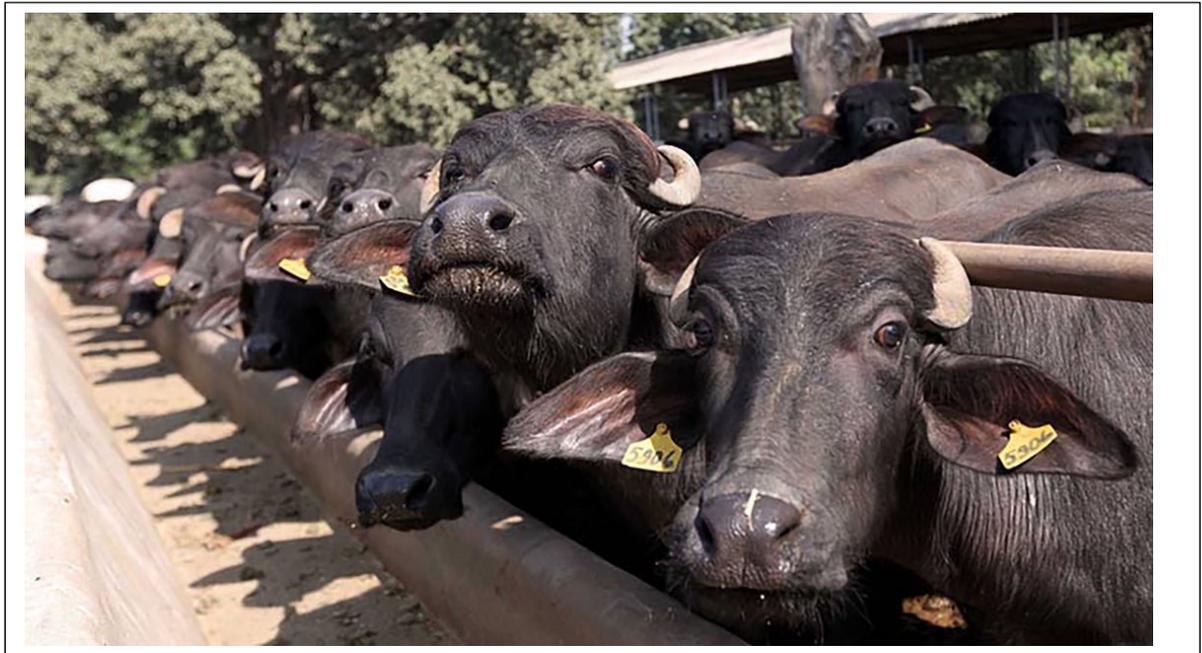


A Sneak Attack: **(Water) Buffalo in the U.S.** **Meat Marketplace**



You Don't Think So?....



Compiled by:
National Bison Association
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July 2019

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Introduction

The growing popularity of sustainably raised, deliciously healthy bison meat has brought profitability and economic stability to bison ranchers and marketers across the United States. In fact, the bison business has enjoyed nearly a decade of strong, profitable market prices.

That stability is now under siege from a growing threat of water buffalo meat and pet food ingredients being deceptively marketed in a manner that misleads consumers into believing that they are purchasing bison.

As a non-amenable species, bison is under the purview of the U.S. Food and Drug Administration. (FDA). The National Bison Association in September 2018 filed a formal complaint with the FDA, citing the relevant sections of CFR 21 §101.18, and 21 CFR §102.5 which are intended to halt the marketing of mislabeled food. (See Page 7)

In February, the FDA responded, writing that, while the agency “has not established a specific regulation regarding the marketing of either water buffalo or bison...we do agree that water buffalo should be labeled as water buffalo and that bison should be labels (sic) as ‘bison’ or ‘Buffalo (bison)’.” (See Page 10)

The National Bison Association, with full support of the InterTribal Buffalo Council, is working with our allies in the U.S. Senate and House of Representatives to enact legislation to provide the FDA with clear authority to stop this deceptive labeling practice.

