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FDA Transcript

Tuesday, February 21, 2006

Mike Herndon: This is Mike Herndon with FDA Office of Public Affairs and we are here this afternoon to discuss some of the concerns that are out there concerning the use of carbon monoxide in meat. We have with us today Dr. Laura Tarantino. Dr. Tarantino is the director of the FDA's Office of Food Additive Safety and she will have a 2-3 minute intro and then we will open it up for questions. I will ask that before you ask a question please identify yourself and who you are affiliated with. And please limit it to one question because we have a number of people on the line. Thank you very much; I'm going to turn it over to Dr. Tarantino.

Dr. Laura Tarantino: Hi. This is Laura Tarantino. Well as you all know there have been a lot of reports regarding concerns that have been raised about the safety of the use of carbon monoxide in modified atmosphere packaging used to package meat. Particularly concerns raised recently in a petition filed with the agency asking us to withdraw our earlier decision that this use is safe. What I'd like to do is give you a brief overview of what we did and clarify where we are and how we came to our decision that this use is safe.

I think there have been concerns about the use of carbon monoxide in modified atmosphere packaging which as you know I suspect helps meat retain the color that is otherwise lost when exposed to air -- the concern that has been raised is that this may cause meat to be less safe than meat not so treated. We have had submissions to us with dated information by several different companies that essentially gave us their evidence or determination that the addition of carbon monoxide in modified atmosphere packaging does in fact not reduce the safety of meat. We reviewed that information and did not disagree. If we had found any reason to think that meat was less safe with the use of carbon monoxide, we would have objected to those submissions. In addition, I think when we reviewed those submissions with the use of substances with meat and poultry, both FDA and USDA share some jurisdiction. In all of these cases, we and USDA cooperated on the review and we did so in this case. FDA looks at the safety of ingredient and USDA looks at the suitability of the use and the particular circumstances of use and the appropriate labeling. In this case we did cooperate and they did review the same packages we did and sent us written verification that they were in agreement that this use and this particular uses and conditions of use outlined in the submissions of carbon monoxide were safe and the meat was as safe as if the carbon monoxide had not been used. I think maybe I'll stop there unless Michael can think of anything else I should say.

Michael Herndon: Ok, we'll open it up to questions. Please limit it to one question so we can get as many answered in the short amount of time that we have.

Catherine Richards, *FDA Week*: Hi I want to know if you will be responding to a letter that Congressmen Dingell and Congressman Stupack wrote on February 9th.

Tarantino: Well I am aware of the letter and we are looking at it. And together with our office of legislation we will be looking to respond to it.

Richards: When do you expect to do that?

Tarantino: I do not know.

Richards: They want an answer by Thursday. Are you going to make that date?

Tarantino: I don't know.

Rick Wiess, *The Washington Post*: Hi. Thank you. You've been speaking about whether carbon monoxide reduces the safety of meat. But isn't the real question not whether makes it more likely to be contaminated or some other direct issue of safety but whether consumers might be deceived about the freshness of meat that's been treated this way. That's a separate question than whether the meat is safe to eat.

Tarantino: I think both of those concerns have been raised -- that somehow the meat would be less safe and that consumers would not know that the meat is spoiled. And I think that one of the issues is that color probably is not a major or particularly good indicator of spoiled meat. Most of us who have bought hamburger and opened it, would find that it turns Bron pretty quickly, but that does not mean it is not fresh. I think there are ways that consumers can tell whether meat is spoiled like odor, texture, packages that bulged because gases have been produced by spoilage microorganisms and so forth. Neither we nor USDA found that the use of carbon monoxide in this way misleads the consumers.

Jennifer Coleman *KYW-TV*: My question is similar to the one that was asked previously but it seems that today when we were doing our story that a number of people said that they just eyeball the meat and had no clue that the color was being messed with. So if it's a day or two past the "best if used by" date that the assumption maybe that "well it looks good, seems ok to me." It seems that there is this false sense of security that people may have. I guess also the question of labeling comes to play.

Tarantino: As you probably may know that labeling is through the USDA and they are saying that the "use day" and "freeze by dates" are mandated. I think that for further information about USDA labeling provisions, you probably need to talk to them because I am reluctant to speak for them.

