased cost for being overweight, but being obese cost them $212. Obese women and men both expend $358 more for loss of productivity. Increased gasoline for vehicles is also an expense. Overweight women pay $8 more and obese women $21 more. Overweight men pay $10 more and obese men $23 more (Dor, et al., 2010).

Annually, the total overweight women pay is $524 more and overweight men pay $432 more. The annual cost increase from being overweight to being obese is shocking. Obese women pay a total of $4,879 more annually. Obese men pay $2,646 more a year. Obese men and women also suffer loss of the value of life. For obese women, this accounts for $3,486 each year and for obese men it is $3,872 annually. Combining the extra costs each year and loss of value of life, the state of obesity cost women $8,365 and men $6,518, annually (Dor, et al., 2010). These costs are visually expressed in Figure 3.

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18 The authors could not account for the differences in lost wages between obese men and women, and suggested further study. They also noted there is also a confounder of race. Obese white women have a lower chance of being employed, but obese African-American men and women are more likely to be employed. They suggest further research into the roles of gender and race on lost wages due to obesity.
19 There are no figures on the cost to overweight individuals.
20 The authors could not account for the differences in sick leave between overweight men and women, and suggested further study.
21 There are no figures on the cost to overweight individuals.
According to Finkelstien, Trogdon, Cohen and Dietz’s article, “Annual Medical Spending Attributable to Obesity,” (2009) the calculated costs at the national level are considered extreme. In 1998, it is estimated that the costs of obesity for medical service was $78.5 billion. Medicare and Medicaid, both tax funded public insurance programs, were responsible for half of these costs (Finkelstien, Trogdon, Cohen and Dietz, 2009). They estimated that in 2008 this figure reached $147 billion. It was also found that regardless of
private or public insurance companies, “per capita medical spending for the obese is $1,429 higher per year, or roughly 42 percent higher, than for someone of normal weight” (828).

However, all of these estimates and predictions were made prior to the passage of the Patient Protection and Affordable Care Act (PPACA) of 2010 and the Health Care and Education Reconciliation Act of 2010 (Dor, Ferguson, Langwith and Tan, 2010). As these laws mandate the inclusion of wellness and preventative care in every health benefits and health insurance plan, the authors predict an increase in the medical costs for obesity patients (2010).

As the above numbers indicate, there are significant high costs to individuals and to the nation. The societal cost, just in expenditures, for medical conditions that result from obesity related illnesses is staggering. There are also many other individual costs that are difficult to ascertain, such as the loss of quality of life and increased costs for consumer goods and services (i.e. airline flight tickets, clothing and furniture).

The More You Know

This section will discuss the potential positive effects nutrition labels can have on individuals’ food choices and thus help curtail the growing obesity crisis. Having adequate knowledge of the amount of calories and type of food being consumed is paramount to constructing a foundation for a healthy lifestyle, which then facilitates in combating obesity. The former FDA Commissioner, Hamburg, supports this by saying “ready access to reliable information about the calorie and nutrition content of food is even more important [today], given

\[\text{22}\] Obesity is also responsible for an increase in gasoline consumption nationwide. Dor, Ferguson, Langwith and Tan cite a 2006 study that found since 1960 the amount of gasoline used nationally has been increasing due to increased weight of passengers. They found that nearly 1 billion extra gallons of gas were being consumed each year due to obesity (2010, 14).
the prevalence of obesity and diet-related diseases” (as cited by Pomeranz 2011, 382). Providing people with this information was the reasoning behind NLEA. Most scholars agree the act has been beneficial in informing consumers (Heike & Taylor 2012; Pomeranz 2011).

Numerous studies have found that nutrition labels do positively impact peoples’ dietary choices. Two studies conducted in the decade after the passage of the NLEA found that usage of nutrition labels lead to healthier dietary practices and lower fat intake (Kreuter, Brennan, Scharff and Lukewago 1997; Neuhouser, Kristal and Patterson, 1999). One of the studies found that participants in their study, who had an accurate idea of the amount of fat they had consumed recently, were far more likely to have utilized nutrition labels as opposed to participants who underestimated or overestimated their fat intake. They state, “[i]n this study, patients whose diets were lower in fat and higher in fruits, vegetables, and fiber (as determined by a 24-item food frequency assessment) reported reading nutrition labels more often than patients who ate diets higher in fat or lower in fruit, vegetables, and fiber,” (Kreuter, Brennan, Scharff and Lukewago 1997, 281). The other study had similar findings, wherein the authors argue that “[t]here was a highly statistically significant association of reading nutrition labels with eating a lower-fat diet; this is evidence that persons who wish to reduce fat intake are using nutrition labels to help them select lower fat foods,” (Neuhouser, Kristal and Patterson 1999, 49).

Not all studies agree that label usage is beneficial to a lower fat diet. For instance, a later study published in 2008 found that while nutrition labels have a “modest but beneficial impact on dietary intakes of Americans,” there was no evidence to support that using nutrition labels is associated with lower fat intake (Variyam, 704). However, it should be noted, given the conflict of interest and influence of Meat Lobbies on the USDA, which is discussed in the next section, this study was conducted and written by researchers at the Economic Research Service at the
USDA. A more recently published study, acknowledged the lack of consistent findings for whether or not nutrition labels had a positive effect on obesity, wherein it states, “previous studies differ in analytical approaches, data and findings. Thus, at this point, further analyses are needed,” (Loureiro, Yen and Nayga 2012, 334). Their study found that labels required by the NLEA did have a positive impact on obesity. The impact is modest, and more pronounced in women, and in white males and females as opposed to other races. They acknowledge that further study is warranted due to the age of the data available, and the amount of food consumed at restaurants, which has just recently been required to list caloric intake under the PPACA. Prior to caloric disclosures at restaurants, people could consume enormous amounts of calories without knowing it. They conclude that nutrition labels are not sufficient in themselves to combat obesity, but are a necessary and effective tool to promote healthier choices and nutritional education (Loureiro, Yen and Nayga 2012, 340).

Most studies show that labels do have a positive influence on peoples’ food choices. Thus, a great deal of research and study has happened since the implementation of the nutrition labels in 1994 to understand what works on the current labeling and identify changes that may need to occur, in order to keep consumers as informed as possible. Nearly all of the literature on the use of food labels shows that the labels, while better than what came before the NLEA, are still difficult for some consumers to read and understand. After passage of the NLEA, 70 percent of people still said that the labels needed to be easier to read (Kristal, et al., 1998, 1215). Hieke

23 Just as with increased sugar consumption and lack of exercise and sedentary lives, food consumed at restaurants is most likely a contributor to obesity. As stated before, this thesis does not claim obesity is solely the result of excess meat consumption. But just as the PPACA now requires disclosure of calorie content for restaurant menus to inform individuals when they are making food choices, red meat should also be required to disclosure nutritional information in the same manner as all other foods.
and Taylor conducted an in-depth review of the literature on nutrition labeling. In their research, they found that the literacy levels of the consumer plays a significant role in their ability to use the certain forms of labeling (2012, 133). As with literacy rates, education levels are a good predictor of ‘consumers’ ability to, and tendency to use nutrition labels (2012, 141).

In other studies, different formats of the labeling were used to test other policy options. For instance, several of these studies revealed that consumers preferred having the labels contain the most nutrition information possible. Nevertheless, the studies also found that too much information can overwhelm consumers. If the consumers are overwhelmed they might simply fail to use the labels, thus defeating the purpose of the labeling (Hieke and Taylor 2012, 133). The correct labeling approach is difficult and nuanced.

Julie Caswell and Daniel Padberg found that ‘time stresses’ are a big indicator of consumers using labels. They opine that,

Modern behavior and market conditions bring stress and distortion to this idealized picture. The consumer is often harried and hurried, and grocery shopping logistics limit the potential for significant use of label information in making purchase decisions (1992, 462).

Because of time restraints being a factor they argue for a simpler summary of labels to aide people who do not have the time to read lengthy labels. Thus, their findings suggest that the information provided is not something everyone can easily utilize, giving those with more time an advantage over those who have less time.

Based on much of the aforementioned research, changes to the existing nutrition labeling regulations are currently being proposed and discussed. The recommended changes are discussed in the next section. But, these proposed changes would only apply to food items regulated by the
FDA. Inconspicuously, red meat is still under the purview of the USDA and not the FDA and thus, the labels for red meat will not be required to change when all other labeling does.

If providing nutrition labels on products does help people make healthier choices, then why are obesity rates still on the rise? Are they actually effective as the research suggests? The research does indicate that when nutrition labels are present people tend to make healthier choices. As discussed throughout this thesis these nutrition labels are frequently not on red meat items, which is linked to obesity, but as stated before red meat is certainly not to the only culprit in the obesity epidemic. Until recently, food served at restaurants did not have to disclose nutrition information, and this is certainly a contributor to excess weight gain (Nestle, 2007, 385-86). Restaurants have started offering nutritional information, but have obesity rates have not yet registered any positive changes (Carroll, 2015). But, as this is a relatively new change, it seems a bit too soon to expect to see a decrease as it is harder to lose weight than to gain it (Nestle & Nesheim, 2012). As red meat (and restaurant meals) are not the only links to obesity requiring nutritional information on them is not sufficient to combat obesity, but it is certainly a step that needs to be made as this thesis argues.

Obesity is a serious crisis for the United States, and excess caloric intake, of which red meat is a contributor, is a significant component of the crisis. This section also showed that nutrition labels can and do help people make healthier choices, and further, that research has been conducted to make the proposed changes to labeling even more effective. The next section

For more on the impact of nutrition labels on healthier food choices see: Ollberding, et al., 2011; Driskell, et al., 2008; Cranage, et al., 2005; Blitstein, et al., 2006; Barreiro-Hurlé, et al., 2010; Campos, et al., 2011; McLean-Meyinsse, et al., 2001; Yong, et al., 2009.
moves on to the examination of the history and current status of the labeling laws and regulations.

CHAPTER 2

A REVIEW OF THE HISTORY/CURRENT POLICIES

“With the American people facing an epidemic of obesity and hardened arteries, the ‘People’s Department’ doesn’t regulate fat as much as it grants the industry’s every wish. Indeed, when it comes to the greatest sources of fat — meat and cheese — the Department of Agriculture has joined industry as a full partner in the most urgent mission of all: cajoling the people to eat more” (Moss, 2013).

“Amazing.” That was the word that David Kessler, FDA Commissioner used to describe the joint efforts of the FDA and USDA in proposing regulations for nutrition labels following the passage of the NLEA. The joint efforts of the agencies lead to the publication of a nearly 2000-page Federal Register detailing the proposed regulations (F.R. 56 No. 229). It was not just amazing that a bureaucratic agency made a deadline, The Washington Post (Sagon, 1992) reported, but also that the USDA voluntarily worked with the FDA to propose regulations, especially in light of objections from the George H.W. Bush Administration.