This document provides background on the issue, and the proposed legislation.

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Deceptive Water Buffalo in Retail Markets

In a Local Chain in Virginia and North Carolina, August 2018



No mark of Inspection????



Product on sale at:
Food City #849
145 West Lee Highway
Chilhowie, VA 24319

Food City #860
736 North Beaver Dam Road
Damascus, VA 24236

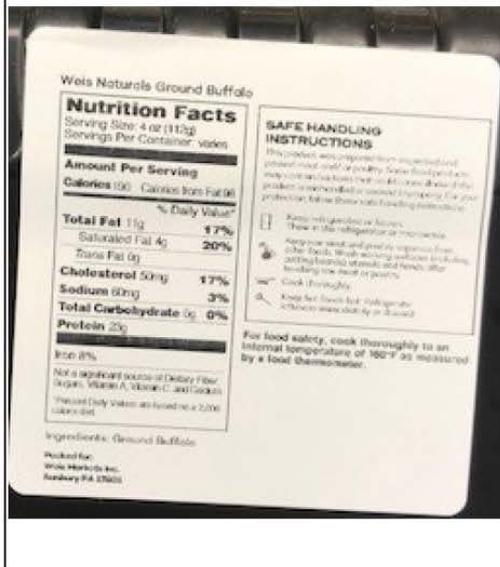
In Weis Markets, a 207 Store Northeast U.S. Retail Chain, September 2018

Examples of Deceptive Water Buffalo Label September 2018

Imported Water Buffalo



No mark of inspection



North American Bison



FSIS mark of voluntary inspection



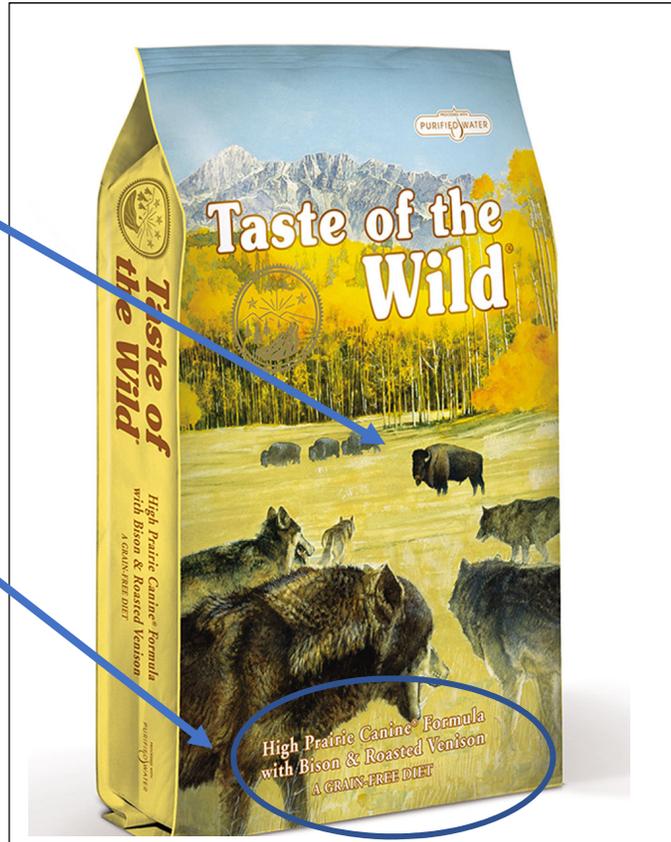
Deceptive (But Legal) Pet Food Labeling

THE FRONT PANEL

That sure looks like a bison, and not a water buffalo.

“High Prairie Canine Formula with Bison and Roasted Venison.”

