

116TH CONGRESS
1ST SESSION

H. R. 4881

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2019

Mr. MARSHALL (for himself and Mr. BRINDISI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Real Marketing Edible
5 Artificials Truthfully Act of 2019” or the “Real MEAT
6 Act of 2019”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Traditionally, food standards of identity and
4 composition have provided a framework for identi-
5 fying products and helping to ensure these products
6 meet consumer expectations regarding composition
7 and characteristics, as well as safety.

8 (2) The legislative intent of standards of iden-
9 tity is to ensure product integrity and prevent eco-
10 nomic adulteration. Both consumers and industry
11 have relied on the current system of standards since
12 the enactment in 1938 of the Federal Food, Drug,
13 and Cosmetic Act (in this section referred to as the
14 “FFDCA”) (52 Stat. 1040).

15 (3) The Federal Meat Inspection Act (in this
16 section referred to as the “FMLA”) grants the De-
17 partment of Agriculture (in this section referred to
18 as the “USDA”) sole regulatory authority over all
19 meat and meat food products.

20 (4) Section 1002 of the Federal Food, Drug,
21 and Cosmetic Act (21 U.S.C. 392) limits the regu-
22 latory authority of the Food and Drug Administra-
23 tion (in this section referred to as the “FDA”) to
24 all meat and meat food products not otherwise regu-
25 lated by the USDA under the Federal Meat Inspec-

1 tion Act, Poultry Products Inspection Act, or the
2 Egg Products Inspection Act.

3 (5) Both USDA and FDA are responsible for
4 enforcing a universal standard that labels are truth-
5 ful and not misleading.

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

8 (A) the term “meat food product” defined
9 in section 1 of the Federal Meat Inspection Act
10 (21 U.S.C. 601);

11 (B) the terms “meat”, “meat broker”, and
12 “meat byproduct” defined in section 301.2 of
13 17 title 9, Code of Federal Regulations;

14 (C) the term “beef” defined as the flesh of
15 cattle in section 3 of the Beef Research and In-
16 formation Act (7 U.S.C. 2902); and

17 (D) the term “beef products” defined as
18 edible products produced in whole or in part
19 from beef, exclusive of milk and milk products
20 produced therefrom, in such section 3 (7 U.S.C.
21 2902).

22 (7) The definitions of “beef” and “beef prod-
23 ucts” were established under the Beef Research and
24 Information Act for the purpose of strengthening
25 the beef industry’s position in the marketplace and

1 to maintain and expand domestic and foreign mar-
2 kets and uses for beef and beef products only.

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

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

18 **SEC. 3. LABELING OF IMITATION MEAT PRODUCTS.**

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

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

23 “(a) IN GENERAL.—Notwithstanding the provision of
24 section 403(c), any imitation meat food product, beef, or
25 beef product shall be deemed to be misbranded unless its

1 label bears, in type of uniform size and prominence, the
2 word ‘imitation’ immediately before or after the name of
3 the food and a statement that clearly indicates the product
4 is not derived from or does not contain meat.

5 “(b) COORDINATION WITH SECRETARY OF AGRICULTURE.—

6
7 “(1) NOTIFICATION OF MISBRANDING.—If the
8 Secretary of Health and Human Services finds that
9 food is misbranded under subsection (a), the Sec-
10 retary of Health and Human Services shall within
11 60 days of such finding transmit a notice of such
12 finding to the Secretary of Agriculture.

13 “(2) ENFORCEMENT FAILURE.—If the Sec-
14 retary of Health and Human Services fails, within
15 30 days of transmitting a notice under paragraph
16 (1), to initiate an enforcement action, the Secretary
17 of Agriculture may treat each such finding of mis-
18 branding under subsection (a) of this Act as a find-
19 ing of misbranding under section 1(n) of the Federal
20 Meat Inspection Act.

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

25 “(d) DEFINITION.—In this section:

1 “(1) The term ‘beef’ or ‘beef product’ means
2 any product containing edible meat tissue harvested
3 in whole form from domesticated *Bos indicus* or *Bos*
4 *taurus* cattle.

5 “(2) The term ‘imitation meat food product’ is
6 any product manufactured to appear as a meat food
7 product or any food product which approximates the
8 aesthetic qualities (primarily texture, flavor, and ap-
9 pearance) and/or chemical characteristics of specific
10 types of meat but does not contain any meat, meat
11 food product, or meat byproduct ingredients.

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

14 “(4) The term ‘meat food product’ has the
15 meaning given to that term in section 1 of the Fed-
16 eral Meat Inspection Act.”.

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