UNmD STATES OF AMERICA

EDERAL TRADE COMMISSION WASHINGTON, D.C. 20580

Division of Advertising Practices

September 30,2005

By Mail and Facsimile

Ms. Erica Meier, Director
Mr. Carter J. Dillard, General Counsel
Compassion Over Killing
Post Office Box 9773
Washington, D.C. 20016

Re: Complaint Seeking Action Against the United Egg Producers for Deceptive Advertising in Connection with the ""Animal Care Certified" Program

Dear Ms. Meier and Mr. Dillard:

On June 18,2003, Compassion Over Killing ("'COK") filed a complaint with the Federal
ssion asking the Commission to take action against the United Egg Prodmers'
("WUEP") Animal Care Certified certification progm. COK contends, among other things, that
the Animal Care Certified (or "ACC") seal on egg cartons is misleading because it communicaks
a level of care and humane treatment for hens that is superior to the themm628A<4a EMC BT180-91

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The United Egg Producers has informed us that, in response to concerns raised about the
use of its Animal Care CertiJied logo, it has developed

USDA United States Agricultural Room 3932-S, STOP 0256 =a Department of Marketing 1400 Independence Avenue, SW

Agriculture Service Washington, DG 20250-0256

September 22,2005

Mary K. Engle
Associate Director

Division of Advertising Practices
Federal Trade Commission

601 New Jersey Avenue, NW
Washington, DC 20001

Dear Ms. Engle:

This letter is to idom you that Poultry Programs of the USDA Aacultural Marketing Service has reviewed the submission by the United Egg Producers (WP) to the Federal Trade Commission dated July 29,2005. The UEP's submission proposes a revised marketing logo for its hen husbandry certification program that removes the reference to Certified," and instead states, ""United Egg Producers Certified%

ee with the United Egg Producers Animal Husband~y Guidelines, 79

It is our belief that the proposed logo accurately represents that the seal program is conducted pursumt to guidelines established by UEP, and makes no representations that are likely to nzislead consumers as to the progrann's requirements. The logo thus is in accordance with our regulations pertaining to the grading of shell eggs, which prohibit use of the USDA grade shield on egg packaging containing false or misleading labeling (7 CFA 56.35). Accordingly, we would approve the use of such a logo on shell egg labels, containers, or packaging materials bearing official identification in lieu of the cment "Animal Care CertifieP' logo which now appears in commerce.

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Deputy Administrator
Poultry Programs

Produced in Compliance with United
Egg Producers Animal Husbandry Guidelines