



## National Bison Association

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### *Bison Issues Overview, September 2019* **Truth in Labeling for Water Buffalo**

U.S. Sens. John Hoeven (R-ND) and Michael Bennet (D-CO), are introducing the Truth in Buffalo Labeling Act into the U.S. Senate on September 16<sup>th</sup>.

This legislation would amend Section 403 of the Federal Food, Drug, and Cosmetic Act (21 USC 343) to require that any products from the genus *Bubalus* be labeled as “water buffalo” in the U.S. marketplace, and would allow products from the genus *Bison* to be labeled as bison or buffalo.

Development of companion legislation is underway in the U.S. House of Representatives.

This legislation was developed with the full support of the National Bison Association and the InterTribal Buffalo Council. It has also been endorsed by the American Farm Bureau Federation, the National Farmers Union, R-CALF USA, the Colorado Cattlemen’s Association, and the National Sustainable Agriculture Coalition.

#### **Background:**

North American bison producers and marketers have worked diligently during 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.

That stability is now under siege from a growing threat of water buffalo meat and pet food ingredients being deceptively marketed in a manner that misleads consumers into believing that they are purchasing bison.

As a non-amenable species, bison is under the purview of the U.S. Food and Drug Administration. (FDA). The National Bison Association in September 2018 filed a formal complaint with the FDA, citing the relevant sections of CFR 21 §101.18, and 21 CFR §102.5 which are intended to halt the marketing of mislabeled food.

In February, the FDA responded, writing that, while the agency “has not established a specific regulation regarding the marketing of either water buffalo or bison...we do agree that water buffalo should be labeled as water buffalo and that bison should be labels (sic) as ‘bison’ or ‘Buffalo (bison)’.”



Representatives of the National Bison Association also met with FDA and USDA Food Safety and Inspection Service (FSIS) officials in September 2018 to discuss this issue. Those agency officials mentioned that the catfish industry faced a similar threat a decade ago, and ultimately worked to enact legislation to address the problem.

That prompted the National Bison Association to begin working with its legislative allies to develop the Truth in Buffalo Labeling Bill.

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

1. Consumer expectation – Buffalo is the common term used to describe American bison in the United States. 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 uninspected 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.