

## SAFE FOOD COALITION

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September 30, 2016

Mr. Alfred Almanza  
Deputy Under Secretary for Food Safety  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250  
*SUBMITTED VIA EMAIL*

Re: Petition Number 16-03; Petition to Establish Regulations for the Labeling and Validated Cooking Instructions for Not-Ready-to-Eat Stuffed Chicken Breast Products That Appear Ready-to-Eat

Dear Deputy Under Secretary Almanza,

The undersigned members of the Safe Food Coalition write to support proposals within the petition the National Chicken Council (NCC) submitted on May 24, 2016, assigned Petition Number 16-3, which requests that the Food Safety and Inspection Service (FSIS) establish regulations for labeling and for validated cooking instructions for not-ready-to-eat (NRTE) stuffed chicken breast products that may appear ready-to-eat (RTE). We also write to recommend additional labeling requirements for these products. A string of recent outbreaks strongly suggests that many consumers misunderstand the risks associated with NRTE products. FSIS should act expeditiously to adopt more appropriate labeling standards and, consistent with the National Advisory Committee on Meat and Poultry Inspection's (NACMPI) recommendations,<sup>1</sup> monitor the extent to which these products continue to cause illness after the label changes are made, and evaluate whether further steps are necessary.

FSIS can and should do much more to reduce the risk of foodborne illness associated with raw poultry products. Recent CDC data identify *Salmonella* in chicken as the food agent most responsible for outbreak-related hospitalizations and deaths.<sup>2</sup> Some of these illnesses result from eating undercooked chicken, while others are attributable to cross-contamination. Some especially virulent pathogen strains pose a threat to even the most careful consumers.<sup>3</sup> Unfortunately, FSIS' latest performance standards—which do not differentiate between *Salmonella* serotypes, antibiotic resistance profiles, or pathogen loads, and which allow up to 15% of poultry parts samples to test positive for *Salmonella*—do not adequately protect consumers. In light of this ongoing food safety

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<sup>1</sup> National Advisory Committee on Meat and Poultry Inspection, "Subcommittee #2 Consideration of Mandatory Labeling Features for Certain Processed Not Ready to Eat Meat and Poultry Products," U.S. Department of Agriculture (Apr. 2016) (online at [www.fsis.usda.gov/wps/wcm/connect/076f154b-6744-41ef-bc27-7282bee0dfce/NRTE-Labeling.pdf?MOD=AJPERES](http://www.fsis.usda.gov/wps/wcm/connect/076f154b-6744-41ef-bc27-7282bee0dfce/NRTE-Labeling.pdf?MOD=AJPERES)).

<sup>2</sup> Centers for Disease Control and Prevention, "New CDC Data on Foodborne Illness Outbreaks" (May 27, 2015) (online at [www.cdc.gov/features/foodborne-diseases-data/index.html](http://www.cdc.gov/features/foodborne-diseases-data/index.html)).

<sup>3</sup> See, e.g. PBS Frontline, *The Trouble with Chicken* (May 12, 2015) (online at [www.pbs.org/wgbh/frontline/film/trouble-with-chicken](http://www.pbs.org/wgbh/frontline/film/trouble-with-chicken)) (interviewing victims of Foster Farms outbreak on food handling and cooking practices).

threat, we continue to support comprehensive reforms to the control of pathogens in meat and poultry, including adoption of a farm-to-fork inspection system and classifying as adulterants dangerous, antibiotic resistant strains of *Salmonella*. Our support for better labeling should not be interpreted as lessening the importance of those reforms.

As the NCC petition indicates, NRTE stuffed chicken products represent a particularly acute risk of consumer exposure to pathogens in raw chicken. Many consumers do not understand that the products are raw. They may be breaded or have other features that make them appear ready-to-eat. The pictures on the box may reinforce these false impressions. As a result, consumers are unwittingly handling and eating raw chicken and getting sick. When these products happen to have a particularly nasty strain of *Salmonella*, a recall ensues. Just last year, Barber Foods recalled approximately 1,707,494 pounds of frozen, raw stuffed chicken products that were suspected of being contaminated with an antibiotic resistant strain of *Salmonella* Enteritidis,<sup>4</sup> and Aspen Foods recalled over two million pounds of its stuffed and breaded chicken products that were suspected of being contaminated with a different strain of *Salmonella* Enteritidis.<sup>5</sup> Outbreaks preceded both recalls.<sup>6</sup>