This section will detail the history of the regulatory authority for nutrition labeling. Following a chronological look at the laws, policies and regulations, I have included a discussion of the literature on the Iron Triangle analyzing the political dynamics of the USDA, The Agriculture Committee and Meat Lobbies; a discussion of how Meat Lobbies effectively use agenda setting and power to keep the status quo from being challenged, or if it is challenged quickly defeating such challenge; and finally how the USDA simultaneously helps promote the sale and consumption of red meat through ad campaigns and dietary recommendations while being responsible for all the regulations for nutrition labeling for red meat. All of these issues
have been effective in keeping regulations for red meat nutritional labeling at the barest of requirements.

This section and the proceeding ones will be the basis of the policy proposals and predictions made in this thesis. The first subsection will give a chronological account of the history of the laws and regulations for nutrition labeling in the United States.

A Brief History Of Nutrition Labeling

There are two federal agencies whose purpose is to regulate food in the United States namely, the USDA and the FDA. Legislation pertaining to food, which these two agencies implement, has been around for more than a century. This sub-section will detail the history of laws and regulations for nutrition labeling.

1906 Meat Inspection Act. More than a hundred years ago Congress passed one of the first laws impacting food, and its effect remains substantial today. The Meat Inspection Act (34 Stat. 674), created the divide in food regulation. The Act gave the domain of regulating red meat, poultry and dairy products to the USDA. At this time the FDA did not exist. This law did not require any labeling of food, but instead had a focus of food safety. It is important to food labeling because of the regulatory authority it bestowed upon the USDA remains to present day.

There are other laws that delegate agency authority and regulate food items that are not discussed in this thesis, such as the Poultry Products Inspection Act, The Egg Products Inspection Act and the Fair Packaging and Labeling Act. As they do not have much influence on the red meat labeling that is the focus of this thesis, they are not discussed. However, the reader should be aware that multiple other legislative and bureaucratic laws and regulations are at play in labeling of food products in the United States. It should also be noted that an entirely different area of agency authority for food labels exists in the Federal Trade Commission (FTC). They regulate advertising of food products, which can be argues is a form of food labeling. A good history of food laws can be found at the FDA: http://www.fda.gov/AboutFDA/WhatWeDo/History/Milestones/ucm128305.htm

The USDA was founded in 1862 by President Abraham Lincoln, within the agency was the Division of Chemistry. In 1927, The Division of Chemistry was reorganized and named the Food, Drug, and Insecticide Administration. Several years later in 1931 it was again renamed to the Food and Drug Administration. In 1938, Congress gave the FDA regulatory authority over food safety, and in 1940 it moved from the USDA to the Department of Health, Education, and Welfare, which is now the Department of Health and Human Services (FSIS History 2015).
1938 Federal Food, Drug and Cosmetic Act. The precursor to the NLEA, the Federal Food, Drug and Cosmetic Act (FDC) (21. U.S.C. 9) was the building block for much of the subsequent regulations and laws for food labeling and safety. It did address food labels, but they were not a requirement for food items. The main focus of the FDC labeling language was to prevent misleading or false labeling or claims on labels (Cavers 1939). It is applicable to the history of nutrition labeling because it was the Act the NLEA amends.

1990 Nutrition Labeling and Education Act. Fast-forward nearly 90 years after the passage of The Meat Inspection Act (34 Stat. 674), and sixty years after The Federal Food, Drug and Cosmetic Act (21. U.S.C. 9) and Congress is ready and eager to address the “Tower of Babel” that is the United States consumers’ food supply. Prior to the passage of the NLEA, the 1966 Fair Packaging and Labeling Act required some food labels. But the nutritional information that was provided was frequently incomprehensible. This haphazard and confusing labeling lead the U.S. Health and Human Services Secretary, Sullivan to refer to grocery stores as “‘a Tower of Babel [where] consumers need to be linguists, scientist and mind readers,’” (Burton and Biswas 1993, 127). In order to give consumers information on the food items they purchased, the NLEA was passed. It made nutrition labeling on food mandatory. It had certain parameters and required information to be included, but left the specifics of the labeling language, placement and other requirements to the agencies. Because of The Meat Inspection Act (34 Stat. 674), the USDA would draft any regulations for the labeling of red meat, poultry and eggs, but they were under no obligation to do so as the NLEA did not apply to them. The FDA would cover everything else. Congress gave the FDA until November 1992 to propose regulations for the nutrition labels. The USDA who was under no deadline, but chose to mirror the regulations the FDA was working on (Frank, Tsien and O’Flaherty 1992).
As all the foods the USDA regulates were exempt under the NLEA; the agency was not required to take any action. Yet, in the year following the passing the NLEA, the FDA and USDA made a historic first. Jointly the two agencies made an enormous proposal in The Federal Register that set forth definitions, portion sizes and would have meat and poultry labeled just like all other foods, under the NLEA. These proposals by the USDA were entirely voluntary (Sagon 1991; Nestle 2007, 251; Nestle and Nesheim 2012, 212). As illustrated by Figure 4, the two agencies decided on a uniform food label. The USDA was going to voluntarily use this same label, but as will be discussed next, power and influence halted them from making labeling requirements mandatory on red meat. The label illustrated in Figure 4 is the original label from the NLEA, which remains in effect today.
President William J. Clinton, toward the end of his presidency, worked to bring red meat labeling up to the same requirements as other food items. In fact, President Clinton mentioned this issue in one of his weekly Presidential Address, saying,

I'm also pleased to announce today that this summer the Federal Government will propose that packaged meat and poultry sold in stores must come with nutrition labels. This is just plain common sense. Shoppers value the fact that when they pick up a box of cereal or a frozen meal, they can check the nutrition labels and see how many calories or grams of saturated fat these foods contain. That's the same kind of information that ought to be put on every package of ground beef. Currently, fewer than 60 percent of retailers do so, because nutrition labeling for meat is voluntary. It's time we made it mandatory. Providing citizens with accurate information that affects their lives is one of Government's most vital responsibilities (Clinton, 2000).
Under President Clinton’s direction, the USDA made the proposals to change the red meat labeling, requiring mandatory labeling on certain types of red meat. However, the proposals were made at the end of his presidency and these proposals went nowhere during the following presidential administration.

**2012 USDA Mandatory Labeling.** In 2009, the Barack H. Obama Administration revived the 2001 proposals. The Administration pushed for regulations requiring mandatory nutrition labeling on some types of red meat, including major cuts of meats and ground beef. These regulations were successful in part, however, the whole or raw cut meats that have mandatory labeling do not require the label on the package itself. A sign with nutrition information in the vicinity where it is sold is sufficient to meet the requirements (Enders and Johnson 2011, 161-162). These regulations remain the ones in effect today.

**Current USDA Regulation.** The current regulations for red meat states that “nutrition labeling shall be provided for all meat and meat food products intended for human consumption and offered for sale, except single-ingredient, raw products that are not ground or chopped meat products as described in §317.301 and are not major cuts of single-ingredient, raw meat products as identified in §317.344, unless the product is exempted under §317.400,” (9 CFR 317.300).

The major cuts of beef are: Chuck Blade Roast, Top Loin Steak, Rib Roast Large End, Eye of Round Steak, Top Round Steak, Round Tip Roast, Chuck Arm Pot Roast, Sirloin Steak, Bottom Round Steak, Brisket (Whole, Flat Half, Point), Rib Steak Small End, and Tenderloin Steak (9 CFR 317.344). The National Beef provides beef producers and suppliers with materials with information on the different types of meat, the nutrition labeling requirements for each and how to comply with them. One of the information sheets details all the different cuts of meat, including the aforementioned major 12. Based upon this information there are 39 cuts of single-
ingredient raw meat products that are routinely sold for consumption. As the labeling requirements apply only to the major 12 listed, this leaves 27 cuts that do not have any labeling requirements. These are: Chuck Steak, Loin Tenderloin Steak, Pot Roast, Chuck Arm Steak, Shoulder Top Blade Steak, Chuck Blade Steak Filet, Shoulder Petite Tender Roast, Chuck Eye Steak, Boneless Short Ribs, Rib Steak, Rib Roast, Back Ribs, Flank Steak, Inside Skirt Steak, Shank Cross Cut, Loin Tenderloin Roast, T-Bone Steak, Porterhouse Steak, Tri Tip Roast, Sirloin Cap Steak, Bottom Sirloin, Bottom Round Roast, Eye of Round Roast, Round Tip Steak and Top Round Roast (National Beef, Retail Beef Cuts).

The Food Safety and Inspection Service (FSIS), the division of the USDA that works on regulations for the labeling of red meat, explained their reasoning for only requiring that label be provided on the major 12 either on package or at POP, and not on any other cuts or products, stating, “because FSIS has not yet assessed whether adequate nutrition information is being provided for these products and, therefore, had not determined whether it would be beneficial to require nutrition labels for these products,” (F.R. 66 No. 12, 4970). FSIS further stated, eight years later when they revisited proposed regulations for red meat nutrition labeling:

consumers are given a rough indication of the fat content of major cuts of meat products based on internal marbling and attached fat. However, without nutrition labeling for the major cuts, consumers cannot access precise levels of fat … and cannot know the level of specifically nutrients, such as saturated fat, in these products. Therefore, without nutrition labeling of these products, consumers cannot make educated choices about consuming the major cuts,” (F.R. 75 No 249, 82149).

It should be noted that the literature produced by National Beef for complying with the new labeling requirements shows the Point of Purchase sign at the way to comply with the regulations, with smaller print or asterisks showing that nutrition labeling directly on the package will also comply with the regulations (National Beef “Understanding and Action FSIS 2011 Mandatory Nutrition Labeling Regulation).
FSIS major justification for not requiring labels to be placed directly upon all red meat products is that consumers can make good guesses as to the fat and caloric content of the products (F.R. 66 No. 12; F.R. 75 No. 249). They found that just allowing a POP sign is enough to provide consumers with information, because they can generally estimate the nutrition content of a product, and requiring only a POP allows for flexibility for compliance for grocers and red meat producers (F.R. 66 No. 12; F.R. 75 No. 249). The regulations for ground beef are different requiring,

Nutrition labels must be provided for all ground or chopped products (livestock species) and hamburger with or without added seasonings (including, but not limited to, ground beef, ground beef patties, ground sirloin, ground pork, and ground lamb) that are intended for human consumption and offered for sale, in accordance with the provisions of §317.309, except as exempted under §317.400 (9 CFR 317.301).