The manufacturer acknowledges that this is water buffalo



THE BACK PANEL INGREDIENT LIST

Buffalo, lamb meal, chicken meal, sweet potatoes, peas, potatoes, canola oil, egg product, roasted bison, roasted venison, beef, natural flavor, tomato pomace, potato protein, pea protein, ocean fish meal, salt, choline chloride, dried chicory root, tomatoes, blueberries, raspberries, yucca schidigera extract, dried Lactobacillus acidophilus fermentation product, dried Bifidobacterium animalis fermentation product, dried Lactobacillus reuteri fermentation product, vitamin E supplement, iron proteinate, zinc proteinate, copper proteinate, ferrous sulfate, zinc sulfate, copper sulfate, potassium iodide, thiamine mononitrate (vitamin B1), manganese proteinate, manganous oxide, ascorbic acid, vitamin A supplement, biotin, niacin, calcium pantothenate, manganese sulfate, sodium selenite, pyridoxine hydrochloride (vitamin B6), vitamin B12 supplement, riboflavin (vitamin B2), vitamin D supplement, folic acid.

Contains a source of live, naturally occurring microorganisms.

NBA Complaint to FDA in September 2018



National Bison Association

8690 Wolff Court, Suite 200 Westminster, CO 80031-3646
www.BisonCentral.com Phone: 303-292-2833 Fax: 303-845-9081

September 19, 2018

Dear Friends,

On behalf of the National Bison Association, I appreciated the opportunity to meet with you last week to discuss the danger that mislabeled water buffalo products represent to the U.S. bison industry and to the American public.

We recognize that our immediate remedies are limited to filing a complaint on the current marketplace. Accordingly, we officially request that the FDA begin enforcement actions on Thomas Farms “Wild Ground Buffalo” on the following basis:

1. The term “Wild Ground Buffalo” is misleading in the American marketplace.

As demonstrated in our meeting, and through more than 300 years of common usage, the term buffalo is widely associated with bison in the United States. The overwhelming majority of the people buying this product will believe they are purchasing bison.

This labeling represents mislabeling under the terms of CFR 21 §101.18(a), which states:

“Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.” (underline added)

The labeling of “Wild Buffalo – Free Range” is a misleading representation with respect to another food, specifically North American bison.

Additionally, 21 CFR §102.5(a) states:

“The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other

food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.” (underline added)

Bison and water buffalo are clearly different foods. Yet, the simple term buffalo is confusingly similar to bison.

As was mentioned during our September 13th meeting, any nonamenable product processed under voluntary USDA inspection would have to be properly labeled. The fact that this company is choosing not to have their product processed under FSIS inspection is an additional indication of intent to mislead the public.

2. Nothing on the label of this product discloses that this product is imported from Australia.

Exhibit A, included with this letter, is an email from Thomas Farms acknowledging that the product is water buffalo, and sourced from Australia. However, the back label of the product only lists that the product is distributed by Thomas Foods International USA, Palo Alto, CA.

This is a violation of 21 CFR 101.18(c), which states:

“Among representations in the labeling of a food which render such food misbranded is any representation that expresses or implies a geographical origin of the food or any ingredient of the food except when such representation is either:

(1) A truthful representation of geographical origin.

(2) A trademark or trade name provided that as applied to the article in question its use is not deceptively misdescriptive. A trademark or trade name composed in whole or in part of geographical words shall not be considered deceptively misdescriptive if it:

(i) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by the consumer to mean the product of a particular manufacturer or distributor; or

(ii) Is so arbitrary or fanciful that it is not generally understood by the consumer to suggest geographic origin.

(3) A part of the name required by applicable Federal law or regulation.

(4) A name whose market significance is generally understood by the consumer to connote a particular class, kind, type, or style of food rather than to indicate geographical origin.” (underline added)

Again, the labeling of this product, and the failure to represent its country of origin, is intended to mislead the consumer into believing that the product is American bison. While the small artistic graphic on the front panel apparently depicts a water buffalo, it would likely be interpreted by a typical shopper to represent a bison grazing in a pasture.

3. The nutritional label on the back panel of the ground water buffalo is nearly identical to that used on one lb. packages of Great Range Bison, including the specific levels or percentages of all of the nutrients listed.

