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November 23, 2020

Serena Viswanathan
Acting Associate Director, Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580

VIA ELECTRONIC MAIL AND U.S. POSTAL SERVICE

Re: Complaint requesting action to enjoin the dissemination of false or deceptive advertising by Cargill, Inc.

Dear Acting Associate Director Viswanathan:

The attached complaint is submitted by Richman Law Group on behalf of nonprofit organizations Family Farm Action Alliance, Venceremos, Mighty Earth, Animal Equality, Organic Consumers Association, and Socially Responsible Agricultural Project. On behalf of these organizations, we write to request that the Federal Trade Commission investigate and take action to enjoin Cargill, Inc. (“Cargill”) from making false and misleading claims about its turkey products sold under its Shady Brook Farms and Honeysuckle White brands (the “Products”).

Specifically, Cargill makes numerous representations that lead consumers to believe the turkeys used in its Products are raised by “independent family farmers.” Cargill uses its “independent family farmers” narrative to imply that the Products have far-reaching benefits for workers, animals, and the environment. As set forth in the complaint, Cargill is egregiously misleading consumers with these representations, because the Products are in fact produced on large, corporate-controlled factory farms. Far from the bucolic family farms portrayed by Cargill’s marketing, Cargill’s actual production methods exploit contract farmers and slaughterhouse workers, systematically abuse animals, and cause grave harms to the environment.

Cargill’s “independent family farmers” claim is ubiquitous on its Product packaging, websites, and social media. Cargill reinforces various implied benefits of its purportedly family-farmed Products with expressly deceptive claims, including the following¹:

- Cargill provides its workers with a “safe workplace.”
- Cargill turkeys are afforded “humane treatment” and allowed “the expression of natural behaviors.”
- Cargill uses “sustainable” practices.

¹ See Exhibit A, Tables 1-4 for tables outlining the representations and key evidence of falsehood for each category of claims.

These representations are false. The industrial practices used by Cargill’s contract farmers, which are mandated and controlled by Cargill, fall *far below* what reasonable consumers would expect based on the company’s representations. Cargill is the United States’ largest privately held corporation in terms of revenue. It relies exclusively on industrialized factory farm operations for the production of its turkeys. As part of this system, Cargill routinely exploits both the struggling contract farmers who raise its turkeys and the slaughterhouse workers in the processing plants (which is made all the more evident in light of the COVID-19 pandemic). Cargill requires its turkeys to be intensively confined, where tens of thousands of birds are crowded into unsanitary warehouses and systematically mutilated. Finally, Cargill engages in environmentally destructive practices, including improper waste disposal that leads to the pollution and degradation of waterways.

Cargill’s deceptive “independent family farmer” representations are part of a sophisticated marketing strategy launched by Cargill at a time when a large and growing number of consumers are keenly interested in avoiding products from large, corporate-controlled factory farms. However, it is virtually impossible for consumers to gauge for themselves whether Cargill’s representations are accurate, because consumers do not have access to Cargill’s facilities, nor do they have the technical knowledge necessary to assess its claims using the information available to them. Thus, FTC oversight and enforcement are consumers’ best hope for avoiding deception about how their food is made.

Claims regarding the sourcing of products from “independent family farmers” (and the attendant worker, animal welfare, and environmental benefits) are material to consumers. As the attached complaint explains in detail, Cargill’s representations amount to unlawful consumer deception in violation of the FTC Act. In the spirit of FTC Commissioner Rohit Chopra’s public commitment to combat such greenwashing, we ask the Commission to provide oversight and enforcement to assist consumers in avoiding this deceptive marketing that seeks to unlawfully influence their purchasing behavior.

We appreciate your prompt attention to this matter and are available to assist your office in investigating Cargill.

Very Truly Yours,



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BEFORE THE UNITED STATES FEDERAL TRADE COMMISSION

FAMILY FARM ACTION ALLIANCE, VENCEREMOS, MIGHTY EARTH, ANIMAL
EQUALITY, ORGANIC CONSUMERS ASSOCIATION, and SOCIALLY RESPONSIBLE
AGRICULTURAL PROJECT
Petitioners,

CARGILL, INC.,
Proposed Respondent.

COMPLAINT FOR ACTION TO STOP
FALSE OR DECEPTIVE ADVERTISING

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EXECUTIVE SUMMARY

Family Farm Action Alliance, Venceremos, Mighty Earth, Animal Equality, Organic Consumers Association, and Socially Responsible Agricultural Project (collectively, “Petitioners”) submit this complaint requesting that the Federal Trade Commission (“FTC”) investigate false and misleading representations made by Cargill, Inc. (“Cargill”) about its turkey products sold under its Shady Brook Farms and Honeysuckle White brands (the “Products”). Cargill misleads consumers into believing that its turkeys are raised on “independent family farms” when they are, in fact, raised on large, corporate-controlled factory farms.



Figure 1. Product packaging for both Shady Brook Farms and Honeysuckle White brands, with highlighted claim: “raised by independent family farmers.”

Consumers are growing increasingly concerned about the detrimental impacts that industrial animal agriculture has on workers, animals, and the environment. As more and more consumers seek to avoid products from factory farms, producers like Cargill have sat up and taken note. Cargill has set out to capitalize on these consumer values by deceptively marketing its products as coming from “independent family farmers,” emphasizing Cargill’s purported high worker standards, superior animal welfare conditions, and environmental sustainability. However, Cargill’s actual practices stand in stark contrast to how consumers perceive its claims. Because it is virtually impossible for consumers to determine for themselves whether such claims are accurate, FTC oversight and enforcement are consumers’ best hope to avoid falling prey to Cargill’s deceptive marketing regime.

For example, on its website, social media accounts, and Sustainability Reports, Cargill consistently advertises its “independent family farmer” narrative. However, contrary to Cargill’s representations, Cargill’s growers have little to no freedom to make decisions about how to farm and are routinely subject to exploitative demands to incur more and more debt to pay for costly equipment and barn upgrades. Contrary to Cargill’s representations that it “provide[s] a safe workplace,” its employees routinely suffer severe injuries at its facilities.² Contrary to Cargill’s representations that its turkeys are afforded “humane treatment”³ and allowed “the expression of natural behaviors,” Cargill’s turkeys are kept in intensive and unsanitary confinement where they are systematically mutilated and selectively bred to have debilitating health problems. Finally,

² “*When We’re Dead and Buried, Our Bones Will Keep Hurting*”, Human Rights Watch (Sept. 4, 2019), <https://www.hrw.org/report/2019/09/04/when-were-dead-and-buried-our-bones-will-keep-hurting/workers-rights-under-threat>.

³ *FAQ*, Shady Brook Farms, <https://www.shadybrookfarms.com/faq/> (last visited Nov. 17, 2020); *FAQ*, Honeysuckle White, <https://www.honeysucklewhite.com/faq/> (last visited Nov. 17, 2020).

contrary to Cargill’s representations that it delivers “sustainable” products, it is consistently ranked as one of the largest polluters of air and waterways in the country.⁴

This complaint details these and other false and deceptive statements made by Cargill and contrasts them with the industrialized practices that Cargill actually employs. Petitioners have included descriptions that demonstrate the grievousness of Cargill’s conduct and the need for FTC action. In light of the foregoing, Petitioners request that the FTC investigate Cargill’s claims, described in more detail below, and take appropriate action to enjoin the company from continuing to make misleading claims about its production methods.

I. INTRODUCTION

Pursuant to Sections 2.1 and 2.2 of the Federal Trade Commission (“FTC” or “Commission”) regulations, 16 C.F.R. §§ 2.1 & 2.2, Petitioners Family Farm Action Alliance, Venceremos, Mighty Earth, Animal Equality, Organic Consumers Association (“OCA”), and Socially Responsible Agricultural Project (“SRAP”) (collectively, “Petitioners”) hereby request that the Commission investigate and commence an enforcement action against Cargill, Inc. (“Cargill”) for engaging in false or misleading advertising or marketing in violation of the Federal Trade Commission Act, 15 U.S.C. § 41 *et seq.* (“FTC Act”).

As detailed below, Cargill has unlawfully issued, and is continuing to unlawfully issue, false and/or misleading representations to convey that the Products come from “independent family farmers” with benefits to workers, animals, and the environment. Cargill’s “independent family farmers” representations suggest that the turkeys used for its products are raised on small, independent, and traditional farms that maintain high worker safety standards, animal welfare

⁴ See Lucia von Reusner, *Mystery Meat II: The Industry Behind the Quiet Destruction of the American Heartland*, Mighty Earth, <http://www.mightyearth.org/wp-content/uploads/2017/08/Meat-Pollution-in-America.pdf>, (last visited Nov. 17, 2020).

practices, and environmental protections. Contrary to these claims, Cargill’s actual production practices fall far below the standards represented in its marketing materials and far below reasonable consumer expectations based on those claims. Consumers want to avoid products that come from factory farms and harm workers, animals, and the environment, but lack technical knowledge regarding poultry industry practices and the enforcement of such laws and standards. Cargill capitalizes on this knowledge gap by misrepresenting its practices to the detriment of its consumers and competitors.

Thus far, regulatory action and false advertising litigation have been insufficient to curb this proliferation of consumer deception. However, FTC Commissioner Rohit Chopra emphasized a renewed commitment to combat “greenwashing,” which can help break the cycle of impunity for industrial agribusinesses that profit off of consumer deception.⁵ In the spirit of that statement, we respectfully request that the Commission “exercis[e] its full authority to protect consumers and honest businesses” and take prompt action to hold Cargill accountable for deceiving consumers with false claims about its production practices.⁶

II. PARTIES

A. Petitioners

Family Farm Action Alliance is a national non-profit organization based in Missouri. The organization is a network of farmers, ranchers, working people throughout the food supply chain, and the organizations that represent them. Their mission is to build a sustainable, inclusive economy for all that respects our land, natural resources, and neighbors around the world.