These requirements make a convoluted process for determining whether or not a package of red meat must provide nutrition labeling and the manner that it must presented. Figures 5 and 6 detail the process, in flowcharts, for whether or not a label is required for a red meat product, and whether or not the label must be placed on the package, or if a point of purchase sign is sufficient to fulfill the requirements of the USDA regulations. There are two separate flowcharts because as detailed above ground beef has different regulations than whole cuts of red meat. There is no standardization for the labels if they are required. The regulations are highly specific about the type of information to be contained on labels, the manner and size of placements, and of course all exemptions, but no standard format is required. Individual labels for the red meat items regulated by the USDA have to be submitted by producer or seller placing the label on the product. Labels are submitted to the Food Safety and Inspection Service (FSIS) division of the USDA for approval (Hogan & Hartson 2007; 9 C.F.R. 317.345).
Figure 5: Flowchart Detailing the Process and Requirements for Red Meat Intended for Human Consumption (Grounded or Chopped Meat).
Figure 6: Flowchart Detailing the Process and Requirements for Red Meat Intended for Human Consumption (Not Grounded or Chopped).

**Current FDA Regulations.** In light of the extant research, the FDA is currently proposing changes to the food labels to allow consumers better and easier to understand information. This label will only apply to food items regulated by the FDA. The current labeling for red meat products discussed above will not change. Figure 7 offers a side-by-side comparison of the current label, as seen in Figure 4 and the proposed label.
Figure 7: Current label required by the FDA on the left and the proposed new label by the FDA on the right.

**Moving Forward.** Maintaining the status quo and allowing the USDA to continue to be responsible for regulating labeling of red meat, essentially means that the few labels that became mandatory for red meat in 2011 will not change with the FDA label change proposals expected to take place. Nestle and Nesheim argued that,

New FDA label revisions will again leave the USDA behind. Chalk this up to meat industry pressures to reveal as little as possible about the calories, fat, and saturated fat in its products and to the absurdity of dividing the regulation of one food supply between two agencies,” (2012, 212).
The NLEA placed nutrition labels on food products in 1994. It took 18 years for just some of the red meat products available to begin to catch up to these labels, just in time for those labeling standards to become obsolete. Because of the highly voluntary nature of the USDA regulations on red meat, without a change in policy, another 20 years could pass with red meat, a significant contributor to obesity, being largely free from requirements to disclosure nutritional information via labeling. What keeps red meat from being subject to these mandatory nutritional disclosures is discussed in the next sub-section.

**Power, Influence, Conflicts And Money**

Since the passage of the NLEA to present day there has been a great deal of activity by various players, all working to shape the regulations for red meat nutritional labeling that were just discussed. The main players are the USDA, The U.S. Congressional Agriculture Committee, Meat Lobbies, including the Grocers Manufactures Association (GMA)\(^2\) and the National Cattlemen’s Beef Association, Presidential Administrations, and U.S. consumers. The influence of most of these players is visible throughout the regulatory process.

For this thesis, three aspects of this influence will be discussed. First using literature on the Iron Triangle the dynamics between the USDA, the Meat Lobbies and The U.S. Congressional Agriculture Committee will be analyzed. Secondly, the U.S. consumers figure very little into this process, though they have great interest in having access to the information provided through nutrition labeling. Meat Lobbies effectively have used agenda setting and power to keep the status quo from being challenged, or if it is challenged, quickly defeating such a challenge. Theories on agenda setting and the second face of power will be utilized here to

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\(^2\) The GMA has a stake in this because they represent the supermarkets where the beef is sold.
demonstrate how Meat Lobbies have used their power and influence to control the agenda and keep challenges to the status quo at bay. Finally, the USDA has more than the usual bureaucratic interest in maintaining their regulatory authority and working with interest groups. In fact, they have a substantial interest in keeping red meat sales high, and thus, not issuing in regulations that could negatively impact sales. This interest is around $45 million dollars a year, collected as a “beef tax,” a $1.00 tax on every head of cattle sold, which goes directly to the USDA (Mahanta, 2014). This money is used to promote the sale of beef with ad campaigns such as “Beef. It’s What’s for Dinner,” (Moss 2013, 222-233; Nestle 2007, 142-145; Brownell and Warner 2009, 276). The promotion of beef by the USDA is also seen in one of their other regulatory tasks, making nutritional suggestions through MyPlate, which previously was the Food Pyramid, on which red meat has a significant role in daily nutrition suggestions (Moss, 2013, 223). Thus, the USDA simultaneously helps promote the sale and consumption of red meat through ad campaigns and dietary recommendations while being responsible for all the regulations for nutrition labeling for red meat. To say the USDA has a severe conflict on interest when it comes to making regulations for nutrition labeling for red meat is to put it mildly.

**The Iron Triangle.** Within political science there is a long-standing concept of how policies are made and who the actors are that influence policies. Traditionally, this concept is known as The Iron Triangle, though many scholars have since expanded upon this concept furthering the theories on how and why policymaking occurs, and in doing so have added multiple terms and definitions on the differing and complex means through which the activity of policymaking occurs (McCool, 1998; Thurber, 1991; Worsham, 1997; Heclo, 1994; True, et al., 1997). Thurber defines Iron Triangles as, “relatively closed policy arenas emphasizing stable relations among a limited number of participants,” (1991, 323). Thurber (1991) further expands
upon the concept of Iron Triangles with another now common concept in political science, subsystems, which in his typology has three forms, dominant policy subsystems, competitive policy subsystems and disintegrated policy subsystems. He argues that the dominant policy subsystems are in essence Iron Triangles, as they are small groups of decision makers, and have relatively stable communications and clusters of decision-making, and further that they have reciprocity – they serve to help the private sector with government action, including helpful regulations. Worsham (1997) argues for a similar framework of subsystems with three forms to explain the variety of policymaking situations. He argues that in this framework, dominant coalitions are the most like Iron Triangles, saying that they work to serve the interest of the private sector. While, he does not discount Iron Triangles, McCool (1998, 557) argues that they are “valid for only a small portion of the policymaking milieu,” arguing that most policymaking can be better described with the newer concepts of subsystems that is more flexible in nature and can better describe the vast array of situations that can and do occur in policymaking. This thesis argues that nutrition labeling for red meat is one of the situations that an Iron Triangle is very observably present.

As the name suggests there are three points on an Iron Triangle, each one occupied by a policymaking player (McCool, 1998; Worhsam, 1997), in this case the three players are the USDA, Meat Lobbies and the United States Congressional Agriculture Committee. As the name further suggests the triangle or relationship between the three is strong, making it difficult for challenges to be successful. The Iron Triangle here has been strong since it was formed, with very little negative feedback (Thurber, 1991, 329), and only having one change to the regulations for nutrition labeling for red meat in the more than 20 years since the NLEA went into effect,
and even that change in regulation resulted in only some of red meat being required to have
nutrition labels, as discussed earlier.

The Grocery Manufactures of America (“GMA”) and The National Cattlemen’s Beef
Association, two main Meat Lobbies active in the subsystem, though other lobbies do contribute
money. According to The Center for Responsive Politics, both groups have spent millions
contributing to political campaigns and on lobbying. Since 1990, the same year as the passage of
the NLEA, The National Cattlemen’s Beef Association has made $6,159,844.00 in political
contributions, with 79% going to republicans and 21% going to democrats. The GMA has made
$3,089,967.00 in contributions with 75% of the money supporting republicans and 25%
dermocrats (The Center for Responsive Politics, 2015). As Tables 1 and 2 show, both groups have
given large amounts of money to the Agriculture Committee in both the Senate and the House.

Thus, one point of the triangle, the Meat Lobbies gives money to another point, the
Agriculture Committee, but what solidifies the triangle even more is were the Meat Lobbies get
the money to give to the Committee. It comes from the USDA. The USDA collects a tax on each
head of cattle sold, as part of the checkoff program, discussed in detail later. This money in turn
is given from the USDA to The National Cattlemen’s Beef Association to allow for the
promotion of beef sales, however, most of the money is sent right back to Capital Hill to keep
their influence strong (Mahanta, 2014). These contributions can be seen in Table 2. This
mutually beneficial relationship shows a strong co-dependency of each of the three points on the
other. Heelo argues that this co-dependency is instrumental among “interests, ideas and
institutions… By coordinating the expectations necessary for cooperation, the interaction of
ideas and institutions can make results possible that could not be achieved otherwise;” (1994,
381). Thurber (1991) agrees that this mutual relationship does occur and argues that reciprocity, or co-dependency as Heclo terms it, is an important norm seen in Iron Triangles.

Table 1: Contributions by Grocery Manufactures Assn.

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th>Senate</th>
<th>Total Both Chambers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>$2,400.00</td>
<td>$1,500.00</td>
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<td>1996</td>
<td>$13,000.00</td>
<td>$13,750.00</td>
<td>$26,750.00</td>
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<tr>
<td>1998</td>
<td>$8,400.00</td>
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<tr>
<td>2000</td>
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<td>2002</td>
<td>$16,250.00</td>
<td>$17,000.00</td>
<td>$33,250.00</td>
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<td>2004</td>
<td>$10,950.00</td>
<td>$5,000.00</td>
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<td>2006</td>
<td>$6,884.00</td>
<td>$28,200.00</td>
<td>$35,084.00</td>
</tr>
<tr>
<td>2008</td>
<td>$22,500.00</td>
<td>$36,500.00</td>
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<tr>
<td>2010</td>
<td>$27,205.00</td>
<td>$42,675.00</td>
<td>$69,880.00</td>
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<td>2012</td>
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<td>2014</td>
<td>$32,675.00</td>
<td>$6,000.00</td>
<td>$38,675.00</td>
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<tr>
<td>Total</td>
<td>$193,864.00</td>
<td>$218,625.00</td>
<td>$412,489.00</td>
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Table 2: Contributions by National Cattlemen's Beef Assc.