Exhibit B shows the nutritional label from the Thomas Farms 1 lb. ground “Wild Buffalo” product in a Food City retail store in Virginia, along with a nutritional label from Great Range Bison’s 1 lb. package of ground bison. These labels are identical in the nutritional information provided (except for Iron). Given the difference in species and processing, it is extremely difficult to believe that this information would be identical.

Accordingly, we request that the FDA begin an immediate investigation into this product, with appropriate enforcement action as warranted.

Meanwhile, we will appreciate any information that you can post on the FDA and FSIS consumer web pages advising the public to be aware of mislabeled water buffalo products.

And, as per our discussion on September 13th, the USDA FSIS will contact its import personnel to determine the level of verification of inspection done at the point of slaughter in Australia, as well as the quantity of imports being received by the United States.

In our September 13th discussion, it was mentioned that it would be best to wait until more than one situation was identified. We strongly disagree. The entry of uninspected, mislabeled water buffalo meat into the U.S. consumer market represents a threat to the American bison producers, and to the American consumers, that must be addressed promptly.

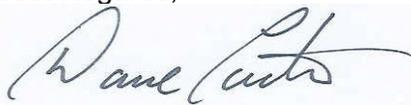
While we insist on prompt action to address this specific complaint, we are also dedicated to working with you to develop long-term policies to prevent future incidences of mislabeled water buffalo in the U.S. marketplace. Our board of directors in August identified this as a top priority for our association.

Our customers, as well, are joining us in this effort. Exhibit C attached with this letter is the on-line petition that was first posted by the National Bison Association on August 27th. That petition requests immediate action to require accurate labeling of water buffalo food products. As of September 18th, that petition had been signed by more than 4,000 individuals.

As mentioned during the meeting, the National Bison Association has also contacted the Association of American Feed Control Officials (AAFCO) to formally request changes in the AAFCO Official Publication to address similar mislabeling in pet products. We are pleased that AAFCO has established a formal working group to develop proposed language to the model regulations to address this issue. Exhibit D attached with this letter is the summary of U.S. pet products containing water buffalo.

Again, we appreciate your attention to this matter, and look forward to working with you to protect the integrity of the marketplace for American bison, and the safety of food products purchased by the American public.

Best Regards,

A handwritten signature in blue ink that reads "Dave Carter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dave Carter
Executive Director

FDA Response in February 2019



**FDA U.S. FOOD & DRUG
ADMINISTRATION**
CENTER FOR FOOD SAFETY & APPLIED NUTRITION

FEB 19 2019

Mr. Dave Carter
Executive Director
National Bison Association
8690 Wolff Courte
Suite 200
Westminster, CO 80031

Dear Mr. Carter:

This is in response to our meeting on September 13th regarding the labeling of bison and water buffalo. In addition, we note that you submitted two correspondences to the Food and Drug Administration (FDA). The first letter was on September 19th which you requested that FDA begin enforcement actions against Thomas Farms Wild Ground Buffalo product. The second email was on October 1st regarding a complaint about ground buffalo and bison products sold by Weis Markets.

As you may know, FDA has not established a specific regulation regarding the marketing of either water buffalo or bison. However, we do agree that water buffalo should be labeled as water buffalo and that bison should be labeled as "bison" or "Buffalo (bison)."

We share and appreciate your concern for the truthful labeling of all food products. Because FDA is a law enforcement agency, it is our policy to comment on a product only to those responsible for the product and its label.

Thank you for your letters. We hope this information is helpful.

Sincerely yours,

John Sheehan
Acting Director
Food Labeling and Standards Staff
Office of Nutrition
and Food Labeling
Center for Food Safety
and Applied Nutrition

U.S. Food and Drug Administration
Center for Food Safety & Applied Nutrition
5001 Campus Drive
College Park, MD 20740
www.fda.gov

Proposed Legislation

TAM19D29

S.L.C.