⁵ FTC, Statement of Commissioner Rohit Chopra, *In re Truly Organic*, No. 1923077 (Sept. 19, 2019), https://www.ftc.gov/system/files/documents/public_statements/1544655/commissioner_rohit_chopra_statement_on_truly_organic_sept_19_2019.pdf.

⁶ *Id.*

Venceremos is a worker rights-based organization headquartered in Springdale, Arkansas, whose mission is to ensure the human rights of poultry workers. Venceremos is fiscally sponsored by NEO Philanthropy.

Mighty Earth is a global campaign organization based in Washington, D.C. that works to protect the environment, focusing on conserving threatened landscapes like tropical rainforests, protecting oceans, and solving climate change.

Animal Equality is an international non-profit organization based in California that works with society, governments, and companies to end cruelty to farmed animals.

OCA is a national non-profit, public-interest organization that deals with crucial issues of truth in advertising, accurate food labeling, food safety, children's health, corporate accountability, and environmental sustainability.

SRAP is a national non-profit organization based in Colorado that works to help communities across the U.S. replace industrial livestock production with ecologically sound, socially equitable, and economically viable animal agriculture.

B. Respondent Cargill, Inc.

Cargill is incorporated in Delaware and has its principal executive office in Minnetonka, Minnesota. It is the largest privately held company in America.⁷ Cargill produces, processes, markets, and distributes fresh, frozen, and value-added turkey, beef, and pork products in the United States. Cargill's turkey products are available in a wide variety of national supermarket chains, regional stores, and other retail outlets. Cargill markets these products under the names "Honeysuckle White" and "Shady Brook Farms."

⁷ *America's Largest Private Companies*, Forbes, <https://www.forbes.com/largest-private-companies/list/#tab:rank> (last visited Nov. 17, 2020).

III. STANDARD OF REVIEW

The FTC is the primary federal agency charged with thwarting unfair and deceptive trade practices.⁸ Under Section 5 of the FTC Act, unlawful deception will be found “if there is a representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment.”⁹ A representation is thus unlawfully deceptive if it is (1) material to a consumer’s decision-making and (2) likely to mislead the consumer.¹⁰

To ensure that their advertisements are not deceptive, marketers must identify all express and implied claims that the advertisement reasonably conveys. A claim that is literally true but nonetheless deceives or misleads consumers by its implications can be considered a deceptive practice under the FTC Act.¹¹ Marketers must ensure that all reasonable interpretations of their claims are truthful, not misleading, and supported by a reasonable basis before they make the claims.¹² If a particular consumer group is targeted or likely to be affected by the advertisement, the advertisement should be examined from the perspective of a reasonable member of that group.¹³ Moreover, the advertisement should be evaluated as a whole, including its visual elements, to account for “crafty advertisers whose deceptive messages were conveyed by means other than, or in addition to, spoken words.”¹⁴

⁸ See 15 U.S.C. § 45(a)(2) (“The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations . . . from using unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce.”).

⁹ FTC, Policy Statement on Deception, *appended to Cliffdale Assocs., Inc.*, 103 FTC 110, 174 (1984), https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (hereinafter “FTC Policy Statement on Deception”); see 15 U.S.C. § 45.

¹⁰ *Id.*

¹¹ See *Kraft, Inc. v. F.T.C.*, 970 F.2d 311, 322 (7th Cir. 1992) (“[E]ven literally true statements can have misleading implications.”).

¹² See 16 C.F.R. § 260.2 (citing FTC Policy Statement Regarding Advertising Substantiation, 104 FTC 839 (1984)) (hereinafter “FTC Policy Statement Regarding Advertising Substantiation”).

¹³ FTC, Policy Statement Regarding Advertising Substantiation, 104 FTC 839 (Nov. 23, 1984), <https://www.ftc.gov/public-statements/1983/03/ftc-policy-statement-regarding-advertising-substantiation>.

¹⁴ FTC Policy Statement on Deception, *supra* note 9 (citing *Am. Home Products Corp. v. FTC*, 695 F.2d 681, 688 (3d Cir. 1982)).

IV. JURISDICTION

The Packers and Stockyards Act specifically provides the FTC with power and jurisdiction over the agricultural sector. Among other things, the Act provides the FTC with jurisdiction over “any matter” and “all transactions” regarding poultry products. 7 U.S.C. § 227. As set forth in the FTC’s Enforcement Policy Statement on Food Advertising, the FTC “has assumed primary responsibility for regulating food advertising” while FDA has taken primary responsibility for regulating food labeling.¹⁵ While this statement noted that the FTC “intends to apply similar principles to consideration of claims for products regulated by USDA,” the FTC and the National Advertising Division of the Better Business Bureau (“NAD”) (which applies similar jurisdictional principles as the FTC) have identified several circumstances where the regulation of labeling claims is appropriate.

The FTC has made clear that agency approval of a label claim will not preclude FTC enforcement regarding advertisements that use the same or similar language that appears on approved labels. In fact, the FTC has specifically recognized that “[s]ome claims that would technically comply with [an agency’s] labeling regulations might be deceptive in advertising if the context of the ad renders the express message of the claim misleading.”¹⁶

The Commission has indicated that where a claim is subject to the joint jurisdiction of the FTC and the FDA, such as a food label, it will afford “deference” to the FDA’s standards. The FTC’s basis for this deference is that the FDA has “primary responsibility” for food labels and “multiple governmental definitions for the same terms would have the potential to mislead consumers.”¹⁷ However, while deference to FDA labeling regulations may have some merit,

¹⁵ FTC, Enforcement Policy Statement on Food Advertising, (May 13, 1984), <https://www.ftc.gov/public-statements/1994/05/enforcement-policy-statement-food-advertising>.

¹⁶ *Id.*

¹⁷ *Id.*

similar deference to meat and poultry labels approved by USDA—is not justified by this rationale. Public health experts have repeatedly noted that the USDA—which is first, and foremost, responsible for promoting and marketing agricultural products—has a fundamental conflict of interest that impedes the agency’s ability to protect consumers from misleading label claims.¹⁸

An August 2019 decision from the National Advertising Division of the Better Business Bureau (“NAD”) emphasized that the NAD will “not automatically defer to regulatory determinations” regarding label claims.¹⁹ It further noted that where the “NARB has found that where the record did not show whether the FSIS staff considered the impact of the claim on consumers or explained its reasoning as to whether the challenged claim was false and misleading to consumers, the panel did not believe that the FSIS determination should be dispositive of the outcome in the underlying NAD/NARB proceeding.” The decision, which ultimately recommended that the advertiser discontinue the claim “Ethically Raised by Family Farmers Committed to a Higher Standard of Care, Governed by Third Party Animal Welfare Audits,” demonstrates the USDA’s continual failure to apply even the most minimal requirements to prevent consumer deception. Specifically, the NAD found that “the record here did not demonstrate that FSIS considered consumer impact or that it explained its reasoning with respect to its determination on the ‘ethically raised’ claim. Nor did FSIS consider the consumer perception evidence, discussed below, submitted by the challenger to clarify the consumer takeaways reasonably conveyed by the claim.”

In another NAD decision issued in August 2019, Tyson Foods successfully persuaded the NAD to review the product labels of one of its competitors.²⁰ There the NAD held that “case-by-

¹⁸ See, e.g., *New U.S. Dietary Guidelines 2010: Progress, Not Perfection*, Harvard T.H. Chan School of Public Health, <https://www.hsph.harvard.edu/nutritionsource/2011/01/31/new-u-s-dietary-guidelines-2010-progress-not-perfection/>.

¹⁹ NAD, NAD/CARU Case Reports, *Clemens Food Group, LLC (Hatfield Pork Products)*, No. 6305 (Aug. 19, 2019).

²⁰ NAD, NAD/CARU Case Reports, *PERDUE FARMS, INC. (Perdue Chicken)*, No. 6306 (Aug. 23, 2019).

case review of claims by agency staff” is not the sort of government action that should defeat NAD jurisdiction” and that the “existence of a legal or regulatory framework that requires FSIS staff review of labeling . . . does not divest NAD of jurisdiction over a challenge.” In that decision the NAD further noted that the “NAD is not required to defer to FSIS regulatory rulings where the relevant label was not mandated and was approved not by regulation but rather by FSIS staff as part of an administrative review.” (internal citation omitted). The NAD explained that “[w]hile NAD endeavors to harmonize its decisions with applicable federal regulations and rulings, it must examine each case and weigh the intent behind the regulations and rulings and balance those against the reasonable expectations of consumers.”

Thus, although there is legitimate concern that “multiple governmental definitions for the same terms would have the potential to mislead consumers,”²¹ the FTC’s rationale for deferring to label approvals by other agencies is far outweighed in the context of the USDA meat and poultry labeling. Because the NAD has determined that USDA continues to approve labels that are unequivocally misleading to consumers, “deference” to such label approvals, when “balance[d] . . . against the reasonable expectations of consumers” would be inconsistent with FTC’s commitment “to exercising its full authority to protect consumers and honest businesses.”²²

V. FALSE OR MISLEADING CLAIMS

A. Representations at Issue

At issue in this complaint are representations in Cargill’s advertisements, on its websites and other media, in the form of attention-grabbing text and depictions conveying that its turkey products come from “independent family farms” and thus have significant benefits for the workers, animals, and environment. Cargill markets and advertises its turkey products throughout the

²¹ *Id.*

²² FTC, Statement of Commissioner Rohit Chopra, *supra* note 5.