<table>
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<th>Year</th>
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<th>Senate</th>
<th>Total Both Chambers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>$21,350.00</td>
<td>$15,103.00</td>
<td>$36,453.00</td>
</tr>
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<td>1992</td>
<td>$92,550.00</td>
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<tr>
<td>1994</td>
<td>$94,475.00</td>
<td>$18,750.00</td>
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</tr>
<tr>
<td>1996</td>
<td>$89,098.00</td>
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<td>$118,293.00</td>
<td>$46,750.00</td>
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<td>2004</td>
<td>$88,341.00</td>
<td>$14,500.00</td>
<td>$102,841.00</td>
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<td>2006</td>
<td>$90,843.00</td>
<td>$53,273.00</td>
<td>$144,116.00</td>
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<td>2008</td>
<td>$109,952.00</td>
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<tr>
<td>2014</td>
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<td>$32,500.00</td>
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<tr>
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<td>$1,266,447.00</td>
<td>$396,506.00</td>
<td>$1,662,953.00</td>
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</table>
Worsham argues that while not part of The Iron Triangle, the three branches of government are the ‘nest’ in which the triangle rests, and that the sustainability of the triangle relies in part on the approval, perhaps tacit approval, of these branches (1997). In the case of red meat labeling party matters to this approval. A large portion of the monies donated by the GMA and National Cattlemen’s Beef Association goes to Republicans (The Center for Responsive Politics, 2015). These donations have seen several dramatic spikes. Most notably from 2000 to 2002 the amount of donations to the House rose from $10,511.00 in 2000 to nearly $120,000.00 in 2002. From 2010 to 2012 saw another large increase from around $85,000 in 2010 to over $175,000 in 2012, as shown on Table 2. It seems to be hardly coincidental that these large increases of donations coincide with proposed changes to nutrition labeling requirements for red meat, proposals made by Democratic presidential administrations. The increase in 2002 followed the proposals by the Clinton Administration to require red meat to be labeled the same as the foods regulated by the FDA. And the 2012 increase followed the changes to the labeling requirements that were proposed and implemented under the Obama Administration, which went into effect in 2010.

The importance of political party to insulate and reinforce The Iron Triangle is seen further in the dramatically differing attitudes of the two presidential administrations in power following the passage of the NLEA. President George H. W. Bush, a Republican, was active in the nutrition labeling process. Addressing the GMA on March 24, 1992, he promised to veto any legislation that would put undue burden on food producers and grocers, stating that stating that,

Our administration announced reforms on nutrition labeling for meat and poultry. Our reforms will keep our food supply every bit as safe, and I have a responsibility for that, but we will reduce the burden and expense of regulation on American consumers and on our hard-working food producers and grocers. If Congress sends me any legislation that would overregulate economy, I’m going to veto it as soon as it reaches my desk (Bush,
These remarks were made by President George W. H. Bush nine months before he is credited with finalizing the deal between the FDA and USDA on their disagreements about the proposed labeling regulations. The proposed regulations by the USDA to label red meat in the same manner as the FDA would label all other food items, was completely voluntary by the USDA. The impetus behind the remarks is unknown, but it is possible that the GMA and other food lobbies worried that Congress would try to amend the NLEA to require the USDA to adhere to the same mandatory labeling requirements the FDA was subject to, otherwise why would the President make a lobbying group promises about legislation, when the NLEA has already been passed and was in the regulation phase.

In contrast to his predecessor, President William J. Clinton, a Democrat, sought to hold the meat industry to the same labeling standards as other foods. In a radio address to the nation in May 2000, he said he wanted Americans to have the “latest and best” information on their food choices. He further pointed out that while the US sets guidelines for healthy eating and requires labeling on most products, most Americans continue to be unhealthy. He followed with an announcement that his administration would propose mandatory labeling on meat and poultry, saying that the plan “just plain common sense,” (The American Presidency Project).

These proposals made toward the end of Clinton’s presidency went nowhere while he was in office. However, as his tenure ended and the 2000 election unfolded, Meat Lobbies, clearly demonstrated their preference, for a President, in their campaign contributions. Under his successor, George W. Bush, the proposals remained dormant. Some have argued that the George W. Bush Administration’s refusal to advance this proposal through the rule-making process was, in fact, political, as the Bush’s campaign received a tremendous amount of money from the
aforementioned industries compared to the other candidates (Foreman and Waldrop, 2004). It is not novel that businesses promote their interests through money and campaigns. As illustrated in Figure 8, one could argue, however, that given the differences in money spent, the Agribusiness Industry and the Meat companies did not want a Democrat in the White House, especially one that would support President Clinton’s proposed rules. In addition, Foreman and Waldrop (2004), found that the major meat industry companies or their Political Action Committees (PACs) did not contribute a single dollar to the campaigns of either Al Gore in 2000 or John Kerry in 2004.
It was not until President Barack Obama came into office that the proposals were revitalized. In 2009, the USDA issued proposals for mandatory labeling for certain types of red meat. These proposals went into effect in 2012 (Moss 2013, 219; Nestle and Nesheim 2012, 212-213). But the meat industry’s power remained strong even with this mandatory requirement. Moss argues,

\[
\text{[i]}n 2012, the USDA required this information to be placed directly on packages of ground beef, but even this came with a gift to the meat producers. At the industry’s urging, the Department of Agriculture allowed them to put the word lean on their packages even when the meat is not lean by the agency’s own definition (2013, 219).\]
Presidents Bush and Clinton’s remarks above serve to highlight, not just how party matters, but another intrinsic part of Iron Triangles, but “feedback” at work. Feedback can be either positive or negative. Positive feedback works to strength the status quo, President’s Bush’s remarks, or negative highlighting changes that need to occur, President Clinton’s remarks (Worsham, 1997, 15). However, The Iron Triangle here has very little in the way of negative feedback. President Clinton’s radio address took aim at the triangle, but unsuccessfully so. Media attention can bring about negative feedback. Worsham argues that dominant coalitions, or Iron Triangles as being used in this thesis, thrive when there is very little issue salience (1997). He further argues that “a major source of instability is the shifting attention of the media,” and the more coverage a particular issue gets the more likelihood of challenges to the status quo (Worsham 1997, 11). However, as shown throughout this thesis the attention of the media has, and continues to, draw attention to the power of ‘Big Beef,’ without any significant and effective challenges to policy giving testament to the impregnability of The Iron Triangle of the USDA, Meat Lobbies and The Agriculture Committee. Even when this negative feedback occurs in mass media it is unable to make any dent in the current status quo. However, this cozy, mutually-beneficial Iron Triangle has not always been around. As the next subsection and Footnote 28 show, the USDA made multiple attempts early on after the passage of the NLEA to make multiple regulations, including nutrition labeling and dietary recommendations that were not beneficial to the Meat Lobbies and the meat industry. The proposed regulations for red meat labeling the Meat Lobbies found threatening causing them to intervene in the regulatory process, utilizing their agenda setting, power and influence to halt and alter the proposed regulations as will be discussed next.
Agenda Setting and the Second Face of Power. A brief review of the literature on the second face of power and agenda setting theories is needed here before moving on to discussion of these theories in the context of red meat nutrition labeling regulations. There are many ways to exert power. The discipline of political science routinely recognizes four different forms, or rather, faces, of power. While arguments could be made that all four faces of power are at play in the legislation and implementation of regulations for the labeling of red meat, this research will utilize the second face only. Of the four forms of power, the second is easily observable and applicable within the regulatory process for making nutrition labels under the NLEA, as will be shown below. Additionally, a proper examination of all four faces of power would exceed the size limitations of this thesis. Thus, the process through which red meat nutrition labels came to be is viewed through the lens of the second face of power only.

To better discuss the second face of power it is important to understand the first face, as they are closely related, though distinct. Polsby (1979) argues that second face, as defined by Bachrach and Baratz, is problematic and really just serves to enhance the findings of the first face of power. The first face of power involves active power, when A utilizes power to get B to acquiesce to A’s demands. Bachrach and Baratz (1970) argue that three requirements must be met for this to demonstrate the use of power of A over B. One is that A and B disagree about the action to be taken. Two that B actually does as A wishes. And finally, that A had the ability to impose some form of sanctions upon B for failing to comply. Where the first face of power works to control the decisions of members during the decision process, the second face of power works to keep those who might disagree with the power players’ wants from joining the decision making process in the first place. Instead of A directly exercising power over B to make a decision, as in the first face of power, in the second face, A keeps B from even being involved in
the decision in the first place. John Gaventa in his review of works on the second face of power states:

power is exercised not just upon participants within the decision-making process but also towards the exclusion of certain participants and issues altogether. Political organizations, like all organizations, develop a "mobilization of bias . . . in favor of the expositions of certain kinds of conflict and the suppression of others . . . Some issues are organized into politics while others are organized out (1982, 9).

One of the main ways the second face of power can be utilized is through a "mobilization of bias" (Bachrach and Baratz 1970; Schattschnieder, 1960). The mobilization of bias is a carefully constructed framework of procedures that help groups protect their best interests from changes, such as in policies or regulations, which would be detrimental to their best interests. Often, discussions of power use the concept of a game, with rules and players, to illustrate the theories of the application of power. Using this concept, a mobilization of bias can be viewed as a game in which all the rules allow the preferred players every opportunity to win; the rules systematically maneuver the preferred players through the avenues of the game in a way that ensures a positive outcome. More eloquently put, Bachrach and Baratz state a mobilization occurs when political systems develop,

a set of predominant values, beliefs, rituals, and institutional procedures ("rules of the game") that operate systematically and consistently to the benefit of certain persons and groups at the expense of others. Those who benefit are placed in a preferred position to defend and promote their vested interests,” (1970, 43).

To maintain a mobilization of bias, players can utilize a concept proposed by Bachrach and Baratz termed a “nondecision.” A nondecision is an action by A that works to keep B from actions that might harm A’s best interests and wants. By preventing B from the opportunity to challenge issues that A wishes to remain the same, A can ensure that B will not take action that could harm A’s needs. If preventing B from challenging in the first place is unsuccessful, A can
resort to destroying the challenge B presents once B attempts to enter the policy making process. They define nondecision as occurring when,

Demands for change in the existing allocation of benefits and privileges in the community can be suffocated before they are even voiced; or kept covert; or killed before they gain access to the relevant decision-making arena; or, failing all these things, maimed or destroyed in the decision-implementing stage of the policy process (1970, 44).

According to their framework, Bachrach and Baratz further argue nondecision can happen through several different forms. The third form they discuss involves the invoking of “an existing bias of the political system - a norm, precedent, rule or procedure… a demand for change may be denied legitimacy by being branded socialistic, unpatriotic, immoral, or in violation of an established rule or procedure,” (1970, 45).

In the political arena one of the ways to exercise the second face of power is by controlling the agenda. As Schattschneider points out, “Whoever decides what the game is about also decides who can get into the game,” (1975, 102). John Kingdon’s work on agenda setting is pertinent for this discussion. He examines why certain subjects make it to the agenda and others are ignored. He points out that there are two major influences on this, the process by which items come into prominence and the participants who are active (2011). One of the key players in this dynamic of agenda influence consists of interest groups. He argues that their importance in agenda setting happens not so much as getting their issues heard, but by keeping issues that are contrary to their best interests from arising on the agenda. He argues, “[i]nterest groups are very important, but primarily as blocking factors rather than actors who promote agenda items, or as people who get their alternatives considered once the agenda has already been set,” (2011, 44). He further describes the significant role of interest groups as participants, specifically as blockers, in agenda setting by stating:
Interest groups are among the most important. Because they are often concerned with protecting current benefits and prerogatives, they affect the governmental agenda more by blocking potential items than by promoting them. Rather than structuring a governmental agenda, interest groups often try to insert their preferred alternatives into a discussion once the agenda is already set by some other process or participant (2011, 67).

