



## National Bison Association

8690 Wolff Court, Suite 200 Westminster, CO 80031-3646  
www.BisonCentral.com Phone: 303-292-2833 Fax: 303-845-9081

### Bison Issues Overview, September 2018 Truth in Labeling Needed for “Buffalo”

North American bison producers and marketers have worked diligently over the past two decades to build a strong relationship with their customers based upon the great taste and nutritional benefits of the meat, along with sustainable practices utilized in raising the animals. During the past few years, water buffalo products have entered the U.S. marketplace and been marketed simply as “buffalo.”

In August, for example, a regional retail chain on the East Coast began carrying one-lb. packages of ground “Wild Ground Buffalo – Free Range.” This product is being distributed by a U.S. subsidiary of an Australian-based company. The packaging and labeling are deliberately designed to lead consumers to believe that the product is American bison, when it is, in fact, water buffalo.

This product is being brought into the United States as whole muscle meat and reprocessed in a Food and Drug Administration (FDA) approved facility in New Jersey. The New Jersey facility is approved for USDA Food Safety and Inspection Service (FSIS) Voluntary Processing, yet, the company has chosen to process the water buffalo meat without that inspection. (However, they do process bison products under voluntary inspection.)



On September 13, 2018, the National Bison Association met with labeling officials from FSIS and FDA to discuss this issue. FSIS officials explained that 9 CFR §352 already requires that any water buffalo processed under voluntary inspection would be properly labeled as “water buffalo.”

However, meat from nonamenable species is not required to undergo inspection if that meat is produced in an FDA approved facility.\* Unlike FSIS, FDA does not require pre-market approval for retail labels on products produced under its jurisdiction. Instead, the agency only initiates enforcement action when formal complaints are filed.

Accordingly, the National Bison Association formally filed a complaint with the FDA and FSIS on September 19, 2018. The NBA complaint contains three arguments:

1. The term “Wild Ground Buffalo” is misleading in the American marketplace.
2. Nothing on the label of this product discloses that this product is imported from Australia.
3. The nutritional label on the back panel of the ground water buffalo is nearly identical to that used on one lb. packages of Great Range Bison, including the specific levels or percentages of all of the nutrients listed.



\* Many states, retail companies, and foodservice institutions do require all meat to be inspected.

The letter was accompanied by an on-line petition containing more than 4,000 signatures. That petition urges immediate action to stop misleading labeling of water buffalo products.

As of September 27<sup>th</sup>, the NBA has not received any response from the agencies.

The offices of U.S. Sens. John Hoeven (R-ND) and Michael Bennet (D-CO) are working with the National Bison Association to draft a letter from U.S. Senators to the FDA and FSIS supporting the NBA complaint.

### **Long Term Solution**

During the September 13<sup>th</sup> meeting, agency officials mentioned that the U.S. catfish industry had successfully obtained a statutory remedy a decade ago, after supplies of Vietnamese grown Swai fish were being marketed simply as “catfish.” In the U.S. marketplace.

The National Bison Association is now working with key congressional offices to develop a proposed legislation that would require all nonamenable species products with annual gross sales over \$5,000 to be required to be processed under FSIS Voluntary inspection or authorized state inspection. That language would cover all nonamenable species, including bison.

We had hoped that report language could be developed and included either in the Agricultural Appropriations Bill, or in the 2018 Farm Bill, both of which are in conference committee negotiations. However, key Senate staff members have advised that there is little support for any type of last-minute addition to those proposals.

We will be working to develop appropriate language for consideration during the next session of Congress. As we prepare for introduction of that legislation we will be reaching out to:

- Consumer groups to build support for inspection of all commercially marketed meat products as proposed by the NBA; and
- Representatives of other amenable species to enlist their support for changes that will affect their sectors.

### **The Need for a Change**

The need for a labeling change is imperative for two reasons:

1. Consumer expectation – As mentioned above, buffalo is the common term used to describe American bison in North America. The public’s perception is deeply rooted, and is evident in the common usage of buffalo in the following:
  - a. Buffalo nickel;
  - b. Buffalo Bill;
  - c. Buffalo soldiers; and
  - d. “Give me a home where the buffalo roam.”
2. Food Safety – The American bison industry is small but growing. We recognize that any food safety issue associated with our products represents not only a threat to human health, but also to the viability of our industry. Any food safety issue arising from water buffalo would likely be reported only as “buffalo” under the current labeling policy. The American bison industry would thus be misperceived as the cause of this problem.

A [report compiled by the National Bison Association](#) in August documents the growing capabilities -- and intent -- of water buffalo producers in Asia and South America to aggressively export their meat.