United States and seeks to reach an extensive consumer base through its digital marketing media, including company websites. Such marketing targets consumers who wish to avoid products from factory farms and to support small farming operations. See Exhibit A, Tables 1-4 for tables outlining the representations and key evidence of falsehood for each category of claims.

1. Cargill Expressly Represents That Its Turkeys Are Sourced from “Independent Family Farmers.”

Cargill represents that the turkeys used for Honeysuckle White and Shady Brook Farms are raised by “independent family farmers.”²³ Examples of Cargill’s “independent family farm” advertising and marketing include representations on its websites and social media, such as:

- “All [Shady Brook Farms and Honeysuckle White] turkeys are raised by independent family farmers with care.”²⁴
- “[Shady Brook Farms and Honey Suckle White are] committed to the health and safety of our employees, independent family farmers, and customers.”²⁵
- “MEET THE FAMILY FARMERS WHO RAISE YOUR TURKEY”²⁶
- “Shady Brook Farms turkeys are raised on independent family farms”²⁷

²³ Shady Brook Farms, <https://shadybrookfarms.com/> (last visited Nov. 17, 2020); *Thank You to Our Family Farmers*, Shady Brook Farms, <https://shadybrookfarms.com/our-farmers/> (last visited Nov. 17, 2020); Honeysuckle White, <https://www.honeysucklewhite.com/> (last visited Nov. 17, 2020); *Thank You To Our Family Farmers*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/> (last visited Nov. 17, 2020); *Conserving for the Future*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/craig-nancy/> (last visited Nov. 17, 2020).

²⁴ *Id.*

²⁵ *Shady Brook Farms®’s Response to the COVID-19 Global Pandemic*, Shady Brook Farms (Apr. 30, 2020), <https://www.shadybrookfarms.com/about-our-turkey/our-covid-19-commitment/>; *Honeysuckle White®’s Response to the COVID-19 Global Pandemic*, Honeysuckle White (Apr. 30, 2020), <https://www.honeysucklewhite.com/about-our-turkey/our-covid-19-commitment/>.

²⁶ *Thank You to Our Family Farmers*, Shady Brook Farms, <https://shadybrookfarms.com/our-farmers/> (last visited Nov. 17, 2020); Honeysuckle White, <https://www.honeysucklewhite.com/> (last visited Nov. 17, 2020); *Thank You To Our Family Farmers*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/> (last visited Nov. 17, 2020).

²⁷ *Shady Brook Farms 85% Lean / 15% Fat Ground Turkey, 1.3 lbs*, Walmart, <https://www.walmart.com/grocery/ip/Shady-Brook-Farms-85-Lean-15-Fat-Ground-Turkey-1-3-lbs/14089440> (last visited Nov. 17, 2020).

OUR FARMERS

Find out where your food comes from by meeting some of our independent family farmers.

SEE FARMERS ▶

Figure 2. This button appears on multiple pages throughout the Honeysuckle White and Shady Brook Farms websites.

On the Honeysuckle White and Shady Brook Farms websites, there are identical YouTube videos and images embedded on each “farm famil[y]” page with farmers attesting to their so-called “independent” status and familial involvement:

- “My name is Glenn, and I’m an independent turkey farmer for Shady Brook Farms.”²⁸
- “Farming is family to me. It means everything that I can share this experience with my kids. One day, this will be theirs.”²⁹
- “Whether it’s me going to the barns or whether it’s my whole family going to the barns, we’re all involved. We all work hard and we all get it done.”³⁰

²⁸ *SUSTAINED FOR TODAY, AND GENERATIONS TO COME*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/glenn-sheri/> (last visited Nov. 17, 2020); *SUSTAINED FOR TODAY, AND GENERATIONS TO COME*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/glenn-sheri/> (last visited Nov. 17, 2020); Shady Brook Farms, *360° Riverhill Farms Tour*, YouTube (Jan. 1, 2017), https://www.youtube.com/watch?time_continue=48&v=sVVcUDHE3UE&feature=emb_logo; Honeysuckle White, *360° Riverhill Farms Tour*, YouTube (Jan. 1, 2017), https://www.youtube.com/watch?v=noqBgOAXYf8&feature=emb_logo.

²⁹ *Id.*

³⁰ *HARD WORK IS HARD WORK*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/david-erin/> (last visited Nov. 17, 2020); *HARD WORK IS HARD WORK*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/david-erin/> (last visited Nov. 17, 2020); Shady Brook Farms, *Shady Brook Farms Family Farmer: David French*, YouTube (Oct. 23, 2019), https://www.youtube.com/watch?time_continue=3&v=y4pII0DCKTI&feature=emb_logo; Honeysuckle White, *Honeysuckle White Family Farmer: David French*, YouTube (Oct. 23, 2019), https://www.youtube.com/watch?v=NXtjcd3F1SU&feature=emb_logo.



DAVID & ERIN

As start-up farmers, the French family knew they wanted to invest in something that would go beyond themselves – something they could pass down to future generations. A farm where they could instill character, hard work, and taking pride in the job to be done.

[LEARN MORE ▶](#)



Figures 3-4. Images on both Honeysuckle White and Shady Brook Farms' websites emphasize the "family" element.

To further bolster the "family farm" narrative, video footage and other images used in Cargill's marketing materials highlight pastoral scenes like small red barns on green country hills, picturesque streams, and bucolic country roads.

2. Cargill's "Independent Family Farmer" Claims Imply Far-Reaching Benefits for Workers, Animals, and the Environment.

Consumers believe that food from "independent family farms" does not come from large-scale, corporate-controlled farms. They further believe that "family farmer" claims such as those made by Cargill imply numerous beneficial attributes for workers, animals, and the environment. For example, a variety of consumer surveys show:

- “71% of respondents believe small scale family farms are more likely to care about food safety than large scale industrial farms”;³¹
- Family farms are considered to be viewed as “better stewards of the environment and as doing more to ensure the protection of [resources], and the welfare of livestock than corporate farms”;³²
- “Respondents had strong negative opinions about how the consolidating structure of agriculture will influence the environment, society, and local economies”;³³
- “69% of respondents believe animals have better lives on ‘small’ farms than ‘corporate’ farms”;³⁴ and
- Consumers associate small local farms with sustainable production practices, including “fair farm labor practices.”³⁵

3. Cargill Makes Express Claims That Reinforce the Implied Benefits Conveyed by the “Independent Family Farmer” Claims.

Cargill reinforces its “independent family farmer” narrative by disseminating express representations to reinforce the message that products from “independent family farms” benefit the workers, animals, and environment.

a. Worker Safety Claims

Cargill makes a range of express marketing representations about the safety, health, and wellbeing of its slaughterhouse workers, including representations on its websites and social media, such as:

- “We provide a safe workplace...”³⁶

³¹ Bob Scowcroft, *Roper Poll Shows Consumers Trust Family Farms*, Institute for Agriculture and Trade Policy (May 4, 2004), <https://www.iatp.org/news/roper-poll-shows-consumers-trust-family-farms>.

³² Richard W. Rathge & Cheryl J. Wachenheim, *Societal Perceptions of Agriculture*, *Agribusiness and Applied Economics Report* 449 (2000), 10.22004/ag.econ.23541.

³³ *Id.*

³⁴ Jayson L. Lusk et al., *Consumer Preferences for Farm Animal Welfare: Results of a Nationwide Telephone Survey*, (Aug. 17, 2007), <http://cratefreefuture.com/pdf/American%20Farm%20Bureau-Funded%20Poll.pdf>.

³⁵ Steve Martinez et al., *Local Food Systems: Concepts Impacts, and Issues*, USDA Economic Research Service (May 2010), https://www.ers.usda.gov/webdocs/publications/46393/7054_err97_1_.pdf?v=0.

³⁶ *Code of Conduct*, Cargill, <https://www.cargill.com/about/code-of-conduct> (last visited Nov. 17, 2020).

- “Our employees are essential in delivering the food we all need to stay healthy and nourished. Cargill’s top priority is to safeguard their health and well-being.”³⁷
- “A key measure of our success is sending every employee and contractor home safe every day.”³⁸
- “Cargill’s purpose is to nourish the world in a safe, responsible and sustainable way. The first pillar of that statement is safety.”³⁹
- “Cargill complies with all regulations related to workplace health and safety and considers the safety of its workers ‘paramount.’”⁴⁰

b. Animal Welfare Claims

Cargill’s marketing also expressly leads consumers to believe the company adheres to high animal welfare standards. Examples of these representations include:

- “We ensure that the animals under our care are raised in an environment that satisfies their physical, nutritional and health needs, and they are treated in a manner that provides comfort.”⁴¹
- “We hold ourselves . . . accountable for the humane treatment of animals.”⁴²
- “The humane treatment of animals in our supply chains . . . is critical.”⁴³
- “[F]or Glenn . . . it’s about genuinely taking care of the animals.”⁴⁴
- “[A]nimals . . . are raised in a setting that allows the expression of natural behaviors.”⁴⁵

³⁷ *Cargill’s Response to the COVID-19 Global Pandemic*, Cargill (July 28, 2020), <https://www.cargill.com/story/cargills-response-to-the-covid-19-global-pandemic>.