116TH CONGRESS
1ST SESSION

S. _____

To provide clarification regarding the common or usual name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HOEVEN introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide clarification regarding the common or usual name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COMMON OR USUAL NAME FOR NORTH AMER-**
4 **ICAN BISON.**

5 Section 403 of the Federal Food, Drug, and Cosmetic
6 Act (21 U.S.C. 343) is amended by adding at the end the
7 following:

8 “(z)(1) Subject to subparagraph (2), if it is a food
9 that is or contains any animal in the genus *Bubalus* and

1 the labeling uses the term 'buffalo' as a common or usual
2 name for the food, unless the term used in the labeling
3 is 'water buffalo'.

4 “(2) Subparagraph (1) shall not be construed as pro-
5 hibiting the use of the term 'buffalo' as a common or usual
6 name for the animal *Bison bison bison* (commonly known
7 as the plains bison), or the animal *Bison bison athabasca*
8 (commonly known as the wood bison).”.

InterTribal Buffalo Council Position Paper

InterTribal Buffalo Council Position Paper on Pet Food Labeling of Buffalo

I. Introduction

The InterTribal Buffalo Council (ITBC) is a federally-chartered Indian organization, comprised of 67 Tribes, in 18 states, with a total of 55 buffalo herds (over 20,000 buffalo collectively) that are managed on Indian trust lands. ITBC seeks to promote the social welfare of American Indians and Native Alaskans by returning buffalo to Indian trust lands. ITBC returns buffalo to Indian trust lands to restore the cultural, spiritual, and traditional connection between buffalo and American Indians.

ITBC opposes the use of the word “buffalo” in pet food ingredients to refer to the domestic Asian water buffalo (*Bubalus bubalis*). ITBC believes this practice is deceptive and an affront to American Indian culture. Tribes have consistently referred to the American bison (*Bison bison*) as “buffalo” for hundreds of years. Thus, ITBC opposes the use of the word “buffalo” in pet food labeling when referring to Asian water buffalo.

II. Differences Between Asian Water Buffalo and American Bison

The Asian water buffalo is a member of the cattle family originating in the Indian subcontinent, southeast Asia, and China. Asian water buffalo are well adapted to a hot, humid climate. Asian water buffalo, as the name suggests, need wallows, rivers, or splashing water to assist in thermoregulation. Asian water buffalo thrive on aquatic plants.

The Asian water buffalo was domesticated approximately 5,000 years ago in India, and 4,000 years ago in China. This separate domestication has led to the creation of two domestic subspecies: the river buffalo and swamp buffalo, respectively. There are around 38 breeds of these two subspecies. Asian water buffalo meat, sometimes called “carabeef”, is often passed off as beef in certain regions of India.

The American bison, on the other hand, is indigenous to North America. Originally, it ranged as far south as Mexico and as far east as the Atlantic Coast, extending south to Florida. But the largest herds were found on the plains and prairies from the Rocky Mountains east to the Mississippi River, and from Great Slave Lake in Canada to Texas.

The American bison has an unusually massive head and a considerable shoulder hump, both of which are covered with thick, woolly fur. The enormous, heavy muscles in the hump allow bison to use their heads as powerful snowplows in the winter, pushing aside masses of snow by swinging their heads from side to side. American bison forage for an average of 9 to 12 hours each day for weeds, grasses and leafy plants.

American bison were never domesticated by American Indians before the arrival of European colonists. American bison have only been domesticated since the late 19th century.

Thus, here are significant biological, ecological, and historical differences between Asian water buffalo and American bison. Asian water buffalo require warm, humid environments, forage on aquatic plants, and have been domesticated for thousands of years. Conversely, the American bison is well adapted for colder, drier climates, eats grasses and forbs, and has only been recently domesticated. Therefore, confusion of these two animals on pet food ingredient labels is unacceptable.

