

Congress of the United States
Washington, DC 20510

February 9, 2021

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

Dear Acting Associate Director Viswanathan,

We write to express concern about complaints submitted to the Federal Trade Commission (FTC) requesting an investigation into Tyson Foods, Inc.'s (Tyson) misleading advertising to consumers. It has been alleged that Tyson has been making false and misleading claims about its poultry products and the labor, sustainability, and animal welfare practices utilized in production. The allegations in these complaints raise serious questions about competition as well as consumer trust.

The recent complaints claim that Tyson has been employing false and misleading descriptions of their operations, particularly as it relates to its network of "independent" family farms and safe labor conditions. The company claims in response that its meat is produced in a natural, environmentally sustainable way.

Marketing and advertising tactics that knowingly mislead or misinform the public are unacceptable and illegal. The alleged misinformation employed by Tyson to sell its products may provide the company with an unfair advantage over its competitors, many of which are truly independent and family owned and do treat their animals more humanely. It is also unfair to consumers, who increasingly opt for products that are sustainable, that are humanely raised, and that abide by high labor standards, and who are often willing to pay a premium for these products.

Tyson's alleged willful misrepresentation of its practices, if proved, would not only be poor behavior; it would also be in direct violation of the Federal Trade Commission Act (FTC Act). While such practices are harmful in ordinary circumstances, the COVID-19 pandemic has shined a light on our broken food system and created urgency in addressing potential abuses. We request that the FTC, which is charged with enforcing civil antitrust law and protecting consumers, investigate this serious matter. Specifically, we request responses to the following questions:

1. What is the status of the FTC's investigation of Tyson Foods' alleged false marketing?

2. What penalties under the FTC Act are applied to cases of willful false advertising, and how will this inform the potential actions that FTC takes in response to its findings?

We look forward to learning more about what actions the FTC is considering taking in response to the claims of Tyson's false advertisements. Thank you for your attention to this important matter.

Sincerely,



Cory A. Booker
United States Senator



Ro Khanna
United States Representative

CC:

The Honorable Rebecca Kelly Slaughter, Acting Chair
The Honorable Noah Phillips, Commissioner
The Honorable Rohit Chopra, Commissioner
The Honorable Christine S. Wilson, Commissioner