³⁸ *Workplace Safety*, Cargill, <https://www.cargill.com/about/workplace-safety> (last visited Nov. 17, 2020).

³⁹ *Safety*, Cargill, <https://www.cargill.com/meat-poultry/safety-in-protein-na> (last visited Nov. 17, 2020).

⁴⁰ Gabriel Thompson, *Dark Meat*, Slate (Nov. 21, 2016, 5:55 AM), <https://slate.com/business/2016/11/turkey-plants-are-harsh-on-workers-in-the-weeks-before-thanksgiving.html> (Quote by Cargill spokesman Mike Martin).

⁴¹ *Responses to the 2020 BBFAW Survey*, Cargill, <https://www.cargill.com/page/bbfaw> (last visited Nov. 17, 2020).

⁴² *Global Commitment Statement*, Cargill, <https://www.cargill.com/meat-poultry/global-commitment-statement> (last visited Nov. 17, 2020).

⁴³ *NFACC Information Update: May 2016*, National Farm Animal Care Council, <https://www.nfacc.ca/news?articleid=265> (last visited Nov. 17, 2020) (Quote from Dr. Mike Siemens, Global Lead, Animal Welfare & Husbandry, Cargill Animal Protein).

⁴⁴ *GENERATIONS OF LIVING “THE GOOD LIFE”*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/glenn-kathy/> (last visited Nov. 17, 2020); *GENERATIONS OF LIVING “THE GOOD LIFE”*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/glenn-kathy/> (last visited Nov. 17, 2020).

⁴⁵ *Responses to the 2020 BBFAW Survey*, *supra* note 41.

An essential component of Cargill’s representations regarding humane treatment is the “independent family farm” narrative, which serves as a unifying theme of Cargill’s marketing. Cargill’s “family farmers” imply that they are providing personalized care to individual animals, despite the fact that providing individualized care for each of tens of thousands of birds is impossible in these industrial facilities. The “family farm” narrative positions Cargill’s brands as an alternative to industrial factory farms that have become associated with the poultry industry.

c. Environmental Claims

Cargill expressly represents and markets its turkey production practices as “sustainable” and consistently emphasizes that its producers are “good stewards of the land.” Examples of misleading representations include:

- “Our kids really inspired me, especially to treat our soil better and respect nature more. My opinion of conservation, just being better stewards of the land, has done a complete 180 because of our kids.”⁴⁶
- “Nourishing people, animals and the planet in a safe, responsible and sustainable way is what we do.”⁴⁷
- “Our kids really inspired me to respect nature more, just being better stewards of the land.”⁴⁸
- “CONSERVING FOR THE FUTURE.”⁴⁹
- “I try to get other farmers to protect our environment to pass it on to the next generation.”⁵⁰

⁴⁶ *CONSERVING FOR THE FUTURE*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/craig-nancy/> (last visited Nov. 17, 2020); *CONSERVING FOR THE FUTURE*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/craig-nancy/> (last visited Nov. 17, 2020).

⁴⁷ *Shady Brook Farms becomes first turkey brand to meet Certified Responsible Antibiotic Use (CRAU) standards*, Cargill (Feb. 6, 2017), <https://www.cargill.com/2017/shady-brook-farms-becomes-first-turkey-brand-to-meet-crau>.

⁴⁸ Honeysuckle White, *A More Beautiful Barn - Craig and Nancy*, YouTube (June 2, 2015), https://www.youtube.com/watch?v=FuZGzHLHxbQ&feature=emb_logo; Shady Brook Farms, *A More Beautiful Barn - Craig and Nancy*, YouTube (June 2, 2015), <https://www.youtube.com/watch?v=liKIzvfpbM8>.

⁴⁹ *Id.*

⁵⁰ *Id.*

- “Many of our independent farmers incorporate environmentally conscious practices into their business.”⁵¹
- “BETTER PROTEIN. BETTER SUSTAINABILITY.”⁵²
- “We protect animal welfare, reduce use of growth-promoting antibiotics in turkey, reduce environmental impact and increase transparency.”⁵³
- “Cargill is working to nourish the world in a safe, responsible and sustainable way.”⁵⁴

B. The Reality of Cargill’s Practices

Contrary to Cargill’s representations, Cargill turkey does not come from “independent family farms,” and the workers who manufacture its products are, as a matter of standard business practice, subject to dangerous working conditions. In addition, the turkeys that become its products are, as a matter of standard business practice, raised and handled in industrial disease-ridden and inhumane conditions, from hatching through slaughter. Finally, Cargill also regularly fails to comply with environmental laws.

1. Cargill Does Not Source from “Independent Family Farmers.”

Cargill’s operations are far from “independent” family farms. A report from the Small Business Administration Office of Inspector General (“SBA OIG”) concluded that large poultry companies exercise “comprehensive control” over the farmers that raise birds for their products and restrict “practically all of the [farmer’s] ability to operate their businesses independent of

⁵¹ *Screenshot of Shady Brook Farms Website from February 5, 2018*, WaybackMachine, <https://web.archive.org/web/20180205043436/http://www.shadybrookfarms.com/about-our-turkey/independent-farmers/>; *Screenshot of Honeysuckle White Website from February 25, 2020*, WaybackMachine, <https://web.archive.org/web/20200225221501/https://www.honeysucklewhite.com/about-our-turkey/independent-farmers/>.

⁵² *TRACE YOUR TURKEY TO THE FAMILY FARM THAT RAISED IT*, Shady Brook Farms, <https://shadybrookfarms.com/trace-your-turkey/> (last visited Nov. 17, 2020); *TRACE YOUR TURKEY TO THE FAMILY FARM THAT RAISED IT*, Honeysuckle White, <https://www.honeysucklewhite.com/trace-your-turkey/> (last visited Nov. 17, 2020).

⁵³ *Sustainability*, Cargill, <https://www.cargill.com/meat-poultry/sustainability-in-protein-na> (last visited Nov. 16, 2020).

⁵⁴ *Id.*

integrator mandates.”⁵⁵ Effectively, the SBA OIG concluded that purportedly “independent” poultry farmers, such as those under contract with Cargill, are not independent businesses at all.

In reality, Cargill is a prime example of the “vertically integrated” large poultry companies at issue in the SBA OIG report. Cargill exercises total control over virtually all aspects of the farming and production process.⁵⁶ Cargill controls the breeds of turkeys used, the feed they are provided, the drugs they are administered, and the number of turkeys in each barn. The contract farmers do not even own the turkeys—Cargill does.⁵⁷ Furthermore, farmers must take on the burdensome costs of electricity and water price increases in addition to mandatory barn updates and equipment upgrades required by Cargill. Thus, Cargill’s farmers have essentially no ability to exercise independent judgment about how to farm in a way that is best for their communities, consumers, workers, animals, or the environment. Cargill’s “independent family farmers” are in fact mandated to farm according to the precise specifications calculated by Cargill to maximize its profits. Accordingly, journalists have noted that “[t]he reality is that the farmers in [Cargill’s advertisements] are not ‘independent’ by any reasonable interpretation.”⁵⁸

There are countless stories from contract growers detailing how Cargill’s predatory practices lead farmers to become dependent on Cargill for their livelihood and leave farmers with no meaningful ability to make independent decisions about their farming practices. Billy Turner, a farmer from Virginia, raises 54,000 turkeys annually for Cargill. Over a period of 25 years, the amount he earns per bird (which is dictated by Cargill) has dropped massively and Mr. Turner effectively cannot stop raising turkeys for Cargill because the company recently mandated barn

⁵⁵ Evaluation of SBA 7(A) Loans Made to Poultry Farmers, U.S. Small Business Administration Office of the Inspector General (March 6, 2018).

⁵⁶ Sam Bloch & Joe Fassler, *Why Cargill’s “blockchain-based” turkeys obscure more than they reveal*, The Counter (Nov. 23, 2018) <https://thecounter.org/cargill-blockchain-traceable-turkey-contract-farming-reality-thanksgiving/>.

⁵⁷ *Id.*

⁵⁸ *Id.*

upgrades that have raised his utility bills tenfold. In order to survive, Billy must raise corn and cattle as well, or he “would probably be bankrupt by now.”⁵⁹ Other farmers similarly complain about hidden costs and describe feeling trapped in a contract.⁶⁰

In Texas, an antitrust suit was brought on behalf of farmers who had been forced by Cargill into a “monopoly relationship, encouraging them to invest in larger and more expensive operations, falsifying weights to affect performance records and then announcing a phase-out of all local contracts.”⁶¹ According to the suit, many growers had to take out loans—even mortgaging their homes—in order to enlarge and build new football-field sized turkey houses. The suit also alleges that Cargill “‘intentionally employed numerous methods to falsify weights,’ that determined growers’ compensation, and falsified the amount of feed delivered to growers, inflating costs.”⁶² Similar accusations have been made against Cargill in other lawsuits.⁶³

2. Cargill Does Not Provide a “Safe Workplace.”

Contrary to Cargill’s representations, its employees do not work in a “safe workplace.” Cargill’s workers are exposed to chemical hazards daily. In 2012, an ammonia leak at a Cargill turkey plant in Springdale, Arkansas led to the evacuation of 500 workers.⁶⁴ Another ammonia leak occurred at the same plant on July 30 of this year, halting operations for over three hours.⁶⁵

⁵⁹ Christine Haughney, *Turkey farmers facing squeeze after Trump kills agriculture rules*, Politico (Nov. 22, 2017), <https://www.politico.com/story/2017/11/22/turkey-farmers-trump-agriculture-rules-256169>.