Susan Bro, *FDA*: This is Susan Bro from FDA. I just want to add something. The issue of deception is definitely being alleged in the media coverage over the past 24 hours and it's important to address specifically. The use of this approach to preserving the natural color, not messing with the color, the natural color of beef is a common practice that's been carefully reviewed and approved for use. The important piece that's been alleged but not proven is the idea that consumers have been deceived by their grocer about the

safety and freshness of the meat. There are important safeguards in place in the marketplace that are expected to be adhered to and virtually are adhered to on a routine basis. We do not have significant reports of any kind about meat being misrepresented. The message to the consumer is always to purchase your meat certainly from a reliable grocer who you have consistently good experience with but then as Dr. Tarantino has described, certainly use the skills you have as a consumer to be aware about what is a safe and fresh meat that is used and prepared for your family according to the use by dates. Finally if there are any food related concerns or safety concerns or bad experiences with a meat that contains carbon monoxide or not, it's important to report that to the USDA and FDA so that it can be investigated.

Sheryl Atkinson, CBS: I guess mine is in line with the last couple questions too. No one I spoke with even knew this was a process being used in their meat and all of them felt deceived and prior to knowing this when they brought their meat home and it smelled bad even though it appeared red wouldn't call the FDA and report it. They wouldn't really understand what had happened. How do you know that people aren't suffering economic harm by throwing meat away and not eating because it still smells, but throwing away meat that has an unnatural red color because it was actually spoiled?

Tarantino: I'm not sure I understand the question. If there is meat that is spoiled that's probably what they would have done whatever the color. I guess all I can do is to repeat.

Sheryl Atkinson, CBS: I can clarify. Meat that doesn't appear to be spoiled that you purchase, you've spent the money on you throw away. I wouldn't think that would be ok with everyone and yet I don't think it's something the consumers wouldn't know to report this so that you can count how many incidents of meat have been bought by people who think it looked good and fresh by color and later found out it wasn't and economically lost the cost of the meat because of that.

Tarantino: I presume that if someone bought some meat and took it home and found it smelled bad that they would go back to their grocer with it. But that's kind of a hypothetical.

Sheryl Atkinson, CBS: And then you have to assume that the grocer would confide and report to you. I find that hard to believe that you really have a handle on how often that would have happened. Is there a mechanism by which you've informed all of the grocers to count the report the meat coloring deception the consumers have reported to them.

Tarantino: No, I mean I think what we know is that modified atmosphere packaging, with or without carbon monoxide has been used for quite sometime both here and abroad. I'm not aware that there is any evidence that there have been reports of deception.

Sheryl Atkinson, CBS: People wouldn't know to report it if they didn't know the processes being used.

Bro, FDA: I think you're making a lot of incorrect assumptions. Let me answer this clearly in addition to what Dr. Tarantino has relayed. Any concern that a consumer has would very likely be reported to the grocer. What FDA does do is to monitor for the safe use of needs. We don't have any reports of wide spread misuse of unsafe meats or any presence of unsafe meats.

Jeff Wilson, *Bloomberg News*: I was wondering what percentage of meat sold in the United States has the carbon monoxide in its packaging.

Tarantino: No I do not. USDA could. I don't know that though.

Jeff Wilson, *Bloomberg News*: Can you tell me how long this packaging has been in use?

Tarantino: With the carbon monoxide, all I can tell you is that we probably got the first submission in 2002.

Philip Brasher, *Des Moines Register*: Are there any other products that use carbon monoxide?

Tarantino: We know that there is a comparable kind of method -- not quite modified atmospheric packaging -- used for tuna.

Jeff Wilson, *Bloomberg News*: Does it have the same affect of changing the color?

Tarantino: Yes.

Jeff Wilson, *Bloomberg News*: And how long has that been used?

Tarantino: I think we got a submission about it in something like, I would guess, 1999 or so.

Michelle Fransin, *NBC News*: I'm wondering which companies submitted reports to you and do those companies stand to gain from those reports? And secondly, why not do an independent report of your own that will ensure the safety and knowledge that can be passed on to consumers?

Tarantino: Well I mean all companies that want to use a new ingredient or additive in food and submit submissions to us do it because to sell it. Ordinarily, we depend on the companies who stand to gain from selling it to do the studies and gather the information that supports the safety. It is our reviewers' job to look at that information and see if it stands up to scientific criteria and if we can reach the same conclusion that the submitter did. That's the usual situation that the agency doesn't presume to do or take on any burden to do the safety studies for the company.

