

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSI

Held in Room 423-S, at the Statehouse at 10:00 a.m. a. m./p. m.,

on Friday, February 27, 1981, 19    .

All members were present ~~xxxxx~~

The next meeting of the Committee will be held at 10:00 a.m. a. m./p. m.,

on Monday, March 2, 1981, 19    .

These minutes of the meeting held on Friday, February 27, 1981, 19     were considered, corrected and approved.

  
Chairman

The conferees appearing before the Committee were:

David Bennett, Kansas Livestock Association  
Frances Kastner, Kansas Food Dealers  
Fred Germann, a pork producer from Dwight, Kansas  
Doyle Talkington, Exec. V.P., Kansas Pork Producers Council  
Al Ward, Kansas Restaurant Association  
Bernie Hansen, Kansas Meat Processor  
Richard L. D. Morse, as an individual  
John Miller, Committee of Farm Organizations

Senator Kerr called the meeting to order. He stated we would be hearing Senate Bills 318 and 319. Senator Thiessen stated these bills were introduced to bring the Kansas law into conformity with the federal law; Kansas is the only state not now permitting water to be added to hams.

David Bennett testified that the Kansas Livestock Associaton supports these bills. He stated as of 1979, 75% of all pork products had water added. He feels Kansas should conform with the other states by permitting water to be added. The amount of water which could be added was not put in the statute but it could be in the regulation. Most producers add 10%; some add as much as 25%.

Frances Kastner stated the more than 1,500 members of the Kansas Food Dealers endorse these bills. They can see no reason for Kansas not having the same regulations regarding the addition of water as surrounding states have.

Allen Harrison, of Thies Packing Company, Wichita, in answering a question stated watered hams are sold to warehouse people cheaper but he did not know if they were sold to the customers cheaper. Answering other questions, Mr. Harrison stated the size of the inscription relative to water-added to hams is proportionate to the size of the label.

As a pork producer and part of a more than \$120 million dollar industry in Kansas, Fred Germann stated he supports these bills. By not passing the bills it would hold up potential meat processing in the state of Kansas and he felt Kansas should get in line with national requirements. (Note Attachment "A" to original minutes.)

Doyle Talkington, Executive Vice President of the Kansas Pork Producers Council, stated they were in favor of these bills. It is required that watered-hams contain a label stating the fact; if more than 10% water is added, the percentage has to be shown on the label, but up to 25% is allowed. He believes more hogs and hams could be sold in Kansas if watered-hams

(MORE)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET -2-

Minutes of the SENATE AG Committee on FRIDAY, FEBRUARY 27, 1981

were legally allowed. In fact, he stated at a dinner served to his group they were served both water-free hams and water-added hams and the latter was the choice. (Note Attachment "B" to the original minutes.)

Al Ward representing the Kansas Restaurant Association stated that a recent poll showed almost a two-to-one margin that their members would use water-added hams if they were available. Many said they would even be willing to pay a higher price for the water-added products. "We are not interested in serving the up to 25% water-added product the federal government now allows but we know we can serve a more flavorful, tender and attractive product by using about a 8 to 10% water-added ham." (Note Attachment "C" to original minutes.)

Bernie Hansen stated meat processors support these bills 100%. Through improved technical processes the meat protein is broken down which allows the muscles to retain added water so the ham is not so dry. He feels there would be a 25%-30% improvement in the selling of hams, and the bills would make our statute consistent with other states.

As an individual, Richard L. D. Morse stated he wanted to present his views on the bills (Note Attachment "D" to original minutes.) He wants the full facts disclosed on any labels. "In closing I want to recognize the proponents' argument that Kansas is alone in its restrictions on watered hams. I am proud of Kansas for being different, when there is good reason for being different..."

John Miller said the Committee of Farm Organizations favors these bills.

Meeting adjourned.

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# Kansas Pork Producers Council

Chairman Kerr and Committee Members:

I am Fred Germann, a pork producer from Dwight, Kansas.

As a pork producer and part of a more than \$120 million dollar industry in Kansas, I support Senate Bill 318 and 319, amending the laws to allow water added hams to be sold.

Pork Producers are being penalized by not having more of the final product sold within the borders of Kansas. Since it is practically impossible to enforce the restrictions on water-added hams, our laws should be updated so that they are in line with the Federal regulations. This will allow more of good Kansas pork to be sold to restaurants, hotels and food chains within the state.