⁶⁰ See, e.g., Andrew Jenner, *Farm Confessional: I’m a Family Farmer (But Some People Call Me a Factory Farmer)*, Modern Farmer (Jan. 6, 2014), <https://modernfarmer.com/2014/01/farm-confessional-im-factory-family-farmer/>.

⁶¹ *Turkey growers win ruling*, Gonzalez Inquirer (June 15, 2003), <http://www.gonzalesinquirer.com/stories/turkey-growers-win-ruling,22981>.

⁶² *Id.*

⁶³ See, e.g., Randi Ilyse Roth, *Contract Farming Breeds Big Problems for Growers*, Farmers’ Legal Action Group (1992), <http://www.flaginc.org/wp-content/uploads/2013/03/artcf002.pdf>.

⁶⁴ *Tyson, Cargill Plants Evacuated After Leaks*, Arkansas Democrat Gazette (Feb. 6, 2012, 9:57 AM), <https://www.arkansasonline.com/news/2012/feb/06/ammonia-leak-reported-tyson-plant/>.

⁶⁵ Roy Graber, *Cargill: Everyone safe after turkey plant ammonia leak*, WattAgNet (Aug. 3, 2020), https://www.wattagnet.com/articles/40859-cargill-everyone-safe-after-turkey-plant-ammonia-leak?v=preview&utm_source=Omeda&utm_medium=Email&utm_content=NLPoultry+Update&utm_campaign=NLPoultry+Update_20200804_0400&oly_enc_id=3358C5930923J9W.

Slaughterhouse workers also suffer from debilitating mutilations and repetitive motion injuries⁶⁶ while working on the slaughter and processing line. Cargill is ranked 16th among the thousands of companies reporting severe injuries to OSHA from January 2015 to July 2018.⁶⁷ Due to the fast-paced nature of slaughter and processing line work, which typically involves repetitive motions, workers experience cumulative trauma as they attempt to keep up with the company-set line speeds. This trauma “damages internal parts of the body—muscles, tendons, bones, and nerves—[which] may not be immediately apparent and is often not treated until damage is permanent and disabling.”⁶⁸ According to a study conducted by the Southern Poverty Law Center, “almost three quarters of poultry workers suffered from occupational injury or disease—many of which were associated with fast slaughter line speeds.”⁶⁹

Cargill has chosen to terminate long-time employees following their revelations of illness or injury. In 2014, Vilma Asencio was fired from a Cargill turkey plant where she worked for 13 years.⁷⁰ Vilma spent a year working on the shackle line, in which she lifted dead turkeys (which weigh more than 30 pounds on average) onto hooks. Her right hand eventually went numb from the work, and she had “lost all [her] strength” so that “[e]ven a water bottle was too hard to open.”⁷¹ When Vilma filed a workers’ compensation claim, Cargill’s insurer denied the claim.⁷² In 2014, Vilma had surgery for another work-related injury—tendinitis in her right shoulder, which the

⁶⁶ “*When We’re Dead and Buried, Our Bones Will Keep Hurting*”, *supra* note 2 (“cumulative trauma injuries like carpal tunnel or tendinitis that develop through repeated stress over time” and such musculoskeletal disorders are more prevalent among poultry workers than those in other sectors of the meat industry).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Bruce Vail, *This Thanksgiving, Spare a Moment to Consider Turkey Plant Workers*, In These Times (Nov. 26, 2013), <https://inthesetimes.com/article/on-thanksgiving-day-spare-a-moment-to-consider-the-turkey-plat-workers>.

⁷⁰ Thompson, *supra* note 40.

⁷¹ *Id.*

⁷² *Id.*

company conceded was work-related. However, Vilma was fired three weeks before the surgery for her supposedly poor attendance record. Vilma’s shoulder still causes her significant pain today.

Esmundo Juarez Carranza is another Cargill employee who was unfairly terminated “after leaving his post on the production line to use the bathroom without first getting permission from supervisors.”⁷³ Esmundo states that Cargill subjects its workers to “low pay, onerous working conditions and abusive managers” and that Cargill “treated us worse than animals.”⁷⁴ Esmundo attributes this to increased slaughter line speeds: “As the poultry producers strive to maintain fast line speeds . . . they’re subjecting workers to tighter restrictions—and often disregarding the workers’ emotional and physical well-being.”⁷⁵

Cargill’s mistreatment of workers has been further highlighted by the COVID-19 pandemic. Cargill’s lack of swift action and continued negligence was the direct cause of such outbreaks in its own facilities.⁷⁶ According to Cargill spokesman Dan Sullivan, workers in more than seven states have tested positive for the virus.⁷⁷ Numerous Cargill plant employees have died from COVID-19 following outbreaks at Cargill facilities.⁷⁸ A Dodge City, Kansas plant employee has described how “[s]ocial distancing is hard, if not impossible, in some areas of the plant, with

⁷³ Vail, *supra* note 69.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See Amelia Lucas, *CDC says 9% of meatpacking plant workers have been diagnosed with Covid-19*, CNBC (July 7, 2020 at 1:00 PM; updated July 7, 2020 at 7:07 PM), <https://www.cnbc.com/2020/07/07/cdc-says-9percent-of-meatpacking-plant-workers-have-been-diagnosed-with-covid-19.html>.

⁷⁷ Miriam Jordan & Caitlin Dickerson, *Poultry Worker’s Death Highlights Spread of Coronavirus in Meat Plants*, New York Times (Apr. 9, 2020), <https://www.nytimes.com/2020/04/09/us/coronavirus-chicken-meat-processing-plants-immigrants.html>.

⁷⁸ See e.g., Jesse Paul, *A Salvadoran immigrant worked at a Fort Morgan slaughterhouse for 24 years. Coronavirus killed him in 10 days.*, Colorado Sun (June 18, 2020), <https://coloradosun.com/2020/06/18/juan-marin-cargill-meatpacking-coronavirus-death/>; Sarah Rieger, *3rd death linked to Canada’s largest COVID-19 outbreak at Alberta slaughterhouse*, CBC (May 11, 2020), <https://www.cbc.ca/news/canada/calgary/3rd-covid-19-death-cargill-meat-processing-plant-high-river-1.5565265>; Roy Graber, *Virginia Cargill turkey plant worker dies from COVID-19*, WattAgNet (Apr. 28, 2020), <https://www.wattagnet.com/articles/40174-virginia-cargill-turkey-plant-worker-dies-from-covid-19>.

hundreds of workers in and out every day.”⁷⁹ These are key measures that the CDC and OSHA have recommended to stop the spread of COVID-19 among workers in meat and poultry processing plants.⁸⁰

3. Cargill Does Not Treat Its Turkeys “Humanely.”

Cargill’s production practices are emblematic of modern industrial animal agriculture, where animals are treated as mere units of production. Turkeys in Cargill’s supply chain are crowded by the tens of thousands into massive, barren industrial warehouses. The environment is devoid of meaningful stimuli, with no opportunity for turkeys to explore, forage, roost, or form normal social groups. Scientists have found that this extreme deprivation and overcrowding causes psychological distress, leading to harmful behaviors, including feather-pecking and cannibalism.⁸¹ Furthermore, the build-up of excrement creates unsanitary conditions where disease, burns, blisters, and respiratory problems from noxious gases are commonplace.⁸² These unsanitary and overcrowded facilities are extremely susceptible to the emergence and rapid spread of disease, and thereby prompt the aggressive overuse of antibiotics and other contaminants. Turkeys also have debilitating congenital health problems due to selective breeding to produce extremely large and rapidly growing birds.⁸³ Common practices include: the systematic amputation of turkeys’ toes

⁷⁹ Kate Gibson, *13 U.S. meat industry workers have died of COVID-19, union says*, CBS News (Apr. 24, 2020), <https://www.cbsnews.com/news/coronavirus-meat-industry-workers-died-covid-19/>.

⁸⁰ *Meat and Poultry Processing Workers and Employers: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)*, Centers for Disease Control and Prevention (updated Nov. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>.

⁸¹ *An HSUS Report: The Welfare of Animals in the Turkey Industry*, The Humane Society of the U.S., <https://www.humanesociety.org/sites/default/files/docs/hsus-report-turkey-welfare.pdf> (last visited Nov. 17, 2020) (hereinafter “HSUS Report”).

⁸² *Id.*

⁸³ *Id.* The rapid growth and heavy body weight of these turkeys causes painful conditions including muscle damage, cardiovascular problems, skin lesions, bone deformities, lesions in the hip joint, and the rupture of tendons and ligaments.

and beaks without any pain relief;⁸⁴ dumping live chicks in grinding machines called “macerators”; and boiling turkeys alive or cutting their throats while fully conscious.⁸⁵

4. Cargill’s production methods are not “sustainable.”

Contrary to its environmental sustainability representations, Cargill’s “improper poultry waste disposal practices” were the subject of a major lawsuit by the state of Oklahoma, which alleged that Cargill was responsible for the “pollution” and “degradation” of the Illinois River Watershed.⁸⁶ There, the state argued that Cargill’s (and other turkey producers’) improper disposal of hundreds of thousands of tons of poultry waste released hazardous substances including arsenic, hormones, and dangerous pathogens into the Illinois River Watershed.⁸⁷ The state determined that Cargill may have contaminated drinking water and recreation areas and caused injury to and destruction of wildlife, among other things.

