

The Hagstrom Report

Agriculture News As It Happens



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Appeals Court upholds COOL law in blow to meatpackers

The U.S. Court of Appeals for the District of Columbia today upheld the Agriculture Department's authority to issue rules implementing the country-of-origin labeling law for meat and poultry products and denied a request for a preliminary injunction to block implementation of the USDA's May 2013 final rule for the labeling law.

The American Meat Institute, which had organized a range of groups that oppose labeling to bring the suit, called the court's decision "disappointing."

"We have maintained all along that the country-of-origin rule harms livestock producers and the industry and affords little benefit to consumers," said James Hodges, AMI's interim president and CEO as it completes its merger with the North American Meat Association. "This decision will perpetuate those harms."

"We will evaluate our options moving forward," Hodges added.

AMI and other meat and livestock organizations had argued that the rule "violates the United States Constitution by compelling speech in the form of costly and detailed labels on meat products that do not directly advance a government interest" and that USDA had gone beyond its regulatory scope.

But the court ruled that "several aspects of the government's interest in country-of-origin labeling for food combine to make the interest substantial: the context and long history of country-of-origin disclosures to enable consumers to choose American-made products; the demonstrated consumer interest in extending country-of-origin labeling to food products; and the individual health concerns and market impacts that can arise in the event of a food-borne illness outbreak."

“Today’s COOL ruling is an important victory for consumers and farmers,” said Wenonah Hauter, executive director of Food & Water Watch, which favors labeling.

“Consumers and farmers have fought for decades to get sensible and informative country-of-origin labels into supermarkets to help families make more informed choices about their food. The court recognized that these consumer choices are longstanding and that “country-of-origin information has an historical pedigree that lifts it well above ‘idle curiosity,’” Hauter added.

National Farmers Union President Roger Johnson praised the ruling.

“NFU, and our broad coalition of consumer and producer organizations, have achieved yet another victory in our long battle to uphold the enforcement of the COOL regulation as modified by the U.S. Department of Agriculture,” Johnson said in a statement. “This marks the third time that COOL has won in court. There is no need for this case to proceed.”

Johnson noted that the court had upheld an earlier three-judge panel decision against the request to halt enforcement.

“Today’s victory is yet another step in the right direction to ensuring that COOL remains the law of the land,” said Jess Peterson, the Washington lobbyist for the U.S. Cattlemen’s Association.

“This ruling provides even greater justification for Congress NOT to intervene in making any changes to the COOL law,” Peterson added, referring to proposals in Congress to change COOL. “USCA remains committed to defending both the right for producers to label their product and the right consumers have in knowing the origin of their meat.”

Joining AMI in the lawsuit, filed in July 2013, were the American Association of Meat Processors, Canadian Cattlemen’s Association, Canadian Pork Council, Confederacion Nacional de Organizaciones Ganaderas, National Cattlemen’s Beef Association, National Pork Producers Council, North American Meat Association and the Southwest Meat Association.

USDA had issued the rule after the United States lost a World Trade Organization case over COOL brought by Canada and Mexico. A WTO panel has also issued a judgment on the second COOL rule. The three governments have received the WTO ruling but it has not been released publicly. None of the governments has leaked the WTO ruling, leading to speculation that it is complicated and may require further negotiation. It is expected to be released this fall.

▪ ▪ [U.S. Court of Appeals District of Columbia Circuit – American Meat Institute, et al., v. USDA, et al.](#)