Water added hams could possibly create more interest in a pork packing plant being located in Kansas. More Kansas hams would be purchased if they are at a lesser price than the present dry hams, which is saying that we want to give the consumer a choice between the water-added hams and a dry ham. As a producer I feel that it is important that our labeling be uniform with that of the Federal regulations.

Water added hams will allow for more flexibility within the marketing system in Kansas. As a pork producer we'll sell more of our product within the state, help our packing plants, restaurants, and give the consumer a choice. I think it is time we amend our laws so they are coordinated with Federal regulations and other states.

As a pork producer I encourage your support of Senate Bill 318 and 319.

Respectfully submitted,

Fred Germann

# Kansas Pork Producers Council

Chairman Kerr and Committee Members:

I am Doyle Talkington, Executive Vice President of the Kansas Pork Producers Council.

In the summer of 1980, the question was brought to the Kansas Pork Producers Council as to why water added hams could not be sold in Kansas.

The KPPC Legislative Committee, decided to do an investigation to find out more about water added hams. The laws in Kansas stated that "any pork product that added water beyond its original green weight was considered adulterated." After checking with the Kansas Meat and Poultry Inspection Department, it was found that Kansas is the only state that does not allow water added hams to be sold.

KPPC then sent out a survey to the Kansas Restaurant Association for their members to fill out. Another survey was sent to the Kansas Meat Processors, when the results were compiled members of the Restaurant Association voted 2 to 1 in favor of water added hams. The Kansas Meat Processors were also in favor of a water added ham. Many people believe after tasting a ham with water added that it is tender, juicier, and cooks quicker than a dry ham. The meat packing plants were also very interested in changing the Kansas law so water added hams could be sold. Two-thirds of all hams produced by Rodeo Meats is water added, and yet all their water added hams are shipped out of state.

Restaurants have been reprimanded for serving water added hams in Kansas, not only on our borders but throughout the state. Restaurant managers are breaking the

law because they are not aware that water added hams cannot be served in Kansas, or they take the risk of being caught because the lower price of the cured product is worth it.

In late summer KPPC called a meeting of organizations including: Kansas Livestock Association, Kansas Meat Processors, Kansas Restaurant Associations, State Board of Agriculture Meat and Poultry Inspection, meat packing plants, and pork producers to find out their true feelings and if they were opposed to water added hams, or whether our laws were outdated. During this meeting we concluded that our laws were almost ancient history. These associations believed our regulations concerning water added hams should be updated to be in line with federal regulations. Federal regulations allow a 10% water added pork product and more providing the amount of water added is stamped on the package.

Water added hams are normally sold at a lesser price than dry hams. If water added hams were allowed to be sold in Kansas more Kansas pork would stay within the boundaries of the state. Restaurants would not have to be concerned with breaking the law when serving pork products. Chain store restaurants would not have to be concerned when shipping water added pork from their out of state warehouse that they would be reprimanded for using a pork product that is not allowed in Kansas. Consumers would have a choice at the meat case and their taste buds and budgets would dictate whether they prefer water added ham or a dry ham.

Economically pork producers, meat packers and processors, restaurants, and consumers in Kansas would be on more equitable terms with other states if water added pork products could be sold. Consumers will decide when a product has too much water. Government should not try to make all the decisions for consumers.

The Kansas Pork Producers Council supports Senate Bills 318 and 319, and we believe consumers should have a choice. More dollars of revenue would stay within

the state if water added hams could be sold, pork producers could sell more pork in Kansas. It is time to change our antiquated statutes and allow water added pork products to be sold in Kansas.

Respectfully submitted,

A handwritten signature in black ink that reads "Doyle Talkington". The signature is written in a cursive, flowing style with a prominent initial "D".

Doyle Talkington  
Executive Vice President

# Kansas Restaurant Association



359 South Hydraulic, Wichita Kansas 67211, (316) 267-8383

February 27, 1981

Mr. Chairman and Members of the Committee:

My name is Al Ward. I am a Topeka restaurant operator and I am here today representing the 1200 statewide members of the Kansas Restaurant Assn.

Last year the Kansas Pork Producers Association asked our association if we would be interested in polling our membership to see how they felt about water-added hams.

By almost a two to one margin they said they would use water-added hams if they were available. Many said they would even be willing to pay a higher price for the water-added product.

They also stated they felt more hams would be sold if water-added hams were available to them.

Some of our members did not know it was illegal in Kansas to sell the more tender, the easier to cook, the more attractive to serve water-added product since they were being offered the product from packers outside of Kansas.