According to a 2019 study published in the International Journal of Environmental Research and Public Health, Cargill’s mode of “[i]ndustrial poultry production is widely known as a major environmental hazard.”⁸⁸ The same study found that “[t]he projected size and amount of poultry to be processed at the plant would likely cause increased levels of air, soil and water pollution, additional odor issues, and increased traffic and related pollution and safety issues.” The report further cited issues with “degradation of air and water quality,” “increase[d] traffic related air pollution,” “potential[] contamination of local rivers and streams . . . posing a threat to groundwater supplies,” “ambient odor problems,” “volatile odorous compounds,” animal cages

⁸⁴ *Responses to the 2020 BFAW Survey*, *supra* note 41 (Cargill refers to these amputations as beak and toe “treatments”).

⁸⁵ *An HSUS Report*, *supra* note 81.

⁸⁶ Eric Lipton & Coral Davenport, *Scott Pruitt, Trump’s E.P.A. Pick, Backed Industry Donors Over Regulators*, New York Times (Jan. 14, 2017), https://www.nytimes.com/2017/01/14/us/scott-pruitt-trump-epa-pick.html?_r=0.

⁸⁷ *Oklahoma v. Tyson Foods, Inc. et al.*, No. 4:05-cv-00329-GKF-SAJ (N.D. Okla. 2007).

⁸⁸ Leah Baskin-Graves et al., *Rapid Health Impact Assessment of a Proposed Poultry Processing Plant in Millsboro, Delaware*, Int. J. Environ. Res. Health. 2019 Sep., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6765835/> (last visited Nov. 17, 2020).

that “are highly contaminated with bacteria and feces,” and numerous strains of “antibiotic-resistant bacteria.”⁸⁹

A separate 2020 study by The College of William and Mary’s Institute of Marine Science compared pollution in two tidal creeks—one with a poultry plant nearby and one without.⁹⁰ The study found that “wastewater from a poultry processing plant has a particularly significant impact on water quality and nutrient cycling” because “it contains not only lots of nitrogen, but antibiotics and byproducts of the process the plants use to treat their wastewater.”⁹¹

On numerous occasions, USDA testing at Cargill turkey plants detected *Salmonella* strains that are “commonly associated with illness” and strains resistant to highly important antibiotics. These resistant pathogens can negatively affect human and animal populations once they enter the environment. Multiple studies have found that treating waste or wastewater from slaughter plants does not neutralize antibiotic-resistant pathogens and that these pathogens pose threats to the environment.⁹² According to a report by the USDA, “the genes that carry resistance can also spread within the environment,” where they can mutate and become more potent.⁹³ Another study concluded that “the use of antimicrobials in poultry production leads to the selection of a large pool of resistance genes and that wastewater treatment processes are unable to inactivate the bacteria and thus will result in dissemination of resistant *E. coli* into the environment.”⁹⁴ Such

⁸⁹ *Id.*

⁹⁰ David Malmquist, *Study further implicates poultry processing in coastal pollution*, William & Mary (Jan. 17, 2020), <https://www.wm.edu/news/stories/2020/study-further-implicates-poultry-processing-in-coastal-pollution.php>.

⁹¹ *Id.*

⁹² P.M. da Costa et al., *Antimicrobial Resistance in Escherichia Coli Isolated in Wastewater and Sludge from Poultry Slaughterhouse Wastewater Plants*, 70 *J. Env’l Health* 40, 40 (2008), <https://www.ncbi.nlm.nih.gov/pubmed/18348391>.

⁹³ Stacy Sneeringer, Maria Bowman, & Matthew Clancy, *The U.S. and EU Animal Pharmaceutical Industries in the Age of Antibiotic Resistance*, United States Department of Agriculture Economic Research Service (May 2019), <https://www.ers.usda.gov/webdocs/publications/93179/err-264.pdf?v=1728.4>.

⁹⁴ P.M. da Costa et al., *supra* note 92.

contaminants often “end up in the marine environment and may have a significant risk on the public health.”⁹⁵

VI. ANALYSIS UNDER THE FEDERAL TRADE COMMISSION ACT

A marketing representation violates Section 5 of the FTC Act if it is both “material” and “deceptive.”⁹⁶ As described below, Cargill’s representations about the turkey products it sells satisfy both elements.

A. Cargill’s Representations Are Likely to Mislead.

Many consumers will find Cargill’s marketing and advertising representations misleading if the realities of the company’s production practices are illuminated. As a threshold matter, a company is responsible for all reasonable consumer interpretations of its advertisements, so it does not matter that the company’s representations may convey differing meanings to different consumers.⁹⁷ “To be considered reasonable, the interpretation or reaction does not have to be the only one.”⁹⁸ Instead, “[w]hen a seller’s representation conveys more than one meaning to reasonable consumers, one of which is false, the seller is liable for the misleading interpretation.”⁹⁹ When a particular consumer group is targeted or likely to be affected by the advertisement, the advertisement should be examined from the perspective of a reasonable member of that group.¹⁰⁰

Here, Cargill’s representations target consumers most likely to be misled: consumers who are concerned about the social impacts of the foods they eat, and who look to companies’ advertising to identify goods that are produced in ways that comport with those values. Many such

⁹⁵ Abdellah El Boulani et al., *Salmonella in Wastewater: Identification, Antibiotic Resistance and the Impact on the Marine Environment*, In Tech Open (Apr. 5, 2017), <https://www.intechopen.com/books/current-topics-in-salmonella-and-salmonellosis/salmonella-in-wastewater-identification-antibiotic-resistance-and-the-impact-on-the-marine-environme>.

⁹⁶ FTC Policy Statement on Deception, *supra* note 9.

⁹⁷ *See id.* at 2-3.

⁹⁸ *Id.* at 3.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 1-3.

consumers, and the general public more broadly, will reasonably interpret Cargill’s representations as saying just that. But Cargill’s actual practices do not match a reasonable consumer’s expectations for poultry products advertised and marketed as coming from “independent family farms.” Therefore, Cargill’s representations are unlawfully deceptive in violation of the FTC Act.

1. Cargill Cannot Substantiate Its Independent Family Farm Claims.

No reasonable consumer would consider Cargill’s farmers to be “independent” in light of the findings that companies like Cargill exercise “comprehensive control” over them and restrict “practically all of [their] ability to operate their businesses independent of [corporate] mandates.”¹⁰¹ Moreover, Cargill has also failed to substantiate that the Products actually have the benefits for workers, animals, and the environment implied by its “independent family farm” claims.¹⁰²

In sum, reasonable consumers believe that family farms are the polar opposite of “large,” “industrial,” “corporate” farms. Accordingly, Cargill’s farms—which are corporate-controlled and house hundreds of thousands of birds at a single facility—are precisely the large corporate farms consumers turn to “family farmed” products to avoid.

2. Cargill Cannot Substantiate Its Express or Implied Worker Safety Claims.

When Cargill advertises that it provides a “safe workplace,” or that its “top priority is to safeguard [workers’] health and well-being,” consumers reasonably expect that Cargill exceeds industry standards for worker safety and believe that its workers are not routinely subjected to dangerous conditions that predictably cause chronic illness and respiratory health issues. Consumers could also reasonably interpret Cargill’s ads to mean that Cargill adheres to CDC and

¹⁰¹ *Evaluation of SBA 7(A) Loans Made to Poultry Farmers*, U.S. Small Business Administration Office of the Inspector General (March 6, 2018).

¹⁰² *See supra*, notes 31-35.

OSHA guidelines regarding worker safety, including guidelines related to COVID-19. Reasonable consumers would not expect that Cargill uses processing line speeds that are faster, and therefore *more dangerous*, than industry standard line speeds.¹⁰³

3. Cargill Cannot Substantiate Its Express or Implied Animal Welfare Claims.

As recent surveys confirm, overwhelming majorities of American consumers are very concerned about the treatment of the farmed animals that become food. For instance, in a consumer survey, 80% of consumers said they would either “definitely not” or “probably not” consider chickens to be “Humanely Raised” if the chickens were bred for extremely fast growth, causing the chickens to have chronic health problems.¹⁰⁴ As explained above, Cargill does just that yet still advertises the treatment of its turkeys as “humane.” In the same survey, 84% of consumers surveyed would either “definitely not” or “probably not” consider chickens to be “Humanely Raised” if a company kept its chickens in barns and subjected them to near continuous lighting, preventing natural rest and sleep behaviors.¹⁰⁵ What’s more, 84% percent of respondents in a more recent survey believe farms should raise animals with sufficient space and not confine animals so tightly that they can barely move¹⁰⁶—which, as described above, are hallmark conditions of industrial turkey operations like Cargill’s (*see supra* Part V.B.3).¹⁰⁷ No reasonable consumer

¹⁰³ See Leah Douglas, *At poultry plants allowed to run faster processing lines, a greater risk of Covid-19*, The Fern (Sept. 10, 2020), https://thefern.org/ag_insider/at-poultry-plants-allowed-to-run-faster-processing-lines-a-greater-risk-of-covid-19/; *USDA Allows Poultry Plants to Raise Line Speeds, Exacerbating Risk of COVID-19 Outbreaks and Injury*, National Employment Law Project (June 2020) <https://s27147.pcdn.co/wp-content/uploads/Policy-Brief-USDA-Poultry-Line-Speed-Increases-Exacerbate-COVID-19-Risk.pdf>.

¹⁰⁴ Animal Welfare Institute, *Consumer Perceptions of Farm Animal Welfare*, https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf (last visited Nov. 17, 2020).