Almost immediately following the USDA and FDA release of joint recommendations for food labeling in 1991, the power of these lobbies and the influence of their contributions is shown. These recommendations held the potential to be detrimental to the beef industry, and they were quick to act to protect their interests (Nestle 2007). In a prime example of mobilization of bias, and “those who benefit are placed in a preferred position to defend and promote their vested interests,” (Bachrach and Baratz 1970, 43), the White House Office of Management and Budget under the George H. W. Bush administration halted the proposal, stating that the USDA should “think twice” about placing labels on meat products that had the potential to reveal the high amounts of fat and cholesterol (Nestle 2007).

Schattschneider argues that keeping the needs of nonparticipants (American consumers) in the process is not about the nonparticipants inability to participate, but is the result of the powerful groups (lobbying) suppressing the options and alternatives that would serve to promote the interests of the nonparticipants (1975). For the regulatory process of nutrition labels, this occurs when the lobbying groups work to ensure that the proposals by the USDA and FDA that would place labels on red meat revealing the high caloric, fat, and cholesterol contents are halted. This moratorium was in response to nearly all the major food lobbying groups lodging complaints immediately to the proposals (Nestle 2007; Sagon 1991). It is obvious that the food lobbies had what Bachrach and Baratz refer to as a “preferred position” as the George H. W. Bush Administration jumped to prevent the continuation of the agencies recommendations,
placing a moratorium on all pending regulations, allowing the food lobbies to defend their best interests.

It was after the passage of the NLEA the proposed regulations for the labels were out for public comment and coming under fire from lobbying groups (Sagon 1991; Nestle 2007, 251). Kingdon argues that interest groups frequently become active once policies or regulations are proposed, and then work to ensure that enacted policies or regulations are not detrimental to their particular interests. He states, “much of interest group activity in these processes consists not of positive promotion, but of negative blocking.” (2011, 49). This is just what the food lobbying groups did. Once the proposals were made, they lodged immediate protests, and had the regulations halted (Sagon 1991; Nestle 2007, 251).

A representative of the GMA, Jeff Nedelman, stated to The Washington Post in response to the FDA and USDA proposals, that the GMA planned to file “hundreds of pages of commentary” to the proposed rules (Sagon 1991). Just as Kingdon points out, the lobbies had not tried to place labeling on the agenda or prevent it from making it to the agenda, but rather just made objections to the proposals being made by the USDA and FDA. Kingdon exemplifies this when he argues that, “[r]ather than structuring a governmental agenda, interest groups often try to insert their preferred alternatives into a discussion once the agenda is already set by some other process or participant,” (2011, 67).

The lobbying groups began to work to block the unfavorable regulations, beginning almost immediately after the joint regulations were proposed by the USDA and FDA in 1991. As discussed above, by exercising their power with the George H. W. Bush Administration, they successfully halted any regulations that they deemed to have the potential to negatively impact their business (Nestle 2007, 251). Once successful at halting the regulations from moving
forward, the lobbying groups began to work structuring proposals for amended regulations that would be acceptable to the red meat industry’s goals. This success offers another prime example of Bachrach and Baratz’s theories on non-decision. The Meat Lobbies, in their words, “maimed or destroyed in the decision-implementing stage of the policy process,” the labeling requirements they did not agree with (1970, 44).

Much of the history of the regulatory process pertinent to the red meat industry, which is discussed here, comes from journalistic sources. This literature shows the best progression of the labeling regulatory process. The Washington Post story on the new proposed labels ran in November 1991 and stated,

that the USDA appears to have revamped its own rules for meat and poultry labels in time to be in step with the FDA Announcement. There has been some concern that objections from the Office of Management and Budget would keep the USDA from getting regulations out in time,” (Sagon).

While acknowledging the voluntarily nature of the regulations, the story reported Jim Green, an FSIS official, stating that the USDA has been pushing for uniform nutrition information and wanted to keep in accordance with the timetable to which the FDA had to adhere. A little more than a year later, the same paper reports that the George H. W. Bush Administration has brokered a deal between the two agencies, which were reportedly fighting over aspects of the nutrition labels. The story reports that HHS Secretary Sullivan and FDA Commissioner Kessler disagreed with the attempts of the USDA and meat industry to remove the daily fat and cholesterol allowance disclosures on nutrition labels. Much of this fight was attributed to USDA Secretary Madigan (Gladwell, 1992). Ultimately, President Bush agreed with the FDA recommendations for the labeling, but did agree with the USDA that restaurants should be exempted from the regulations (Gladwell, 1992). However, since the placement of labels on
red meat was not mandatory under the NLEA, this loss by the USDA did not stand to hurt the meat industry.

The power of the food industry to promote their interests has been seen before. Kelly Brownell and Kenneth Warner, compare the manner in which the food industry deals with attempts to regulate their products with the way ‘Big Tobacco’ dealt with regulatory attempts on their products. They describe Big Tobacco as having a “playbook” for how to deal with criticism of their products and with the regulatory agencies that had the potential to regulate them out of business. One of Big Tobacco’s moves when faced with criticism of their product was to shift the focus on use of their product onto personal responsibility. They made claims big government was taking away personal freedoms to choose to smoke and that nothing is bad in moderation (2009).

Pulling from its own similar playbook, the food industry responded to the proposals of the USDA in much the same manner. Pulling out all the stops, many of these groups also played upon the big government fears of people as well as placing the focus on individual responsibility, asking, “[s]hould government be allowed through the food label, to tell each consumer to eat less of this or more of that?” The GMA claimed the government was committing “regulatory excess,” trying to protect people from themselves (Nestle 2007, 251). This tactic was highly effective as the USDA and FDA made hasty retreats in their policy recommendations until the rules were more acceptable to the food industry. This is an almost textbook example of the third way Bachrach and Baratz argue that a mobilization of bias can be occur by, “a demand for change may be denied legitimacy by being branded socialistic, unpatriotic, immoral, or in violation of an established rule or procedure,” (1970, 45).
Throughout the years during which the regulatory process for nutrition labels was going on following the passage of the NLEA, most of the players mentioned earlier are seen active in the process. The one missing player, is the American consumer, because they are kept from even being involved in the decision in the first place by the Meat Lobbies whose interest is to keep them from being able to challenge the beneficial status quo.

Conflicts of Interest. The previous subsections examined the current Iron Triangle of the USDA, Meat Lobbies and The Agriculture Committee, and how it keeps any changes to the status quo from occurring, and how prior to The Iron Triangle becoming solidified, Meat Lobbies utilized agenda setting and power to influence and halted unfavorable nutritional labeling regulations for red meat. One final issue needs to be addressed, and that is the inherent conflicts of interest that now exist in the USDA regulating red meat, which they help promote via advertising and through government published dietary recommendations. The first part of this issue is seen in one of the other functions the USDA, making dietary recommendations. In the past, this has come in the form of the Food Pyramid. Recently the food pyramid has morphed into MyPlate. The recommendations for a healthy diet suggested by MyPlate come with specific language for consumption of meat and dairy, which have been carefully influenced by food lobbies\(^\text{29}\), (Brownell and Warner 2009, 276). But, due to what can be best described as a

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\(^{29}\) The history of lobbying influence on dietary recommendations mirrors much of what is discussed here for nutrition labeling. As nutrition labeling is the focus of this thesis, the history of the food pyramid and MyPlate are only discussed in relation to the aforementioned. However, much of the drafting of the regulations and proposals for dietary recommendations happened concurrently with nutrition labeling proposals and involved many of the same players discussed here. It bears note that the National Cattlemen’s Association is credited with halting the publication of the Eat Right Pyramid in 1991, after it had been sent to the printer. A USDA official reported to The New York Times, on the condition of anonymity, that the Agricultural Secretary Edward Madigan was set for the release of the chart until the National Cattlemen’s Association came for a meeting. The next day Madigan announced the chart was being postponed indefinitely (Burros 1991). This power influence continues to today. The Atlantic reported in October 2015, that the USDA and U.S. Department of Health & Human Services (HHS) announced that they will not include considerations of environmental sustainability in the latest editions of Dietary
bureaucratic Catch-22, the exemptions of red meat from mandatory labeling requirements makes it difficult, at best, to follow the recommendations by the USDA,

but even if people wanted to follow the USDA’s advice to eat lean meat, finding it in the grocery store would be no piece of cake. In fact, it can require considerable skill in the game of hide and seek. (Shopping for meat is not like shopping for cereal, where sugar content is required, by law, to be listed on the box.) (Moss 2013, 218).

Secondly, of serious concern, is that the USDA, among its other responsibilities, also works with the beef industry and multiple other industries such as the milk industry, to advertise and promote their products. For example the USDA is responsible for the “Beef It’s What’s For Dinner” and “The Got Milk?” campaigns. The USDA helps these groups market their products to the American public, as part of the “checkoff” program (Brownell & Warner 2009; Moss 2013; Nestle 2007;). The USDA describes the purpose of the beef “checkoff” program as follows:

The program's goal is to strengthen the position of beef in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. The program is funded by a mandatory assessment of $1-per-head collected each time cattle are sold. All producers owning and marketing cattle, regardless of the size of their operation or the value of their cattle, must pay the assessment (USDA Beef Promotion and Research Program Background Information).

On its face, this creates a significant conflict of interest for the USDA to be in charge of the nutrition labeling requirements for the products they help market and receive funds for the marketing efforts. Michael Moss reports that the USDA brings in more than $80 million a year from beef marketing. This significant income is in stark contrast to the funding of $6.5 million from the federal budget the Center for Nutrition Policy and Promotion within the USDA Guidelines. To do so would have meant that they likely would have to suggest that intake of meat products should be reduced, as the production of meat products is a contributor to climate change. This story offers a good overview of the history of the influence of Meat Lobbies on dietary guidelines put forth by the USDA (Shanker 2015).
receives. It is the Center’s purpose to make the dietary recommendations such as MyPlate discussed previously (2013). Moss accurately describes this conflict of interest:

With the American people facing an epidemic of obesity and hardened arteries, the ‘People’s Department’ doesn’t regulate fat as much as it grants the industry’s every wish. Indeed, when it comes to the greatest sources of fat - meat and cheese- the Department of Agriculture has joined the industry as a full partner in the most urgent mission of all: cajoling the people to eat more (2013, 213).