Some have had the unpleasant and unprofitable experience of having hams in their coolers confiscated and they too, didn't even know they were breaking Kansas law.

In our business it is almost impossible to serve a grilled ham steak that is not dry when served to the customer.

We are not interested in serving the up to 25% water-added product the federal government now allows but we know we can serve a more flavorful, tender and attractive product by using about a 8 to 10% water-added ham.

Thank you.



Statement of Richard L. D. Morse  
Before Senate Committee on Agriculture and Small Business  
On: Senate Bill Nos. 318 and 319 to relieve certain restrictions on watering of ham.

Chairman Kerr and Committee members, I appreciate this opportunity to present a consumer's perspective on these two bills. Although I speak for myself, I feel you should know that I have lived in Kansas for over 25 years, during which time I have been head of the Department of Family Economics at Kansas State University, was recently re-elected to serve my second three-year term on the Board of Directors of Consumers Union, publisher of Consumer Reports, and I am a member of the USDA Advisory Committee on Meat and Poultry Inspection.

I may have met some of you before when I testified on bills related to the upholding of standards of identity for beef. (I have taken the position that meat is known to be meat and should continue to be all meat without additives or imitation products.) I have also testified in opposition to changing Kansas laws to permit the substitution of vegetable fats in dairy products.

As you might surmise, therefore, I am not enthusiastic about the provision of these bills to prohibit the health department from considering water as an adulterant when added to any cured or smoked pork product (under SB 319), and likewise under SB 318 to remove it as part of Kansas law governing meat inspection by the Board of Agriculture. I tend to be a conservative traditionalist who believes that a product should be sold and labeled for what it is; and in this case, the product is ham, not dry ham or watered ham, but ham.

The proponents have argued that consumers prefer watered hams, and they may be correct. As a Kansan, I know that the hams we buy and consume are of good quality. Perhaps there is a better product that I have been denied by Kansas law. Perhaps the addition of water to hams is not an act of adulteration, but the production of a new product, called watered ham. Ham has been defined; water has been defined. The two standards of identity could be combined as currently authorized by USDA and labeled:

HAM AND 25% WATER

Of course, the exact percentage appearing on the label would be the percent of water added.

The proponents have argued that the consumer should be "Free to Choose". This is the current terminology for the consumers "Right to Choose" set forth by President Kennedy. But if the benefits of freedom to choose are to be fully realized, they should be dissociated from the temptation to invoke freedom to confuse. Specifically, in this case, I believe every Kansas consumer knows what ham is. But I doubt that but a few would know what "ham with water added" means in terms of the amount of water added. Thus, I would propose that the committee give serious consideration to an additional condition which reads as underlined: "This subsection does not apply to any cured or smoked pork product by reason of its containing added water if the percent added water is conspicuously labeled."

I would expect such percentage labeling to apply whether the percent is less than or greater than 10%.

In closing I want to recognize the proponents' argument that Kansas is alone in its restrictions on watered hams. I am proud of Kansas for being different, when there is good reason for being different. There are times when we should not yield to the pressures of Washington, California or any other state or government. We are indebted to the leadership of Evan Wright who is here today in spirit, and I applaud the Department of Health and Environment for continuing to uphold his high standards, as uncomfortable at times as they may be.

Thank you.

SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

DATE FRIDAY, FEB. 27, 1981

PLACE: Room 423-S

TIME: 10:00 a.m.

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Bernie Hansen	Box 435 Alma Ks	Ks. Assoc of Meat Processors
Jerry D. Woodson	901 Ks Ave.	Ks BOARD OF AG.
Kenneth M. Wilke	901 Ks. Ave.	Ks. Board of Agriculture
Steve Paige	Forbes, Topeka	K D H E
ALLEN R. HARRISON	Rt. 1 VALLEY CENTER	THIES PACKING Co. WICHITA
Jim Pyle	Topeka, Ks.	Ks. Dept. Wealth + Econ.
Joseph H. Nowak	"	"
Dee Liker	Topeka	KLA
Dave Bennett	"	"
Vynal Jozel	Chanute	K PPC
Doyle Talkington	Manhattan	Kansas Pork Federation Council
Byrd Shanker	Trinidad	Producer
Max Foster	901 Ks. Ave.	Ks. BOARD OF AG.
Al WARD	1423 W 6 Topeka	Ks. Restaurant Assoc.
Richard L D Moore	Ks STA 26	Dept. of Family Economic
Lidney Warner	500 Court, Cimarron Ks.	self.