¹⁰⁵ *Id.*

¹⁰⁶ C. Victor Spain et al., *Are They Buying It? United States Consumers’ Changing Attitudes Toward More Humanely Raised Meat, Eggs, and Dairy*, 8 *Animals* 128 (2018).

¹⁰⁷ *The Humane Society of the U.S. v. Pilgrim’s Pride, Corp.*, Federal Trade Commission (Dec. 12, 2018), <https://blog.humanesociety.org/wp-content/uploads/2018/12/2018-12-12-Pilgrims-Pride-FTC-Complaint.pdf>.

would consider this “treat[ment] in a manner that provides comfort,” yet that’s how Cargill describes its practices.¹⁰⁸

4. Cargill Cannot Substantiate Its Express or Implied Environmental Claims.

Cargill’s “family farmer” claims and its express unqualified claims regarding its “sustainable” practices run directly afoul of the FTC Green Guides. In warning letters to other companies, the FTC has acknowledged that general environmental terms like “sustainable” can be “interpreted to imply certain specific environmental benefits.” The FTC has “admonished” companies for using unqualified claims such as “sustainable” due to the FTC’s determination that it is “highly unlikely that they can substantiate all reasonable interpretations of these claims.”¹⁰⁹ In violation of the FTC Green Guides, Cargill has failed to “use clear and prominent qualifying language that limits [its environmental claims] to a specific benefit or benefits.”¹¹⁰ Cargill has also violated the Green Guides by implying that the environmental benefit of the Products is “significant [when] it is, in fact, negligible.”¹¹¹

B. Cargill’s Representations Are Material.

Materiality is established when a representation “is likely to affect the consumer’s conduct or decision with regard to a product or service.”¹¹² Here, Cargill directs its “independent family farm” claims at those consumers most likely to find these representations material and those most likely to be misled by them: conscientious consumers inclined to purchase products that are

¹⁰⁸ *Responses to the 2020 BBFAW Survey*, *supra* note 41.

¹⁰⁹ *FTC Sends Warning Letters to Companies Regarding Diamond Ad Disclosures*, Federal Trade Commission (Apr. 2, 2019), <https://www.ftc.gov/news-events/press-releases/2019/03/ftc-sends-warning-letters-companies-regarding-diamond-ad>. The National Advertising Division (“NAD”) has also warned against the use “images and terms suggestive of sustainability [that] can give rise to so many different meanings and expectations on the part of consumers.” *NAD re: Chipotle Mexican Grill*, Case #5450, NAD/CARU Case Reports (Apr. 2020).

¹¹⁰ Federal Trade Commission, *FTC Green Guides*, Part 260—Guides for the Use of Environmental Marketing Claims, § 260.4(c).

¹¹¹ *Id.*

¹¹² *The Humane Society of the U.S. v. Pilgrim’s Pride, Corp.*, *supra* note 107.

ethically produced. It is beyond dispute that consumers care deeply about the workers who make their food; it is also beyond dispute that consumers rely on representations like those made by Cargill to identify products that they consider to be ethically produced. The FTC,¹¹³ the Better Business Bureau, and even the poultry industry have each firmly recognized that social issues, including the treatment of workers, are of significant concern to consumers and have an important bearing on consumer purchasing decisions.¹¹⁴

Cargill's own spokespeople have admitted the importance of the "independent family farm" claims: Brand manager Kathy Long said, "company surveying has shown that what's most important to customers is knowing more about the company's farmers."¹¹⁵ Additionally, "According to a company survey . . . 80 percent of consumers feel it's important to buy a Thanksgiving turkey raised by a 'family farmer.'"¹¹⁶ In 2016, Cargill's Director of Sustainable Food Strategy wrote that "consumers look to food manufacturers to provide transparency about policies, practices and performance for six key aspects of food production. These aspects [include] . . . labor and human rights."¹¹⁷

Consumers associate Cargill's "independent family farm" claims with a variety of positive attributes, including superior worker safety, animal welfare, and environmental sustainability.

¹¹³ See, e.g., FTC, Statement of Commissioner Rohit Chopra, *supra* note 5.

¹¹⁴ *Starbucks Corporation (Free Trade Certified Coffee)*, Report #4592, NAD Case Reports, at 1 (Nov. 8, 2006) ("Advertising claims which tout that the advertiser is addressing particular social or ethical concerns can provide consumers with important information about their purchasing choices."); JBS, *Annual and Sustainability Report 2017* 8 (2017), <http://jbss.infoinvest.com.br/enu/s-7-enu-2018.html> ("We have focused on understanding consumer trends and demands. For example, we are the world's largest producer of natural, organic chicken"); see also Context Mktg., *Ethical Food: A Research Report on the Ethical Claims That Matter Most to Food Shoppers and How Ethical Concerns Influence Food Purchases* 4, 6 (2010), <https://web.archive.org/web/20130928195843/http://contextmarketing.com/sources/feb28-2010/ethicalfoodreport.pdf> (reporting 69 percent of consumers will pay more for "food produced to higher ethical standards," and 91 percent of consumers include animal welfare in their criteria for whether something is ethically produced).

¹¹⁵ Bloch & Fassler, *supra* note 56.

¹¹⁶ *Id.*

¹¹⁷ Leigh Ann Johnson, *Transparency in Sustainability: Key to Connecting with Consumers*, Nat'l Provisioner (Mar. 10, 2016), <https://www.provisioneronline.com/articles/103026-transparency-in-sustainability-key-to-connecting-with-consumers>.

Numerous consumer surveys and studies¹¹⁸ demonstrate that these attributes are material to consumers. For example:

- A 2008 study assessed U.S. “consumer willingness to pay for food embodying a living wage and safe working conditions for farmworkers” and found that “respondents were willing to pay substantially more” for ethically produced products.¹¹⁹
- According to the 2015 Consumer Reports survey, 89% of respondents stated, when shopping for food, it was important or very important to support companies that provide “good working conditions/fair pay to workers.”¹²⁰
- In a 2006 study about consumer values across six different countries, including the U.S., “safe working conditions” ranked in the top six (of 16) important issues for consumers in every nation, and was in the top three issues for more than half of the countries.¹²¹ “Safe working conditions” fell among the top four issues “rated higher than the average issue by individuals in all the countries studied.”¹²²
- Research demonstrates that claims such as “sustainably produced” are perceived by consumers as “umbrella terms” that convey numerous materially beneficial attributes, such as “produced according to higher animal welfare standards.”¹²³
- A study on consumer perception of the phrase “ecologically sustainable” found that, out of 235 responses, only 4% “expressed skepticism about the term [‘ecologically sustainable’], stating that they felt it was primarily a marketing term without real meaning.” Accordingly, researchers have found that overall, consumers are willing to pay a substantial price premium (\$14) for products labeled as “ecologically sustainable” because these representations are meaningful.¹²⁴

¹¹⁸ See e.g., Spain et al., *supra* note 106 (finding the weighted average of consumers’ marginal willingness to pay for products from humanely treated animals was \$0.96 for one pound of chicken breast—a 48% premium); David Stanton, *In US, Willingness to Pay More for Environment-Friendly Products Grows*, Growth from Knowledge (Apr. 17, 2017), <https://www.gfk.com/en-us/insights/press-release/in-us-willingness-to-pay-more-for-environment-friendly-products-grows/> (finding 56% of consumers were willing to pay more to use “environment-friendly (‘green’) products.”).

¹¹⁹ P.H. Howard & P. Allen, *Consumer willingness to pay for domestic ‘fair trade’: Evidence from the United States*, 23 *Renewable Ag. and Food Systems* 235 (June 30, 2008).

¹²⁰ *Id.* at 2.

¹²¹ Pat Auger et al., *Using Best–Worst Scaling Methodology to Investigate Consumer Ethical Beliefs Across Countries*, 70 *J. Bus. Ethics* 299 (2006), <https://link.springer.com/content/pdf/10.1007/s10551-006-9112-7.pdf>.

¹²² *Id.*

¹²³ Katrin Zander & Yvonne Feucht, *Consumers’ Willingness to Pay for Sustainable Seafood Made in Europe*, 30 *J. Int’l Food & Agribusiness Marketing* 251 (Dec. 22, 2017).

¹²⁴ Loren McClenachan et al., *Fair trade fish: consumer support for broader seafood sustainability*, 17 *Fish & Fisheries* 825 (Sept. 2016).

- According to the 2015 Consumer Reports survey, “A range of environmental, safety and social responsibility objectives are key (very important or important) to most US consumers when shopping for food.”¹²⁵
- Similarly, a 2015 Nielsen global survey of 30,000 consumers found that 66% of respondents were willing to pay more for products from companies “committed to positive social and environmental impact.”¹²⁶
- A 2017 international study by Unilever found that 33% of global consumers are “choosing to buy from brands they believe are doing social or environmental good.” The study further found that 78% of shoppers in the U.S. “say they feel better when they buy products that are sustainably produced.”¹²⁷

Accordingly, Cargill’s representations are unlawfully deceptive under the FTC Act.¹²⁸

C. The FTC Should Exercise Its Full Authority to Protect Consumers and Honest Businesses from Cargill’s Misleading Claims.

While the FTC necessarily endeavors to harmonize its decisions with other federal agencies, its commitment “to exercising its full authority to protect consumers and honest businesses” from fraudulent claims calls for the Commission to examine each case and weigh the intent behind the regulations and rulings and balance those against the reasonable expectations of consumers. The overwhelming evidence that Cargill’s business practices are inconsistent with consumer perception of its labels and advertising presents a strong case for enforcement. The FTC should not automatically defer to Cargill’s approved *labels*, especially where, as here, the label claims at issue were approved through an ad-hoc review by FSIS staff and not by regulation or even informal policy. Finally, the FTC has a compelling interest in enforcement action regarding

¹²⁵ Consumer Reports National Research Center, *Natural Food Labels Survey: 2015 Nationally-Representative Phone Survey* 3 (2015), http://article.images.consumerreports.org/prod/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf (emphases in original).