Chuck Abbott, Reuters: I was hoping you could inform us as to what happens next on this petition. The meat industry for instance has suggested that the FDA expedite review. I'm sure that they believe expedited review would mean that you would turn down the petition. Where is FDA in the process? How soon would a ruling be forthcoming?

Tarantino: We are reviewing the citizen petition. There have been a number of submissions to the docket of that petition from both the petition and other interested parties. We're looking at all of that and I can't give you a time frame. We'll be looking at it with the view of did anybody present information that would cause us to change our original conclusions. I would be guessing and probably badly if I tried to give you a time frame, but that is exactly what we are in the process of doing right now. Not only looking at the petition but all documents submitted in the docket.

Catherine Richards, FDA Week: I want to go back to this letter that was sent from Capitol Hill. In the letter, Congressmen Dingell and Stupak said that FDA had sort of dodged their typical rulemaking process with this. There is part of FDA law cited that says that carbon monoxide can be used to displace or remove oxygen in the processing, storage and packaging of beverage products and other food except for fresh meat. So I'm really confused why FDA is allowing this to go on if the law says that it's not the case. I know that FDA has responded to four GRAS notices allowing meat and fish packers to use this. I see a conflict here.

Tarantino: They are citing a regulation that there is, we would say does not apply. But I think you would probably have to wait for our response.

Catherine Richards, FDA Week: Why would you say it doesn't apply?

Tarantino: It's not the same thing that's being submitted. If you look at that regulation, you'll see that is not an easy regulation is to understand. There is no plain reading of that regulation.

Catherine Richards, FDA Week: So are you saying that, I'm sorry. It's not the same thing -- What data are they submitting? The carbon monoxide thing is used as an additive?

Tarantino: We aren't going to discuss a review that is underway until all aspects of that review are completed and are ready to respond to the letter.

Andrew Paporella, Good Morning America: Doesn't this come down to do consumers in fact rely on color when they buy raw meat? If they do, you're asking for trouble. So it seems like a noble thing. Has anyone studied shopper behavior? It seems like that would be really important to know.

Tarantino: Um, I'm trying to see what you're getting at in terms of what would be a problem. You mean how people distinguish when meat is spoiled?

Andrew Paporella, *Good Morning America*: Yeah, let me clarify. You're saying that it's not the best way to judge whether the meat is good or not, the color. That's fine. I think everyone agrees on that. I think the question is do people rely, rightly or wrongly. Do people rely on color? If all meat is red – good meat, bad meat, rotten meat – if all meat is red then that's seem like a good thing to know. If people buy by color, seems like a good thing to know whether people buy according to color. Seems like a good thing to know and something you could know. Do we know that? Has anyone studied that and why not?

Tarantino: Good question, I think -- a couple of points on that. I think that's a marketing question, best directed at some marketing association like the Grocery Manufacturing Association or someone who oversees consumer purchasing behavior.

Andrew Paporella, *Good Morning America*: Sorry I have to disagree. It seems like a safety question in the current discussion. No?

Tarantino: You're asking what the current what our opinion about how consumers purchase and if it is a color based decision.

Andrew Paporella, *Good Morning America*: I'm not asking on your opinion. I'm asking if you know anything about that. Has anyone done any studies or research, valid research about how consumers buy red meat?

Tarantino: That again, I'm sorry, is not an FDA question. Our job is to make sure the products that we oversee are being produced, manufactured and distributed safely and used by consumers. We reviewed the scientific process here that is at issue, which is how the natural color of this meat is preserved and that's what Dr. Tarantino has described in detail. What we can tell you and what the USDA can tell you is that the process used is safe and it is a process by which the natural color is preserved and all other aspects of use of the product are clearly described in the packaging, which then falls under the USDA. Next question please.

Andrew Paparella, *Good Morning America*: Can I just quickly follow up? You're saying that that wouldn't factor into your decision making. If someone presented you a great study that showed that all consumers rely on the color of meat when they buy meat, that wouldn't factor into your decision on whether this is safe or not?

Tarantino: If there were suggestions that consumers were misled when buying meat that was spoiled or was bad for them or because it contained pathogens because of the use of this technology, that's something we would be concerned about and would be cause for us to object. But we have no evidence that that is the case.

I think that's going to be the last question for this setting. I just want to say that if you would let consumers know if they have concerns about food safety to call our hotline at 1-888-SAFE-FOOD. Thank You.