



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

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INTERPRETIVE STATEMENT

To address possible misinformation and misunderstanding regarding labeling or advertising claims that may be associated with the use of rBST (recombinant bovine somatotropin) in lactating dairy cows, WSDA issues this interpretive statement pursuant to RCW 34.05.010(8) and 34.05.230.

RCW 69.04.040(5) prohibits the dissemination within the state of Washington, "in any manner or by any means or through any medium," of any false advertisement. Furthermore, RCW 69.04.250 provides that "[a] food shall be deemed to be misbranded if its labeling is false or misleading in any particular."

The federal Food and Drug Administration has recently published nonregulatory guidelines on labeling of milk and milk products from cows that have not been treated with rBST. See 59 Federal Register 6279-04 (February 10, 1994). WSDA has reviewed the FDA guidelines in light of state law.

WSDA has established the following guidelines for determining whether labeling or advertising is false or misleading under the provisions of chapter 69.04 RCW as applied to claims regarding rBST:

1. No labeling or advertising may make statements which are false or misleading. This includes any in handouts, placards, informational pamphlets, or literature accompanying sale of milk or dairy products.
2. No label or advertising statement may contain the terms "BST-free", "rBST-free", "rBGH-free" or "BGH-free". These terms are considered misleading because all milk from cows contains naturally occurring BST. No test is available which can determine whether BST present is naturally occurring or from treatment with rBST.
3. Any statement should be the same as or similar to "from cows not treated with rBST" accompanied by the statement "no significant difference has been shown between milk derived from rBST-treated cows and non rBST- treated cows."

An interpretive statement is advisory only.


Jim Jesernig, Director