¹²⁶ Nielsen Company, *The Sustainability Imperative: New Insights on Consumer Expectations* 8 (2015), https://www.nielsen.com/wp-content/uploads/sites/3/2019/04/Global20Sustainability20Report_October202015.pdf.

¹²⁷ *Report Shows a Third of Consumers Prefer Sustainable Brands*, Unilever (May 1, 2017), <https://www.unilever.com/news/press-releases/2017/report-shows-a-third-of-consumers-prefer-sustainable-brands.html>.

¹²⁸ See generally FTC Policy Statement on Deception, *supra* note 9, at 2 (a claim is unlawfully deceptive if it is important to a consumer’s purchasing decision and is likely to mislead consumers acting reasonably under the circumstances).

Cargill's *non-label* advertising, particularly with regard to the advertisements at issue that add misleading context (through express claims regarding worker safety, animal welfare, and environmental sustainability) to the representations used on the product labels. Accordingly, the FTC should exercise its full authority to regulate the deceptive marketing of the retail poultry products at issue pursuant to 7 U.S.C. § 227 and Section 5 of the FTC Act.

VII. RELIEF REQUESTED

The actions described above constitute unlawful conduct, unfair methods of competition, and unfair and deceptive practices under the FTC Act, 15 U.S.C. § 41 *et seq.*

Accordingly, the undersigned respectfully requests that the Commission:

1. Require Cargill to remove the misleading marketing claims;
2. Enjoin Cargill from making such misleading statements in the future;
3. Require Cargill to disseminate corrective statements in all media in which the misleading statements were previously disseminated; and
4. Impose all other penalties as are just and proper.

Respectfully submitted November 23, 2020,



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EXHIBIT A

Table 1: Independent Family Farm Claims

Representations
<ul style="list-style-type: none">• “RAISED BY INDEPENDENT FAMILY FARMERS”• “independent family farms”• “MEET THE FAMILY FARMERS WHO RAISED YOUR TURKEY”• “My name is Glenn, and I’m an independent turkey farmer for Shady Brook Farms.”• “Farming is family to me. It means everything that I can share this experience with my kids. One day, this will be theirs.”• “Whether it’s me going to the barns or whether it’s my whole family going to the barns, we’re all involved. We all work hard and we all get it done.”• “All [Shady Brook Farms and Honeysuckle White] turkeys are raised by independent family farmers with care.”• “[Shady Brook Farms and Honey Suckle White are] committed to the health and safety of our employees, independent family farmers, and customers.”• “Shady Brook Farms turkeys are raised on independent family farms.”• Video footage and images depicting pastoral scenes, such as small red barns on green country hills, streams, and country roads.
Key Evidence of Falsehood
<ul style="list-style-type: none">• Cargill relies exclusively on industrialized, factory-style operations for the production of its turkeys.• Cargill’s industrial turkey farms can raise hundreds of thousands of turkeys per farm.• Cargill uses a “vertically integrated” business model where the turkeys are raised by contract growers who do not actually own the turkeys.• A report from the Small Business Administration Office of Inspector General concluded that large poultry companies like Cargill exercise “comprehensive control” over the farmers that raise birds for their products and restrict “practically all of the [farmer’s] ability to operate their businesses independent of integrator mandates.”• Cargill exploits its contract growers by mandating costly barn and equipment upgrades. Cargill further exploits its contract growers by lowering prices paid per bird. As a result,

contract growers are finding it increasingly difficult to make ends meet, and they cannot leave the turkey industry for fear of going bankrupt.

- An antitrust lawsuit was brought in Texas on behalf of farmers forced by Cargill into a monopoly relationship, encouraging farmers to invest in larger operations. Many growers must take out loans and mortgage their homes so that they can pay for the upgrades. The lawsuit further alleges that Cargill intentionally falsifies weights, which determines the growers' compensation, and falsifies the amount of feed delivered to growers, inflating costs.

Table 2: Worker Safety Claims

Representations
<ul style="list-style-type: none">• “We provide a safe workplace...”• “Our employees are essential in delivering the food we all need to stay healthy and nourished. Cargill’s top priority is to safeguard their health and well-being.”• “A key measure of our success is sending every employee and contractor home safe every day.”• “Cargill’s purpose is to nourish the world in a safe, responsible and sustainable way. The first pillar of that statement is safety.”• “Cargill complies with all regulations related to workplace health and safety and considers the safety of its workers ‘paramount.’”
Key Evidence of Falsehood
<ul style="list-style-type: none">• Cargill’s workers are exposed to chemical hazards daily. In 2012, an ammonia leak at a Cargill turkey plant in Springdale, Arkansas led to the evacuation of 500 workers.• Cargill’s workers are subject to mutilation and repetitive motion injuries (which can be permanent and disabling) as a result of the slaughter and processing line work, which involves repetitive motions done extremely quickly. Cargill has increased its slaughter line speeds, which further jeopardizes the safety and well-being of its workers.• Cargill employees routinely suffer severe injuries at its facilities.• Cargill terminates employees who reveal their illnesses or injuries. In 2014, Cargill fired Vilma Asencio, who spent 13 years working at a Cargill turkey plant. Vilma developed tendinitis in her shoulder and was fired three weeks before the surgery to treat it. Vilma’s shoulder still causes her significant pain today.• Former Cargill employee Esmundo Juarez was terminated after leaving his post in the production line to use the bathroom without first getting permission from his supervisors. Esmundo’s has provided a firsthand account that Cargill subjects workers to low pay, onerous working conditions, and abusive managers.• Cargill has negligently exposed its workers to COVID-19. Cargill workers in more than seven states have tested positive. Numerous Cargill plant employees have died from COVID-19 following outbreaks at Cargill facilities. Cargill plant workers report that social distancing is nearly impossible, with hundreds of workers in and out every day.

Table 3: Animal Welfare Claims

Representations
<ul style="list-style-type: none">• “We ensure that the animals under our care are raised in an environment that satisfies their physical, nutritional and health needs, and they are treated in a manner that provides comfort.”• “We hold ourselves . . . accountable for the humane treatment of animals.”• “The humane treatment of animals in our supply chains . . . is critical.”• “[F]or Glenn . . . it’s about genuinely taking care of the animals.”• “[A]nimals . . . are raised in a setting that allows the expression of natural behaviors.”
Key Evidence of Falsehood
<ul style="list-style-type: none">• Cargill’s turkeys are kept in intensive confinement, where tens of thousands of birds are crowded into barren industrial warehouses.• The build-up of excrement creates unsanitary conditions where disease, burns, blisters, and respiratory problems from noxious gases are commonplace.• Cargill’s unsanitary and overcrowded facilities are extremely susceptible to the emergence and rapid spread of disease, thereby prompting the excessive use of antibiotics and other contaminants.• Cargill’s industrial warehouses are devoid of meaningful stimuli and do not allow the turkeys to express natural behaviors such as explore, forage, roost, and form normal social groups. Scientists have found that this extreme deprivation and overcrowding causes psychological distress and leads to harmful behaviors, including feather-pecking and cannibalism.• Cargill’s turkeys are systematically mutilated. The turkeys’ toes and beaks are routinely amputated without any pain relief.• Cargill employs dangerously rapid slaughter, which can lead to turkeys being boiled alive and/or remaining fully conscious while their throats are cut.• Cargill’s turkeys suffer from debilitating congenital health problems as a result of selective breeding to produce unnaturally large and rapidly growing birds.

Table 4: Environmental Claims

Representations
<ul style="list-style-type: none">• “Our kids really inspired me, especially to treat our soil better and respect nature more. My opinion of conservation, just being better stewards of the land, has done a complete 180 because of our kids.”• “Nourishing people, animals and the planet in a safe, responsible and sustainable way is what we do.”• “Our kids really inspired me to respect nature more, just being better stewards of the land.”• “CONSERVING FOR THE FUTURE.”• “I try to get other farmers to protect our environment to pass it on to the next generation.”• “Many of our independent farmers incorporate environmentally conscious practices into their business.”• “BETTER PROTEIN. BETTER SUSTAINABILITY.”• “We protect animal welfare, reduce use of growth-promoting antibiotics in turkey, reduce environmental impact and increase transparency.”• “Cargill is working to nourish the world in a safe, responsible and sustainable way.”
Key Evidence of Falsehood
<ul style="list-style-type: none">• Cargill is consistently ranked as one of the largest polluters of air and waterways in the United States.• Cargill’s “improper poultry waste disposal practices” were the subject of a major lawsuit by the state of Oklahoma, which alleged that Cargill was responsible for the “pollution” and “degradation” of a major watershed. The state argued that Cargill’s improper disposal of hundreds of thousands of tons of poultry waste released hazardous substances, contaminating drinking water and injuring wildlife.• It is widely agreed upon in the scientific community that Cargill’s mode of poultry production at an industrial scale is inherently harmful to the environment.• On numerous occasions, USDA testing at Cargill turkey plants detected <i>Salmonella</i> strains that are “commonly associated with illness” and strains resistant to medically important antibiotics. These resistant pathogens can negatively affect human and animal populations once they enter the environment through wastewater from industrial operations like Cargill’s.