

Testimony by Dr. Elizabeth Hodgkins
Appropriations Agriculture Subcommittee Hearing
Pet Food Safety

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Chairman Kohl, Senator Bennett, Members of the Subcommittee,

I speak today not as a previous pet food company employee, but as a veterinarian with a deep concern for the health of my own pets, my many patients, and indeed, dogs and cats everywhere. Notwithstanding the pet food industry's insistence that it is already stringently and adequately regulated, experience tells us otherwise. In the past 16 months alone, there have been no fewer than three national level pet food recalls, including the most recent Menu Foods recall. Although the Federal Food, Drug, and Cosmetic Act requires that pet foods not be "adulterated," the definition of which includes "not containing any poisonous or deleterious substance," it is clear that breaches of this requirement are occurring at an alarming rate. The present pet food safety crisis is not an unfortunate aberration, but part of mounting evidence of a systematic breakdown in the commercial pet food safety assurances demanded by the pet owning public.

Pet foods carry both an implicit and explicit guarantee of safety in the label statement that they carry conferred by the American Association of Feed Control Officials (AAFCO). **It is important to note that the government guarantees that are ubiquitous on pet food labels today cannot be found on any human food.** No human food, whether it is fresh produce, meats, or commercially processed and packaged human consumables is allowed to bear such sweeping, broad guarantees of wholesomeness and nutritional adequacy.

These widely allowed, but poorly substantiated AAFCO label guarantees are the fundamental flaw in the present system that has allowed adulterated ingredients repeatedly to enter the pet food supply chain. This flaw is also responsible for the proliferation of AAFCO-statement-labeled foods that are far from adequate for long-term feeding of pets, as an exclusive diet.

AAFCO label statement guarantees are not based on routine testing of individual ingredients by either the companies under whose brands those foods will be marketed, or by the co-packers who oftentimes produce the foods for those companies at distant manufacturing plants. There is no inspection of suppliers of these ingredients. Similarly, the nutritional adequacy guarantee explicit in this claim is not based on long-term feeding of guaranteed foods. The most rigorous testing protocol for a lifetime adequacy claim is based upon the feeding of a representative food, not each food, to a very small number of animals for a short period of time, only several months at best. As long as no disastrous effects of the representative food are seen in these few test subjects, over a very short period of time, the representative food will gain the right to carry this long-term adequacy claim, as will all of that company's related, but untested foods. Because these label statements are ubiquitous and allow the pet food purchaser no way to differentiate

between available commercial products, no company has any incentive to test and prove the quality of its foods beyond the bare minimums required for the AAFCO statement.

Although the FFDCFA requires that meaningful inspections of production facilities must occur, the rapidly increasing size of this industry has prevented this inspection process from keeping up with that growth. It is doubtful that governmental inspection of plants can solve the problem of adulterated ingredients because of the sheer volume, variety and sources of those ingredients. It is even more doubtful that increased facility inspections can prevent the marketing of foods with misleading claims that they are nutritionally adequate for the long-term feeding of pets, since such scientific authentication must be proven in long-term clinical studies.

The Federal Food Drug and Cosmetic Act already provides the framework for meaningful regulation of the pet food industry without new laws and without a significant increase in the size of administrative government. What we need now is stronger adherence to the simple, clear meaning of the Act. To begin meaningful reform of pet food regulation, I propose that AAFCO and FDA adhere to the letter of the FFDCFA that food labeling may not be "false or misleading" by adopting a presumption that all safety and nutritional adequacy claims for pet food are disallowed. Under this presumption, pet foods could be marketed without claims, *as is the case with almost all human foods*, with pet food purchasers and veterinarians aware that the product carries no label claims for safety or nutritional adequacy.

Thereafter, the pet food industry and FDA/AAFCO might well work out a system to allow honestly informative label statements that adequately notify pet owners and veterinarians of the actual safety testing and adequacy testing to which each labeled food is subject. No implicit or explicit safety claims could be made without rigorous ingredient testing by the manufacturer and/or the ingredient supplier. No long-term nutritional adequacy claims could be made without long-term, well-controlled clinical studies proving that adequacy, to genuine scientific standards.

In such an environment, conscientious manufacturers would undoubtedly rise to the occasion and properly test their ingredients and their finished foods *themselves* in order to gain the competitive advantage that honest, carefully-allowed label claims would provide. The pet food purchaser would have a more informed choice of pet food quality, as indicated by truthful labels. Veterinarians would have far more meaningful guidance about what foods to recommend to their clients.

There can be no doubt that the present system of pet food regulation is in need of meaningful reform. This reform can be achieved, as a first step, by a "truth in pet food labeling initiative" that would stimulate America's best pet food makers to provide and prove the quality and safety of their foods. This is no less than what pet owners desire and deserve, and what will be required to regain faltering public confidence in the industry.

Thank you.