III. Use of the Term Buffalo by American Indians

The word “buffalo” comes from the Middle French word *buffel*, first used in the 1510s. Use of the word “buffalo” originated with the French fur trappers who called these massive animals *bœufs*, meaning ox or bullock. Samuel de Champlain, a French colonist, applied the word “buffalo” to the American bison in 1616, after seeing skins and a drawing shown to him by members of the Nipissing First Nation. In English usage, the word “buffalo” was first used in North America for

the American bison in 1625. The use of the term “bison” was first recorded in 1774. Thus, “buffalo” has a much longer history of use than “bison.”

French fur trappers likely saw similarities between the American bison and the very closely related European bison (also known as wisent or the European wood bison). European colonists referred to these animals as “bison” and “buffalo” interchangeably. The name “buffalo” stuck, and this identification was passed to American Indians who came into contact with European colonists.

With westward expansion of the American frontier, systematic reduction of the plains herds began around 1830, when American bison hunting became the chief industry of the plains. Organized groups of hunters killed American bison for hides and meat, often killing up to 250 American bison a day. Many also wanted to eradicate the American bison as a way to take away the livelihood and well-being of American Indians. Plains Tribes depended on the American bison’s meat and hides, and many still today believe the animal has special spiritual and healing powers, making it an important part of their culture.

Today, American Indians continue to use the word “buffalo” to symbolize the deep spiritual and cultural connection that was developed between American bison and American Indians over centuries on a shared landscape. Additionally, it allows American Indians to separate their connection with “buffalo” from the Western scientific and industrial ethos that led to the near eradication of this species.

IV. Pet Food Labeling Issue

Many pet food companies include American bison meat as a high-quality ingredient in food and treat products. Unfortunately, some companies are exploiting the popularity of American bison meat by adding cheaply-priced, imported Asian water buffalo ingredients—labeled only as “buffalo” on their products. This practice deceives customers into believing these Asian water

buffalo ingredients are actually American bison. In many cases the formulations and labeling of pet foods are specifically designed to deceive customers into believing American bison is the actual or main ingredient in the product. Several companies are using Asian water buffalo and are simply labeling the ingredient as “buffalo.” One company uses Asian water buffalo as their primary ingredient, then adds three percent American bison and markets their product as “Made with Roasted Bison.”

V. Conclusion

Pet food labels should designate Asian water buffalo ingredients as “water buffalo” due to the substantial differences between Asian water buffalo and American bison and the long history of use of the word “buffalo” to refer to the American bison by American Indians. ITBC believes referring to Asian water buffalo as simply “buffalo” is deceptive and an affront to American Indian history and culture. Tribes have consistently referred to the American bison as “buffalo” for hundreds of years. ITBC intentionally uses the word “buffalo” in its name to reference the connection between American Indians and American bison. Thus, ITBC opposes the use of the word “buffalo” in pet food labeling when referring to Asian water buffalo.

Water Buffalo Industry is Growing...and Exporting

8/8/2018

Indonesia looks to grow buffalo imports

FOOD
navigator-asia.com

Indonesia looks to grow buffalo imports

By Aidan Fortune [✉](#)

04-Sep-2016 - Last updated on 05-Sep-2016 at 15:28 GMT

RELATED TAGS: Buffalo meat, Import

The Indonesian Bureau of Logistics (Bulog) is promoting buffalo meat as an alternative to beef in an effort to keep prices down.



It is hoped that by importing buffalo meat, beef margins can be reduced and the price can be lowered in accordance with targets set by the government.

The country recently signed an agreement to import 80,000 tonnes of buffalo meat from India between now and the end of the year.

"We want to introduce the advantages of buffalo meat," said Bulog chairman Djarot Kusumayakti.

He claimed that, in Jakarta, **buffalo meat is much better than beef** and that consumers would not lose out if they switched.

He said he found it difficult to distinguish between the taste of buffalo meat and beef. According to him, both the meat textures were equally soft. **"Even I found it difficult to distinguish between beef and buffalo meat,"** said Djarot.