The history of nutrition labeling, specifically for red meat, detailed above, demonstrates a long history of the lobbying groups having significant influence to shape and determine what labels are placed on red meat, when they are placed, and of what the content of the labels consist. While the FDA is moving forward to update nutrition labels for other foods, the USDA remains free from requirements to make these changes on labeling for red meat. Based upon the link of red meat to the obesity crisis, and the need for full nutrition information for people to make healthy choices, a policy change needs to occur. The next section will detail four proposals for new policies to require red meat to be labeled the same as other foods.

CHAPTER 3
VIABLE ALTERNATIVES

“In requiring these labels by 2012, the USDA brought its current policies in line with the rules the FDA had implemented nearly two decades earlier. New FDA label revisions will again leave the USDA behind. Chalk this up to meat industry pressures to reveal as little as possible about the calories, fat and saturated fat in its products and to the absurdity of dividing the regulation of one food supply between two agencies.” (Nestle & Nesheim, 2012).

Based upon the above Presentation of the Problem and History and Current Policies sections of this thesis, four alternatives to the current situation will be proposed. These proposals are based solely upon the above literature review and analysis, and are the recommendation of
this writer. Four possible solutions are proposed below. As the solution this thesis seeks, to have red meat labeled like other foods, is not complicated, neither are the proposed solutions.

The first alternative is to keep the status quo. The FDA would retain the authority to regulate nutrition labeling for all food products, with the exception of red meat, poultry and eggs. The regulations for these would stay with the USDA. The NLEA requirement for all food products to have mandatory labeling requirements would still only apply to the food products regulated by the FDA. The USDA would be free and clear of any laws or policy changes that impact all other foods not under their authority. Requiring inter-agency agreement between the USDA and FDA is the second option. This option would require joint rulemaking with the FDA and the USDA working together to make and agree upon regulations for the nutrition labeling of all food items under their respective authority. The creation of a new agency to regulate nutrition labeling would be the third proposal. This agency would be responsible for all food labeling. The USDA and FDA would continue with their many other functions, but food labeling regulatory authority would be given to the new agency. The final proposal is the best solution to the current problem. Under this proposal all the regulations for labeling be handled by the FDA. The FDA already handles all other food items with the exception of red meat, dairy and poultry.

The main deciding factor for choosing among the four options here is whether it is better to have the regulatory authority centralized with one agency, whether with the creation of a new agency as the third option suggests, or giving it all to the FDA as the final option argues. Or, if authority should be decentralized between multiple agencies as it is currently. And if it remains decentralized, if the status quo should remain, with option one, or if joint rulemaking should be required as discussed in option two. A brief discussion on the issues of centralizing or
decentralizing authority among agencies is next, followed by a look at the four viable policy options described above.

It is not uncommon for Congress to divide regulatory authority between multiple agencies, and issues of agency authority for situations and laws overlapping occurs frequently (Freeman and Rossi 2012). In 2011, President Barack Obama brought up this issue in The State of Union address saying,

There are 12 different agencies that deal with exports. There are at least five different agencies that deal with housing policy. Then there’s my favorite example: The Interior Department is in charge of salmon while they’re in freshwater, but the Commerce Department handles them when they’re in saltwater. I hear it gets even more complicated once they’re smoked (Obama, 2011).

As Freeman and Rossi argue there are certainly legitimate and effective reasons for Congress to split up authority, and Congress does so with specific intentions (2012). However, though often shared regulatory authority is the result not just of a single law passed by a single Congress, but rather occurs as a result of the passage of time with new powers being grafted to current authority assignments, a piecemeal development of agency authority. The four options discussed will show the options of centralizing or decentralizing the authority for nutrition labeling of all food products, and will ultimately argue that for the issue of nutrition labeling, centralizing all the authority under one agency, the FDA, is the best option. Each alternative will be discussed separately below.

**FIRST OPTION FDA/USDA KEEP SEPARATE AUTHORITY – STATUS QUO**

Allowing the FDA and USDA to keep their current authority is the first proposal. Previous sections have detailed how the regulatory authority is split between the FDA and USDA for nutrition labeling requirements. Neither agency has a Congressional requirement to coordinate with the other. However, even though the agencies were not required to work
together, after the passage of the NLEA they voluntarily did so, as discussed earlier in this
research. When they attempted to do so after the passage of the NLEA, the USDA was met with
extreme opposition in coordinating with the FDA. The NLEA states,

The amendments made by this Act shall not be construed to alter the authority of the
Secretary of Health and Human Services and the Secretary of Agriculture under the
Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry

The Act refers to the Secretary of Health and Human Services, and all Congressional
directions within the Act are to the FDA. Because of The Meat Inspection Act (34 Stat. 674), the
labeling of red meat is voluntary and at the discretion of the Secretary of Agriculture and the
USDA, as discussed earlier. This is what Freeman and Rossi (2012) describe as overlapping or
duplication of authority. They discuss that the pros and cons of overlapping authority is
frequently debated, with two views on the value of this approach. They write,

On one view, redundancy is wasteful and allows agencies to abdicate responsibility. Yet
from another perspective, redundancy has certain benefits, like providing a form of
insurance against a single agency’s failure (2012, 1138).

The second alternative will explore these benefits by examining the possibility of
requiring the USDA and FDA to coordinate and participate in joint rulemaking.

SECOND OPTION REQUIRING JOINT RULEMAKING/COORDINATION BETWEEN
USDA AND FDA FOR NUTRITION LABELING

Maintaining the decentralization between the USDA and the FDA, but requiring
coordination between them is the second proposal. Food is a necessary part of life. It is also a
complex issue, so there is already precedent for inter-agency agreements with the FDA on other
food issues. Who grows the food, where it is grown, how it is labeled, how it is inspected, how
and where it is sold, are just some of the considerations that go into regulating the food people sit
down to eat each day. Thus, the FDA already shares authority with other agencies for many
issues, requiring it to coordinate or participate in joint rulemaking with other agencies on some of these issues. There are two common ways this can occur. Freeman and Rossi argue that one of the most pervasive ways multiple agencies coordinate in shared regulatory spaces is through memorandums of understanding (MOU). These agreements assign specific tasks to each agency and they agree to fulfill their particular responsibilities (2012). The other means of agency agreement is joint policy-making. Joint policy-making is more legally binding and allows an agency to incorporate another agency’s rules by reference and adopt parallel rules (2012). Joint rulemaking is not nearly as popular as MOUs. In 2010, joint rules constituted less than 4 percent of the annual rules (2012). However, both of these means of coordination allow each agency to retain their current authority, keeping multiple agencies involved, which Freeman and Rossi state can help avoid capture of a single agency by interest groups (2012, 1186). Capture occurs when an interest group has strong influence over an agency that regulates something in which the interest group has an stake in (Freeman & Rossi 2012; Wilson 1989). By splitting authority between agencies, it can cost interest groups much more to lobby multiple agencies and thus can cut down or eliminate the chance of an interest group and its overall power (Freeman and Rossi, 2012).

Freeman and Rossi also argue that turf battles can occur. They suggest turf battles can be destructive to any meaningful productive policy, but by utilizing coordination tools of joint rule making or MOUs, agencies can ameliorate the negative consequences of shared authority. However, using coordination tools is not a guarantee that agencies will work well together, Of course, the risk of arbitrage and capture is perhaps highest where agencies simply refuse to coordinate for one reason or another, whether because of substance disagreements, personality clashes or cultural conflicts. In such cases, a process for dispute resolution, or strong oversight by a central decision maker, will be necessary to mitigate the problem (Freeman & Rossi 2012, 1187).
Labeling on alcohol products is a similar situation with split regulatory authority and offers a good example of the conflict and difficulty that can occur. Cooper examined the shared regulatory authority of liquor labeling. The Federal Alcohol Administration was created in 1935 and five years later became a part of the Alcohol Tax Unit of the Department of Treasury, and then became the Bureau of Alcohol, Tobacco and Firearms (BATF) in 1972\textsuperscript{30}. Under The Federal Alcohol Administration Act the BATF had the regulatory authority for alcohol, but the FDA also had authority over alcohol under The Food and Drug Act of 1906 (Cooper 1979). In 1974 the two agencies announced they had agreed on a MOU, but a year later the MOU fell apart when the agencies failed to agree on labeling regulations (1979). Iver’s examination only details the coordination issues and turf battles of the BATF and FDA till the end of the 1970s when he wrote his article.

Iver’s work demonstrates that agency coordination can be problematic at best and practically impossible at worst. Wilson agrees, viewing interagency cooperation as the modern day equivalent of the search for the Philosopher Stone “[i]n a phrase that every student of public administration has committed to memory, Harold Seidman described the quest for coordination as the ‘twentieth-century equivalent of the medieval search for the philosopher’s stone,’” (1989, 268). Iver’s arguments concur, stating, “[a]gencies can cooperate, but a cooperative relationship is inherently fragile. A metastable equilibrium can perhaps be achieved when both agencies have developed comprehensive and compatible regulations, but even then a hard push will upset the applecart,” (1979, 384).

\textsuperscript{30} In 2003 the agency was split into the Bureau of Alcohol Tobacco, Firearms and Explosives under the U.S. Department of Justice and the Alcohol and Tobacco Tax and Trade Bureau under the US Department of Treasury. (ATF Timeline). However, Iver Cooper’s article is written prior to this split.
Interagency agreement is difficult at best; most agencies will fight because of the fact they must share regulatory authority with another agency, viewing it as a threat to their autonomy (Wilson 1989). Wilson also argues that this fear of losing autonomy leads to agreements that are designed not for their effectiveness necessarily, but in a manner that maintains the power of each agency. Wilson states, “[h]ence many agencies that must cooperate (or at least appear to cooperate) enter into agreements designed to protect each other from any loss of autonomy,” (1989, 184).

THIRD OPTION CREATING A NEW AGENCY

Creating a new agency to handle all the regulatory authority for nutrition labels is the third option. Creating a new agency would not require a reinvention of the bureaucratic wheel. Much of the current methods for working on regulations for nutrition labeling could be transferred to the new agency. Also employees from the USDA and FDA that are already familiar with the regulatory process could be transferred to the new agency. Wilson argues that creating a new agency does not make a blank slate that can be easily molded, because the influence and history of other agencies are absorbed into the new agency,

When a government agency is created, it is not assembled out of people who are blank slates on which the organization can write at will. Except for young employees getting their first jobs, the operators will have worked for other organizations, often other government agencies. Indeed, most new agencies are formed out of bits and pieces of old ones (Wilson, 1989, 55).

Wilson also points out that new agencies face daunting attempts by interest groups to influence the shaping of the new agency. While significant influence by lobbying groups is not a guarantee for a new agency, it is certainly a distinct possibility (1989). As the FDA is already equipped to issue the regulations for nutrition labels, it would be bureaucratic excess to create a separate agency with the sole purpose of regulating nutrition labels. The likelihood of
eliminating the lobbying groups’ influence in a new agency is not probable. Thus, a new agency would be problematic to begin, time consuming to create, and would not offer any better benefits to the current problem.

