



7 September 2020

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Australian Competition and Consumer Commission (ACCC)  
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Sent via email: [CTMs@acc.gov.au](mailto:CTMs@acc.gov.au)

***RE: Fodder Fed CTM 2078679 lodged by AUS-MEAT***

NSW Farmers welcomes the opportunity to comment on AUS-MEAT's application to register its "fodder-fed" certification trade mark (CTM No. 2078679).

We are the peak representative body for farmers in NSW with thousands of members across the state. Our members include both grass-fed and feed-lot cattle producers.

A large number of our beef producing members raise cattle under industry's various existing production accreditation schemes, which allows their beef to be marketed as either grass fed or Grain-Fed Finished. These existing quality assurance schemes such as the Pasturefed Cattle Assurance System (PCAS) are underpinned by a rigorous auditing processes and integrity systems which gives them credibility.

Adding an additional 'fodder-fed' raising claim would be confusing for consumers and have a negative impact on the existing accreditation schemes, especially PCAS.

The grass-fed cattle industry has invested significant resources, time and money, in building and the development of PCAS. Consumers now have a clear and established understanding of what 'grass-fed' beef means - that cattle have never entered the feedlot sector.

Similarly, consumers understand that 'grain-fed' beef is a product derived from the feedlot production system. The relationship between 'grain-fed' beef and the feedlot sector is well established in the eyes of the general public

Some of our concerns with the Aus-Meat proposal being considered are outlined below:

Fodder Definition

While the terms 'grass-fed' and 'grain-fed' are well known, 'fodder-fed' is an ambiguous term and its meaning is open to broad interpretation. According to the Cambridge Dictionary "fodder" is defined as 'food that is given to cows, horses, and other farm animals'. Therefore it is clear the term 'fodder' is not synonymous with the feed-lot sector.

Fodder Usage Not Limited to the Feedlot Sector

Many farmers, who are not fed-lotters, commonly use fodder as a source of supplementary feed. Fodder usage amongst conventional farmers is widespread and this was highlighted by the increase in hand-feeding that occurred during the recent east coast drought.

**NSW Farmers' Association**

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The Aus-Meat proposal being reviewed makes a representation that fodder usage is exclusive to the feedlot sector. However, this is not the case and does not reflect current Australian fodder usage where fodder is mostly used on broad acre cattle farms.

Evidence shows that cattle producers are responsible for 45 per cent of the domestic hay consumption and 21 per cent of all silage used within Australia. Whereas, feedlots only account for around 2 per cent of domestic hay consumption and 13 per cent of silage used.

Based on the above, NSW Farmers finds Aus-Meat's proposal misleading as it contrary to current fodder usage statistics.

#### The Fodder Donations

Furthermore, in recent years the general public has been extremely generous, contributing millions of dollars to fodder donation efforts such as the 'Buy a Bale' campaign. When donating to these campaigns people understood that the fodder was going to broad-acre farmers, not feed-lotters.

These successful fodder drives highlighted that consumers and the general public are cognisant that fodder is an integral part of broad-acre livestock production. The people that donated to these causes during the drought associate the provision of fodder with conventional farmers – they don't consider it exclusive to the feed-lot sector.

#### Consumer Confusion

Considering the above points, there is a real risk that a 'fodder-fed' raising claim would confuse the general public, and especially beef consumers. It is highly probably that consumers would purchase 'fodder-fed' beef under the incorrect assumption and proviso that it was produced on a broad-acre property if the words 'fodder-fed' appeared on the product labelling. This scenario would diminish the public's trust in, and reputation of, PCAS. As a result the premium that PCAS producers receive for their high-quality product would be diminished.

In conclusion, NSW Farmers strongly oppose the ACCC approving Aus-Meat's 'fodder-fed' certification trade mark (CTM No. 2078679). We believe that such a raising claim is highly problematic. It would be extremely confusing and misleading, and would diminish public trust in well-established "grass-fed" and "grain-fed" raising claims. The ACCC must not approve this application.

NSW Farmers looks forward to receiving your response. If you have any question, please do not hesitate to contact Steve Bignell, Senior Policy Advisor, on [REDACTED]

Yours sincerely,



Derek Schoen  
**Chair – NSW Farmers Cattle Committee**

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