

# Commonwealth of Pennsylvania



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
DENNIS C WOLFF

**To:** Agriculture and Food Labeling Stakeholders  
**From:** Secretary Dennis C Wolff  
**Subject:** Product Label Review Update  
**Date:** October 23, 2007

The Pennsylvania Department of Agriculture (PDA) is increasingly being made aware of concerns from consumers, farmers, and public policy makers regarding mislabeled food products. These include concerns as to whether label claims are accurate and verifiable, and whether label claims are misleading.

For example, concerns have been raised that some labels are misleading consumers by promoting what is *not* in the product. Some food labels go as far as to tout the absence of substances that *cannot lawfully be present in the food to begin with*. This type of labeling has the potential to mislead the consumer by implying that products that bear labels *without* this “absence” language are less safe, or inferior in some way to products that do not bear this “absence” language. If a person puts a statement or claim on a food label, it should be verifiable and should avoid misleading the consumer with respect to the labeled food or similar foods that do not bear the same statement or claim.

I recently called upon help from a group of dietitians, consumer advocates, and food industry representatives on current issues relating to food labeling by establishing the Food Labeling Advisory Committee. On October 5, 2007, PDA convened the first meeting of this Committee. The Committee discussed a wide range of food labeling concerns; and expressed particular concern that “absence labeling” - where a label states what substances *are not* in the product as opposed to what substances *are* in the product - has the potential to mislead consumers. The Committee agreed that consumers are confused by some labels used on products today, and after extensive discussion urged PDA to explore its authority in labeling oversight - starting with milk and dairy products. While widespread food labeling concerns existed, the Committee recommendation is to begin by addressing dairy labeling improprieties. This is a logical starting point, in that PDA has current legal responsibility to review certain milk and dairy product labels before they are used in commerce.

Over the last 2 weeks PDA has reviewed hundreds of dairy labels from 140 companies to consider whether label statements are accurate, verifiable and truthful, and whether they might tend to be misleading to consumers. Approximately 90% of these companies had no problematic language on their product labels. These have been approved by PDA for use in commerce.

Several milk permit holders submitted labels for review which may be inaccurate or which may be misleading to consumers. PDA has written these 16 permit holders and advised them of concerns regarding the truthfulness, accuracy and potential misleading nature of language on some product labels; and will require that the use of these labels be discontinued by January 1, 2008.

Please contact me if you require additional information or if you have any questions relating to our efforts with food labeling initiatives here in Pennsylvania.

Thank you for your continued support with this important matter.

cc: Members, Food Labeling Advisory Committee