

**BEFORE THE UNITED STATES FOOD AND DRUG ADMINISTRATION**

In re:           United Egg Producers, Inc.   )  
                  Sauder, R.W., Inc.            )  
                  Eggland's Best, Inc.         )  
                  Giant Food, Inc.                )  
                  Albertson's, Inc.             )  
                  Ken Klippen                    )

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Docket number **2003P-0270/CPI**

**ADDITIONAL EVIDENCE SUPPLEMENTING THE CITIZEN PETITION**

\* \* \*

Submitted to:

Dockets Management Branch  
Food and Drug Administration, Room 1061  
5630 Fishers Lane, Rockville, MD 20852

On: August 15, 2003

Submitted by:

Compassion Over Killing, Inc., representing 5,000 persons nationwide  
P.O. Box 9773  
Washington, DC 20016

Margot Barg, a consumer  
746 Geary St., Apt. 506  
San Francisco, CA 94109

Holly Mortensen, a consumer  
6624 Poplar Ave., Apt. 1  
Takoma Park, MD 20912

2003 P-0270

SUP 1

Pursuant to 21 CFR 10.30(g), the petitioners hereby provide important additional information to supplement and be considered with their citizen petition to prohibit false and misleading advertising, filed on June 13, 2003. The information was not available at the time of the initial filing, but is highly relevant and material to the issues now being considered.

Between July 16 and July 18, 2003, Zogby International conducted interviews of 1,208 adults, chosen at random nationwide, regarding their perception of the advertisers' claims. See Ex. 17. The results, obtained by an independent and recognized market research firm, bear out on a national scale Compassion Over Killing's previous findings that the United Egg Producers' Animal Care Certified (ACC) program, use of the logo, and representations of the program as "humane" are deceiving U.S. egg consumers.

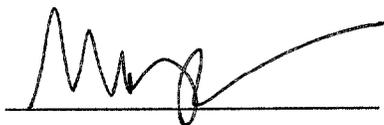
In addition, petitioners herein submit a letter from Dr. Ian Duncan, an internationally recognized expert in poultry welfare and science, on the specific practices at issue here. See Ex. 18. Quoting Dr. Duncan:

[Forced molting] is a barbaric practice which doubles mortality in the flock while it is going and leads to great suffering in all the hens involved . . . . Battery cages for laying hens have been shown (by me and others) to cause extreme frustration particularly when the hen wants to lay an egg . . . . Beak trimming has been shown (by me and by others) to cause both acute and chronic pain and should not be allowed to be carried out routinely . . . . [Beak trimming] has been banned in some European countries and they have shown that it is possible to keep hens without de-beaking them.

Petitioners also submit the attached letter from United Egg Producers (UEP) member Cynthia (Cyd) Osborne Szymanski, owner of Colorado Natural Eggs, simply to offer an important and competing perspective from within the egg industry itself. See Ex. 19. Quoting Ms. Szymanski:

As a UEP member, I am dismayed that your press releases, the "Animal Care Certified" logo and your selling of this program is false advertising and a blatant attempt to mislead egg buyers and consumers that this program delivers something that it does not: humane animal care. That is what the consumer is expecting. Giving them anything less damages the credibility of the UEP and the egg industry as a whole.

Thank you for considering this additional evidence.

A handwritten signature in black ink, appearing to read 'Miyun Park', written over a horizontal line.

Miyun Park, President  
Compassion Over Killing, Inc.

## **Supplemental Exhibit List**

17. July 2003, Zogby International Poll regarding the "Animal Care Certified" program
18. June 25, 2003, letter from Dr. Ian Duncan regarding husbandry conditions
19. July 25, 2003, letter from Cynthia Szymanski, egg producer and UEP member