

Court Finds Cattle Producers Harmed by Lack of Country-of-Origin Labeling; Moves Issue Onto Administration's Plate

Billings, Mont. - Today, the U.S. District Court Eastern District of Washington granted summary judgment to the U.S. Department of Agriculture (USDA) in a lawsuit filed by R-CALF USA and the Cattle Producers of Washington (CPoW). The lawsuit alleged that the USDA was unlawfully allowing imported beef to be both sold to consumers without a country of origin label and sold to consumers with a "Product of USA" label even if the animal from which the beef was derived was born, raised and slaughtered in a foreign country.

The court, after finding that cattle producers demonstrated they had suffered financial harm as a result of the lack of country of origin labeling (COOL) on imported beef, and that the financial harm they suffered was "fairly traceable" to the USDA's actions, nevertheless ruled against the cattle producers.

"The fact that the court agreed with us that independent pork and beef producers are harmed by COOL makes it even clearer that the Trump Administration and Congress must act now to protect them," said David Muraskin, lead counsel for R-CALF in the suit.

"This movement has been gaining ground outside of court, and we expect it to continue doing so despite this ruling," he added.

The court determined that the cattle producers were time-barred from prevailing in their case because the regulations that allowed the removal of COOL labels on imported beef was promulgated in 1989 and the statute of limitations expired in 1995. The court did not agree with the cattle producers that the clock should have been reset after the 2016 repeal of the COOL for beef. Neither R-CALF USA nor CPoW were formed in time to have challenged the 1989 regulations prior to 1995.

Moreover, the court found that Congress' act of repealing COOL for beef signified its clear intent to allow imported beef to be sold to consumers without COOL markings.

"While obviously disappointing, the outcome of this case highlights the urgent need for the new Administration and new Congress to reverse the harm to U.S. cattle producers brought about by the actions of the previous Administration and Congress," said R-CALF USA CEO Bill Bullard.

"President Trump now has the opportunity to immediately reinstate COOL in his ongoing renegotiation of NAFTA as well as by initiating a rulemaking within USDA to require imported beef to bear its foreign marking through retail sale, just as the COOL rule effectively did from 2009 through 2015," he added.

R-CALF and CPoW are also represented in this case by Beth Terrell and Blythe Chandler of Terrell Marshall Law Group in Seattle, and J. Dudley Butler of the Butler Farm and Ranch Law Group in Benton, Mississippi.

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R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America) is the largest producer-only cattle trade association in the United States. It is a national, nonprofit organization dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. For more information, visit www.r-calfusa.com or, call 406-252-2516.