According to Minister Rini Soemarno, the low price of buffalo meat could also become an option for people with low incomes. **"Buffalo meat could be an alternative to beef, because this meat costs almost half the price of local meat; the price of beef right now is RP120,000 per kg, while buffalo meat is RP65,000 per kilogram,"** said Rini.

He added that imports of buffalo meat from India could also help to reduce the price of beef. **"I look forward to the arrival of buffalo meat [as it] could depress the price of local beef, which is still above RP100,000 per kg,"**

India set to increase meat presence globally

By Ed Bedington

24-Jun-2014 - Last updated on 27-Aug-2014 at 08:29 GMT

RELATED TAGS: Milk, International trade, Export, India, World meat congress

India is poised to take a larger step on to the world stage when it comes to meat, delegates to the World Meat Congress were told.

The country is the largest bovine producer in the world, according to Nasser Ghulam Hamid Shaikh, vice-president of the Allana Group, referring to the country's huge reserves of buffalo meat.



Allana Group is the largest producer of halal bovine meat in the world, he told the conference in Beijing. India was now exporting to 65 countries around the world, and with beef production declining around the world, there was increased scope for India to play a greater role, he said, adding that they were keen to put "China on that list" of countries.

Richard Brown, director with market analysts Gira, said India was an increasing presence on the export market, and was offering a low-cost alternative to traditional beef supplies for a number of markets.

The Indian buffalo population was showing strong growth, and with increased demand within the dairy sector, he said that more buffalo would be available for the meat sector. **"Buffalo is referred to in India as black gold,"** he said. **"India is poised to emerge as the biggest producer and exporter of bovine meat in the years to come."**

Buffaloes breeding in Brasil

O. Bernardes 

Pages 162-167 | Published online: 15 Mar 2016

 Download citation  <https://doi.org/10.4081/ijas.2007.s2.162>

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Abstract

Differently from what one could formerly imagine, that buffalo breeding activity would be solely directed to fill the so called cattle breeding gaps determined by inadequate environmental conditions for ordinary cattle breeding, it has been actually seen that in those areas where breeders could successfully organize industrial-agricultural chains, either on meat or milk and its related products production, there has been an expressive expansion. Buffalo breeding has shown to be an important alternative not only in farms of higher technological level as also, and mainly, on small farms where it has become a key factor for increasing the average income, besides keeping labor

Background on water buffalo in South America

Water buffalo were introduced into the [Amazon River](#) basin in 1895. They are now extensively used there for meat and dairy production. In 2005, the buffalo herd in the [Brazilian Amazon](#) stood at roughly 1.6 million head, of which 460,000 were located in the lower Amazon floodplain.^[37] Breeds used include Mediterranean from Italy, Murrah and Jafarabadi from India, and Carabao from the Philippines.

During the 1970s, small herds were imported to [Costa Rica](#), [Ecuador](#), [Cayenne](#), [Panama](#), [Surinam](#), [Guyana](#), and [Venezuela](#).^[38]

ABZ Agro woos Saudi investors for buffalo meat venture

By Eliot Beer

15-Jun-2014 - Last updated on 15-Jun-2014 at 22:40 GMT

RELATED TAGS: Saudi arabia

Indian meat processing firm ABZ Agro is hunting for Saudi investors for a new buffalo meat production plant.



Wow...Even Asians consider bison as buffalo

The firm gave a presentation to potential investors in Jeddah this month, outlining the project for the factory, based in Bihar, India. ABZ Agro estimates the minimum potential annual return on investment at 27%.

Buffalo meat from the facility would primarily be for export. Key markets for the meat include Vietnam, Malaysia, Thailand, Saudi Arabia, Egypt and UAE.

"ABZ Agro Foods Ltd. is a professionally managed company in New Delhi, with adequate experience and expertise in manufacture and export of frozen boneless buffalo meat with contacts in major meat markets of the world," said a statement from the company.