The research presented in NCC's petition indicates that better labeling and validated cooking instructions likely would have avoided at least some of the illnesses caused by the NRTE stuffed chicken products. We particularly support the proposal to require that NRTE product purveyors include the word "raw" in the name of the product, and that they include a "do not microwave" instruction on the front label, along with relevant illustrations. These measures will help to differentiate these products from other ready-to-eat products that contain meat and poultry. However, even with the proposed labeling changes, NCC's survey data show that 30% of male respondents still do not understand these products are raw. To address this residual confusion, we recommend enlarging the "raw chicken icon" presented in the petition, placing it in the top left corner where consumers are most likely to look, and setting it against a bright yellow background to draw the consumer's attention.

We do not agree with NCC that "the challenge of consumer awareness is limited to . . . NRTE stuffed chicken breast products that may appear RTE." Stuffed chicken breasts are particularly likely to cause illness because improper cooking is particularly ineffective. But other undercooked NRTE products have been linked to foodborne illness as well. Just last year, the Canadian government issued a recall of breaded chicken nuggets, chicken burgers, and strips after 44 people contracted salmonellosis.<sup>7</sup> Foods like chicken nuggets are particularly popular among children, who are at a higher risk of suffering serious illness after eating pathogen-contaminated raw poultry. To adequately protect consumers, any product package that contains raw chicken that may appear

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<sup>4</sup> CDC. Multistate Outbreak of Drug-Resistant *Salmonella* Enteritidis Infections Linked to Raw, Frozen, Stuffed Chicken Entrees Produced by Barber Foods (Final Update), October 16, 2015 <http://www.cdc.gov/salmonella/frozen-chicken-entrees-07-15/index.html>

<sup>5</sup> CDC. Outbreak of *Salmonella* Enteritidis Infections Linked to Raw, Frozen, Stuffed Chicken Entrees Produced by Aspen Foods (Final Update), October 16, 2015. <http://www.cdc.gov/salmonella/frozen-chicken-entrees-07-15/>

<sup>6</sup> "CDC: 12 Illnesses Linked to Raw, Frozen, Stuffed Chicken Entrées," Food Safety News (July 29, 2015) (online at [www.foodsafetynews.com/2015/07/cdc-update-7-people-from-3-states-sickened-in-two-outbreaks-linked-to-raw-frozen-chicken-entrees/#.V9reZ5grKUK](http://www.foodsafetynews.com/2015/07/cdc-update-7-people-from-3-states-sickened-in-two-outbreaks-linked-to-raw-frozen-chicken-entrees/#.V9reZ5grKUK)).

<sup>7</sup> "44 Salmonella Cases in Canada Linked to Frozen Raw Breaded Poultry Products," Food Safety News (July 29, 2015) (online at [www.foodsafetynews.com/2015/06/44-salmonella-cases-in-canada-linked-to-frozen-raw-breaded-poultry-products/#.V-1\\_KvkrJaS](http://www.foodsafetynews.com/2015/06/44-salmonella-cases-in-canada-linked-to-frozen-raw-breaded-poultry-products/#.V-1_KvkrJaS)).

ready-to-eat should feature the highly visible “raw chicken” icon outlined above in the top left corner, along with a “do not microwave” warning and validated cooking instructions that specify a minimum internal temperature.

The Safe Food Coalition members signing this letter agree that improved labeling of NRTE raw poultry products could reduce consumer misunderstandings about the nature of these products, thereby lowering the occurrence of foodborne illness from cross-contamination and undercooking. We therefore encourage FSIS to undertake a rulemaking to adopt a strengthened version of NCC’s proposed regulation and to issue a corresponding Compliance Guideline on validating cooking instructions incorporating NCC’s Best Practices.

Nevertheless, Safe Food Coalition members also agree that achieving consumer compliance with labeling instructions is hard to assess, so the chicken industry should not rely on labeling alone to fulfill its public health obligations. All chicken processors must continue to improve their control of *Salmonella* and other pathogen contamination in raw poultry products. We therefore encourage FSIS to continue its efforts to improve poultry inspection protocols, including continuous inspection performed by FSIS staff, reasonable line speeds at processing plants, increased sampling of poultry products (whole and parts), and the development of initiatives to reduce pathogenic contamination of pre-harvest flocks.

Sincerely,

Center for Foodborne Illness Research & Prevention  
Consumer Federation of America  
Consumers Union  
National Consumers League  
STOP Foodborne Illness