FOURTH OPTION CENTRALIZE AUTHORITY WITH FDA

The final proposal centralizes all the authority for regulating nutrition labeling with the FDA. Under this option the USDA would no longer have any authority for nutrition labeling for red meat; it would be subject to the regulations from the FDA. This option is the best option and the one suggested here. By keeping all the authority for nutrition labeling under the FDA, the regulatory process would be simple and apply to all food items. Splitting authority between multiple agencies is not efficient or necessary for this issue. Freeman and Rossi acknowledge that splitting authority is not always efficient. They argue that “overlapping agency functions might easily produce inefficiencies if two or more agencies build their own policymaking and enforcement systems where a single apparatus would be adequate” (2012, 1146).

Two of the main benefits of decentralizing authority are preventing a single agency from too much influence by interest groups and by allowing regulations to benefit from differing expertise to make the best regulations for an issue (Freeman and Rossi 2012). The FDA already has the expertise needed to make the regulations for what information needs to be presented on nutrition labels. It is doubtful that adding other agencies into the regulatory process would add any additional expertise that would benefit drafting and implementing the requirements for nutrition labels. The FDA has the capability to issue regulations for all food labeling because the type of food does not change what knowledge consumers need. The labeling requirements the USDA puts forth are almost mirror images of the ones the FDA does. As already discussed, the big differences between the agencies are that the FDA makes blanket labeling requirements on
all foods within their purview, and the USDA only requires certain types of meats to require labeling. This decision does not require specific expertise, thus the benefit of additional expertise is not applicable in this case. And as argues previously, this is due in large part to the influence of red meat lobbying groups. Thus, under the current situation of decentralized authority, the USDA is largely influenced by being subject to the influence of interest groups, defeating that benefit as well.

**IMPLEMENTATION**

Consolidation of all the authority for nutrition labeling with the FDA is the best option proposed here, and if that occurs the change in policy will have to be implemented. Richard Matland’s work on implementation, cites Mazimanian and Sabatier’s 1983 definition of implementations as, “‘The carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions,’” (1995, 146). Bertram, et al., argue that implementation has several steps, including organization issues, such as staff selection and placement, training and coaching, and providing the financing and administration to carry out the policy (2011).

Similarly, Fixsen et al., argue there are three essential steps to implementing a policy: 1) changes in adult professionals/staff, making sure they have the knowledge and skill set; 2) changes in organizational structures to accommodate the new policy; and 3) changes in relationships with consumers and stakeholders (2005). One of the benefits of this chosen proposal is that the FDA already has staff that deals with nutritional labeling, and any expertise on red meat that might be required, could be dealt with by an inter-agency move of the staff at the USDA that works on the nutritional labeling for red meat. The FDA is already well organized to deal with the regulation of nutrition labels adding red meat into the mix would just require red
meat to have the same labels already required. From an agency standpoint, very little would need to change. The biggest implementation impact would be on red meat producers and sellers. But, as some meat is already required to be labeled, they already have the means to do so for all meat, it would just require the effort and costs to extend the labeling to all red meat. As discussed below this cost is marginal, and certainly is outweighed by the benefit of the American consumer having knowledge of the nutritional information in their food.

There are certainly obstacles to this proposal though. Freeman and Rossi argue that one of the reasons consolidation does not occur frequently as a solution is due to the difficulties in doing so,

Yet consolidation cannot be the answer to all of the problems posed by agencies’ sharing regulatory space, for at least three reasons. First, it is rarely politically feasible for Congress to consolidate agencies or reassign their functions. As noted above, regardless of why they arise, fragmented regulatory regimes, once in place, develop constituencies of support among congressional committees, within the bureaucracies themselves, and among interest groups in the private sector. As a result agencies are rarely retired, and consolidating authority already dispersed among multiple agencies can prove difficult (Freeman & Rossi 2012, 1152).

A good example of this is in the attempts to consolidate regulatory authority for food safety. Currently there are fifteen agencies that have some regulatory authority for food safety. The Obama administration has attempted to place all authority under one new agency to simplify and streamline food safety regulations and enforcement. These efforts were met with resistance and fears of big government and ineffectiveness of one single agency to handle the necessary responsibilities of food safety inspection and implementation (Nixon, 2015). However, while the political resistance may be the same as with attempts to consolidate food safety, giving all regulatory authority for nutrition labeling to the FDA is easily manageable from an
administrative standpoint. Despite the political difficulties posed, this thesis argues that consolidating all of the authority is still the best option.

**COST/BENEFIT**

By implementing option four and placing all regulatory authority with the FDA, there will be increased costs to the red meat industry. FSIS relied on a cost benefit analysis of the cost to business when proposing the new regulations for red meat nutrition labeling, which came into effect in 2011. Based on the cost analysis, FSIS found that the costs to businesses over 20 years would be about $115.4 million with corresponding annualized preset values of the average costs of $10.9 million. The benefits of the changing regulations were projected to be about $1,358 million, with corresponding annualized preset values of the average costs of about $75.5 million (F.R. 75(249)). Thus, FSIS determined that the costs to business would not “have a significant economic impact on a substantial number of small entities” (F.R. 75(249), 82163).

FSIS estimated that, for retail stores that did not already place nutrition labels on major cuts or ground beef, the increased costs to comply with the new regulations would be approximately $42 for nutrition place cards and $468 for upgrading and maintaining a scale/printer system. New logos for labels would cost $969 and the new larger labels would cost $40. FSIS determined the annualized cost for the next 20 years would be $1,537 and found this increased cost to businesses to not be significant in relation to the benefits of the labels (F.R. 75(249), 82163).

The current regulations for red meat that these cost benefit projections are made, require nutrition labeling on all meat and meat food products, except single-ingredient, raw products that are not ground or chopped meat products and are not major cuts of single-ingredient, raw meat products, unless the product is exempt. As discussed, the nutrition labeling for the major cuts can
be on the product or on a sign displayed at the point of purchase. The remaining cuts of red meat that are not required to have any nutrition labeling do not require any special equipment or additional requirements to be met. Thus, the only projected increase in costs to business would be an increase in labor costs to label all products instead of just the ones that are currently required to offer labels. Based upon the study by FSIS, the cost to require all red meat products to have labels over the next 20 years would likely be as negligible as in the FSIS study wherein they went from voluntary labels to placing labels on all of the Major 12 red meat cuts. Moreover, this cost would be greatly outweighed by the projected benefits of requiring more labels on red meat products.

**CONCLUSION**

When shopping for food, consumers should have easy and understandable nutrition information available on the products from which they have to choose. A steak should offer them the same information as a loaf of bread or a box of cereal. Consumers should not have to estimate the fat and caloric amounts of a meat option, just as they should not have to guess how many calories are in a can of soda. They are entitled to the same information on nutrition content of food regardless of what type of food it is. This information is necessary to giving them choices and to not offer them choices and information is out of place in our democratic society. Bread, cereal, and soda are regulated by the FDA, and all these items do bear nutrition labels offering consumers nutritional facts to give them the necessary information to make healthful decisions for themselves. If they chose a steak it may or may not have nutrition labeling on it. And as this research has discussed, the labeling for bread, cereal, and soda as well as all other food items regulated by the FDA will change soon, but the few labels on red meat products will not change. Thus, consumers will be faced with a lack of labels on some red meat products, and what labels
are provided will differ from the other items they purchase. This can cause understandable confusion and prevent consumers from having the necessary information they need to make healthful choices.

This thesis has also shown that providing nutrition labels does in fact help people to make healthier choices. This, in turn, can help stem the obesity crisis in the United States, which has astronomical costs to individuals and to the nation. This research recommends that a policy change needs to occur to address the problems discussed herein. It is the recommendation of this thesis that all regulatory authority for nutrition labeling be given to the FDA. As noted earlier, the USDA also has regulatory authority for eggs and poultry in addition to the red meat discussed here. This policy proposal does not include information on the labeling regulations for eggs and poultry, but this research could be used as a framework to offer an examination and a policy recommendation for those food items as well. As the obesity crisis continues to grow in this country, the monetary and human costs continue to rise at alarming rates. The suggested policy proposal here is only one step to help combat this crisis, but steps need to be taken, and they need to be taken immediately, to stem the growth of this problem and curtail the costs to the country.
REFERENCES


FDA. 2015. “Appropriations History”

FDA. 2015. “Food and Drug Administration Distribution of Full-Time Equivalent (FTE) Employment Program Level.”

http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabellingNutrition/ucm385663.htm#images


USDA. 2015. “FSIS History.”
http://www.fsis.usda.gov/wps/portal/informational/aboutfsis/history

USDA. 2015. “Beef Promotion and Research Program Background Information.”
http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&navID=BeefProgramBackgroundInformation&rightNav1=BeefProgramBackgroundInformation&topNav=&leftNav=IndustryMarketingandPromotion&page=BeefBackgroundofBeefCheckoffProgram&resultType=&acct=lsromores


United States Census. 2015. Quick Facts Cabell County, WV
http://quickfacts.census.gov/qfd/states/54/54011.html

United States Census. 2015. Quick Facts Wayne County, WV
http://quickfacts.census.gov/qfd/states/54/54099.html


**Laws and Regulations**

The Meat Inspection Act of 1906, 34 Stat. 674
Federal Register Vol. 56 No. 229
APPENDIX A

To understand how nutrition labeling of red meat actually appears to different consumers at different grocery stores, multiple stores across two counties in West Virginia, where this writer lives, were selected to examine random packages of red meat to see which contained labels, which did not, and which had Point of Purchase (POP) signs.

Multiple stores across two counties in West Virginia were selected. I chose Cabell and Wayne Counties for a number of reasons; they are similar and different in many ways. Cabell County has more than double the population of Wayne County, 97,109 to 41,122, respectively. Wayne County has had a nearly 4% drop in population over the last 5 years and Cabell County has grown nearly 1% in the same amount of time. The median incomes for each county are substantively different from the state of West Virginia ($41,043) overall, wherein Wayne is $36,964 and Cabell is $38,374. Both counties possess 20% of the population below poverty levels. Where they are different, however, is in the percent of the population of those individuals on disability and possessing a baccalaureate degree. Cabell County (25.2%) has double the college-educated population as Wayne County (12.1%). Moreover, Wayne County has 4% of its population on disability compared to 2.9% in Cabell County (U.S. Census Quick Facts).

