

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1708

INTRODUCER: Senator Bullard

SUBJECT: Labeling of Beef

DATE: March 15, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Pre-meeting
2.			RI	
3.			AGG	
4.			AP	
5.				
6.				

I. Summary:

SB 1708 applies labeling requirements for beef not slaughtered according to state or federal standards to the sale of lean finely textured beef, also known as “pink slime.” It requires every restaurant operator, retail or wholesale market, or packinghouse who sells beef to use prescribed words to label such beef if it contains pink slime. It requires packing houses and wholesale and retail meat markets to use prescribed words to label beef if it has not been slaughtered according to state or federal standards or if it contains pink slime, as applicable. All advertising as to the sale of such beef must contain the prescribed words, subject to this requirement being satisfied by a conspicuous sign near the display of beef in retail markets if the stamping of individual cuts of beef is impractical. The bill requires restaurants or other eating places to include the prescribed words on menus and advertisements. It applies the second degree misdemeanor penalty for failure to label beef not slaughtered according to state or federal standards for failure to properly label pink slime.

This bill substantially amends section 877.06 of the Florida Statutes.

II. Present Situation:

“Pink slime” is a term that became widely popular in a negative sense after it was used to describe lean finely textured beef (LFTB) in a national news broadcast on March 7, 2012.¹ LFTB is a beef product developed in 1991 by Beef Products, Inc. (BPI), a South Dakota company, to provide more domestic lean beef. The process involves heating beef trimmings discarded in the

¹ Avile, Jim. “Is Pink Slime in the Beef at Your Grocery Store?” <http://abcnews.go.com/blogs/headlines/2012/03/is-pink-slime-in-the-beef-at-your-grocery-store/>.

butchering process, sending them through a centrifuge to separate the fat from the meat, and adding the meat to conventionally ground beef. The origin of the term is believed to have come from a 2002 internal email by a United States Department of Agriculture (USDA) scientist used to describe LFTB after touring the BPI plant. BPI points out in litigation against the broadcast network and others that the American Heritage Dictionary describes slime as a “vile or disgusting matter.”²

The BPI process uses ammonium hydroxide to kill pathogens, primarily E. coli and salmonella. Ammonium hydroxide has been widely used in food processing for many years. USDA approved BPI’s use of ammonium hydroxide as an antimicrobial intervention and determined then that it was a processing aid and not an ingredient and therefore did not have to be included on the food label for the product.³ Shortly after the 2012 media barrage, two nutritionists at the Mayo Clinic wrote that the USDA considers the pink slime process safe enough to allow the resulting product to be added to ground beef without requiring disclosure on meat labels.⁴ A May 12, 2012, editorial in the New York Times relates that consumer experts say that LFTB is safe, nutritious, and relatively inexpensive and when mixed into ground beef, it lowers the average fat content.⁵ USDA issued a press release and affirmed that LFTB is a safe, nutritious product followed by a press conference on March 29, 2012, in which the Secretary of Agriculture affirmed the safety and benefits of LFTB but said the USDA had to listen to its customers.⁶

As a result of the LFTB publicity and controversy in 2012, the USDA decided to give school districts the option to buy ground beef without LFTB. That was followed by a number of major grocery store chains announcing that they would stop using LFTB in ground beef sold in their stores. Even before the controversy, three of the largest fast food chains stopped using LFTB in their ground beef. In April, 2012, USDA confirmed that some companies have asked to include LFTB labels on ground beef, and USDA has approved voluntary labeling.⁷ Some members of Congress expressed concern about LFTB after the media focus and Representative Pingree of Maine, joined by 15 co-sponsors, introduced H.R. 4346 on March 30, 2012, to amend the Federal Meat Inspection Act to require that labels on packages of meat include a statement on whether the meat contains LFTB.⁸ That bill has not been made a law and has not been re-filed in the 113th Congressional session at this time. New York appears to be the only state other than Florida that has pending legislation on the LFBT issue and it has a pending bill that prohibits the sale of LBFT product to schools.⁹ The New York Times editorial referred to above concluded by saying that industry and government should take the pink slime incident as a warning that Americans need to know more about the food they eat and the efforts being taken to ensure that it is safe.¹⁰

² <http://www.reuters.com/article/2013/03/04/us-usa-media-abc-bpi-idUSBRE92313R20130304>.