Seven stores were selected throughout Cabell and Wayne Counties, WV. The stores selected were Walmart, Kroger, Save-A-Lot and Foodfair. These stores were chosen to offer representation of larger supermarket chains (Walmart), including one that has labor unions (Kroger), one that offers low costs and off brands (Save-A-Lot), and one that is small and locally owned and operated (Foodfair). A Walmart, Save-A-Lot and Foodfair in both Wayne and Cabell Counties were used. Kroger was only in Cabell County as there is not one in Wayne County.
At each of the seven stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected, and examined for nutrition label placement. This number was chosen to offer more than one choice of ground beef, for possible exemptions, which would mean no label was necessary. The two steaks and two roasts amounts were chosen to offer a fair assessment of the 39 traditional cuts of red meat offered. At all stores the selection was random from the red meat case. The front and back of each package was examined to see if a nutrition label was present. After making random selections the research applied the questions from Graphs 1 and 2 to each product selected. If any product required a point of purchase sign the researcher then searched the meat area of the store for a POP sign. The results of each store are detailed next, and a Google Maps is also provided with markers to show the locations of the seven stores throughout Cabell and Wayne Counties, WV.

1. Walmart Supercenter, 25 Nichols Drive, Barboursville, Cabell County, WV.

The researcher visited the store on September 26, 2015, at approximately 11:05 a.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.

<table>
<thead>
<tr>
<th>Package of Ground beef</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is single ingredient? Yes</td>
</tr>
<tr>
<td>It is Ground or chopped? Yes</td>
</tr>
<tr>
<td>It is exempt under 9 CFR 317.400? Unknown</td>
</tr>
<tr>
<td>Is label on package? Yes</td>
</tr>
<tr>
<td>(If Answer to “Is it Ground or Chopped” is “No” Continue)</td>
</tr>
<tr>
<td>Is it single ingredient? N/A</td>
</tr>
<tr>
<td>Is it major 12? N/A</td>
</tr>
<tr>
<td>Is it exempt under 9 CFR 317.400? N/A</td>
</tr>
<tr>
<td>Is label on package? N/A</td>
</tr>
<tr>
<td>If no label on package is there POP? N/A</td>
</tr>
<tr>
<td>Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.</td>
</tr>
</tbody>
</table>
Package of Ground beef
It is single ingredient? Yes
It is Ground or chopped? Yes
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? N/A
Is it major 12? N/A
Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A
Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Sirloin Steak Tips Steak
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, Sirloin Steak is major 12, but Sirloin Cap Steak is not. It is not clear what cut this is.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
If no label on package is there POP? N/A
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, but label is on package, possibly voluntarily.

Eye of Round Steak
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Yes
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
If no label on package is there POP? N/A
Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Rump Roast
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, Rib Roast is a Major 12, but “Rump Roast” is not listed on list of cuts.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
If no label on package is there POP? N/A
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, but label is on package, possibly voluntarily.

Chuck Roast
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, “Chuck Blade Roast” is a major 12, but “Chuck Roast” is not listed on list of cuts.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
If no label on package is there POP? N/A
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, but label is on package, possibly voluntarily.

2. Kroger, 6360 U.S. Route 60 East, Barboursville, Cabell County, WV

The researcher visited the store on September 26, 2015, at approximately 11:05 a.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.

Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.
Beef Round Top Round

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Round Tip Roast” is major 12, but “Round Top Round” is not on list of cuts, it is unsure what cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Eye of Round Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Yes
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is exempt, and no label is on package and it is not clear if POP is required if product is exempt, but POP is present, possibly voluntarily.

Ribeye Steak

It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown “Rib Steak” is a Major 12, but “Ribeye” is not listed on list of cuts.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to label/POP because it is not a Major 12.

T-Bone

It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? No
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
No label or POP sign is required, and there is no label on package.

3. Foodfair, 115 Sixth Avenue, Huntington, Cabell County, WV

The researcher visited the store on September 27, 2015, at approximately 2:05 p.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.

Package of Ground beef

It is single ingredient? Yes
It is Ground or chopped? Yes
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? N/A
Is it major 12? N/A
Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Package of Ground beef
It is single ingredient? Yes
It is Ground or chopped? Yes
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? N/A
Is it major 12? N/A
Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A
Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Chuck English Roast

It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, “Chuck Blade Roast” and “Chuck Arm Pot Roast” are major 12, but “Chuck English Roast” is not on list so it is unsure what cut this is.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Boneless Rump Roast

It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No  
(If Answer to “Is it Ground or Chopped” is “No” Continue)  
Is it single ingredient? Yes  
Is it major 12? Unknown  
Is it exempt under 9 CFR 317.400? Unknown  
Is label on package? No  
If no label on package is there POP? Yes  
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Ribeye Steak  
It is single ingredient? Yes  
It is Ground or chopped? No  
It is exempt under 9 CFR 317.400? Unknown  
Is label on package? No  
(If Answer to “Is it Ground or Chopped” is “No” Continue)  
Is it single ingredient? Yes  
Is it major 12? Unknown “Rib Steak” is a Major 12, but “Ribeye” is not listed on list of cuts.  
Is it exempt under 9 CFR 317.400? Unknown  
Is label on package? No  
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

T-Bone

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? No

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

No label or POP sign is required, and there is no label on package.

4. Save-A-Lot, 920 14th Street West, Huntington, Cabell County, WV

The researcher visited the store on September 27, 2015, at approximately 2:20 p.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.

Package of Ground beef

It is single ingredient? Yes
It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A
Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Boneless Shoulder Steak

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Boneless Shoulder Steak” is not on list so it is unsure what cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Chuck Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown
Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Chuck Arm Post Roast” and “Chuck Blade Roast” are major 12, but “Chuck Roast” is not listed on list of cuts so it is unclear which cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Bottom Round Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? No

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

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No label or POP sign is required, and there is no label on package.

Top Blade Steak
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, “Shoulder Top Blade Steak” is on list and is not a major 12, but “Top Blade Steak” is not listed on list of cuts so it is unclear which cut this is.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

5. Walmart, 100 McGinnis Drive, Wayne, Wayne County, WV

The researcher visited the store on September 27, 2015, at approximately 2:40 p.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.
Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A
If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Chuck Tender Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Chuck Tender Roast” is not listed on list of cuts, so it is not clear what cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

If no label on package is there POP? N/A

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, but label is on package, possibly voluntarily.

Chuck Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Chuck Roast” is not listed on list of cuts, so it is not clear what cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Ribeye

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown Ribeye is not listed on list of cuts, so it is unclear what this cut is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

If no label on package is there POP? N/A
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, but label is on package, possibly voluntarily.

NY Strip
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Yes
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? Yes
If no label on package is there POP? N/A
Unsure if label is required because it is not clear if it exempt, but label is on package, possibly voluntarily.

6. Save-A-Lot, 7123 Route 152, Wayne, Wayne County, WV

The researcher visited the store on September 27, 2015, at approximately 2:50 p.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.

Package of Ground beef
It is single ingredient? Yes
It is Ground or chopped? Yes
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? N/A
Is it major 12? N/A
Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt. Label is not on package, therefore it is most likely exempt.

Package of Ground beef
It is single ingredient? Yes
It is Ground or chopped? Yes
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? N/A
Is it major 12? N/A
Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt. Label is not on package, therefore it is most likely exempt.

Chuck Roast

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Chuck Arm Post Roast” and “Chuck Blade Roast” are major 12, but “Chuck Roast” is not listed on list of cuts so it is unclear which cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Bottom Round Roast

It is single ingredient? Yes

It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Bottom Round Roast” is on list but “Bottom Roast” is not listed on list of cuts so it is unclear which cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Sirloin Tip Steak

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown “Sirloin Tip Steak” is not on the list of cuts so it is unsure what cut this is.

Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Chuck Steak
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? No
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
No label or POP sign is required, and there is no label on package.

7. Foodfair, 4541 Fifth Street Road, Huntington, Wayne, County WV

The researcher visited the store on September 27, 2015, at approximately 3:05 p.m. As with all stores two random packages of ground red meat were selected, two random red meat cuts of steak were selected, and two random cuts of roast were selected.
Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A

Is label on package? N/A

If no label on package is there POP? N/A

Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Package of Ground beef

It is single ingredient? Yes

It is Ground or chopped? Yes

It is exempt under 9 CFR 317.400? Unknown

Is label on package? Yes

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? N/A

Is it major 12? N/A

Is it exempt under 9 CFR 317.400? N/A
Is label on package? N/A
If no label on package is there POP? N/A
Unsure if label is required, because it is not clear if it is exempt, but label is on package, possibly voluntarily.

Boneless Eye Round Roast
It is single ingredient? Yes
It is Ground or chopped? No
It is exempt under 9 CFR 317.400? Unknown
Is label on package? No
(If Answer to “Is it Ground or Chopped” is “No” Continue)
Is it single ingredient? Yes
Is it major 12? Unknown, “Boneless Eye Round Roast” is not on list of cuts so it is unsure what cut this is.
Is it exempt under 9 CFR 317.400? Unknown
Is label on package? No
If no label on package is there POP? Yes
Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Sirloin Tip Roast
It is single ingredient? Yes
It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown, “Sirloin Tip Roast” is not on list of cuts so it is unsure what cut this is.

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

Ribeye Steak

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Unknown “Rib Steak” is a Major 12, but “Ribeye” is not listed on list of cuts.
Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is Major 12 and/or exempt, no label is on package either because it is exempt or because it is not required to have label/POP because it is not a Major 12.

NY Strip

It is single ingredient? Yes

It is Ground or chopped? No

It is exempt under 9 CFR 317.400? Unknown

Is label on package? No

(If Answer to “Is it Ground or Chopped” is “No” Continue)

Is it single ingredient? Yes

Is it major 12? Yes

Is it exempt under 9 CFR 317.400? Unknown

Is label on package? No

If no label on package is there POP? Yes

Unsure if label is required because it is not clear if cut is exempt, and no label is on package and it is not clear if POP is required if product is exempt, but POP is present, possibly voluntarily.
Figure 9: Map of the Locations of the Stores Visited for the Field Experiment
Office of Research Integrity

December 9, 2015

Ann Bryant
548 N. Inwood Drive
Huntington, WV 25701

Dear Ms. Bryant:

This letter is in response to the submitted thesis abstract entitled “Where’s the Beef?: A Policy Proposal Concerning Red Meat.” After assessing the abstract it has been deemed not to be human subject research and therefore exempt from oversight of the Marshall University Institutional Review Board (IRB). The Code of Federal Regulations (45CFR46) has set forth the criteria utilized in making this determination. Since the information in this study does not involve human subjects as defined in the above referenced instruction it is not considered human subject research. If there are any changes to the abstract you provided then you would need to resubmit that information to the Office of Research Integrity for review and a determination.

I appreciate your willingness to submit the abstract for determination. Please feel free to contact the Office of Research Integrity if you have any questions regarding future protocols that may require IRB review.

Sincerely,

[Signature]

Bruce F. Day, ThD, CIP
Director