³ Greene, Joel. “Lean Finely Textured Beef: The “Pink Slime” Controversy. Congressional Research Service. <http://www.fas.org/sgp/crs/misc/R42473.pdf>.

⁴ <http://www.mayoclinic.com/health/meat-news/MY02058>. “Pink Slime and red meat – What’s the takeaway?” by Jennifer Nelson, M.S., R.D. and Katherine Zeretsky, R.D.

⁵ <http://www.nytimes.com/2012/05/13/opinion/sunday/what-if-it-werent-called-pink-slime.html>.

⁶ Greene, Joel. “Lean Finely Textured Beef.

⁷ Ibid.

⁸ <http://www.govtrack.us/congress/bills/112/hr4346>.

⁹ Pink Slime; GMO Labeling information provided by the National Conference of State Legislatures. Copy on file with Agriculture Committee

¹⁰ <http://www.nytimes.com/2012/05/13/opinion/sunday/what-if-it-werent-called-pink-slime.html>.

III. Effect of Proposed Changes:

Section 1 amends s. 877.06, F.S., to add statutory provisions regarding the sale of beef not slaughtered and inspected according to federal or state standards to the sale of beef containing “pink slime.” It requires every person, firm, or corporation operating a restaurant, eating place, or retail or wholesale market, or packinghouse in this state which sells beef to mark, stamp, or describe the beef if it contains low-grade beef trimmings or lean, finely textured beef also known as “pink slime” in addition to the existing labeling requirements regarding the slaughter of beef. It requires packinghouses and wholesale and retail meat markets to plainly stamp on each carcass, carton, can, and container the words “slaughtered in” followed by the name of the state or country and the words “has not been slaughtered and inspected according to federal or state standards” or the words “product contains pink slime” as applicable. All advertising as to the sale of such beef must include the prescribed words about place of slaughter, lack of inspection, or presence of pink slime, as applicable, subject to this requirement being satisfied by a conspicuous sign with the prescribed words near the display of beef in retail markets if the stamping of individual cuts of beef is impractical. The bill directs the Department of Agriculture and Consumer Services (DACS) to enforce the labeling requirements.

The bill requires restaurants or other eating places that advertise meals or foods by menus or otherwise to plainly set out the prescribed words about the place of slaughter, lack of inspection, or presence of pink slime as applicable on such advertisements, menus, or otherwise. It directs the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to enforce this requirement.

The bill provides that a violation of its requirements can subject the violator with being charged with commission of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., and it shall be deemed a separate violation each day the violation continues.

Section 2 provides that this act shall take effect July 1, 2013.

Other Potential Implications:

That part of the existing statute and the bill that directs DACS to enforce labeling provisions, s. 877.06(2)(b), F.S., appears to be inconsistent with DACS authority as its role in performing meat inspections reverted to USDA and the administrative codes which provided Florida standards for meat compliance were repealed in 2008.

Section 877.06(1) and (2), F.S., purports to regulate the sale of beef not slaughtered according to state or United States standards by restaurant operators or other eating places, packinghouses, and wholesale and retail meat markets. However, meat products that are not slaughtered, inspected, and labeled in accordance with the Federal Meat Inspection Act cannot be used in commerce.¹¹ Therefore, it is not clear if these sections of the statutes have substantive merit.

¹¹ http://www.fsis.usda.gov/regulations/federal_meat_inspection_act/index.asp

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sellers of pink slime will incur some expense to implement a segregation and labeling system and that will likely increase the end cost of the food product to the consumer.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.