Consumer Federation of America

July28, 2014

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. FDA-2012-N-1210

The Consumer Federation of America (CFA) appreciates the opportunity to comment on the Food and Drug Administration's (FDA) proposed rule on the Revision of the Nutrition and Supplement Facts labels (Docket No. FDA-2012-N-1210).

CFA is an association of nearly 300 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education. Member organizations include local, state, and national consumer advocacy groups, senior citizen associations, consumer cooperatives, trade unions and food safety organizations. CFA's Food Policy Institute was created in 1999 and engages in research, education and advocacy on food safety, food and agricultural policy, agricultural biotechnology, and nutrition.

CFA supports FDA's proposal to revise the Nutrition Facts Panel
CFA strongly supports FDA's proposal to revise the Nutrition and Supplemental Facts labels. In the two decades since the panel was first required under the Nutrition Education and Labeling Act, consumer diets and food consumption patterns have changed as have food products and packaging. We also have new information about nutrition definitions, reference intake values, and new science-based dietary recommendations. Meanwhile, the obesity epidemic continues to be a major public health problem. A revision of the Nutrition Facts Panel to provide consumers with updated and relevant information about the nutritional content of their food is long overdue.

CFA supports proposed format changes to the Nutrition Facts Panel
CFA strongly supports FDA's proposal to continue to require total calories to be declared on the label and to increase the prominence of the calorie declaration, highlighting the number in bold or extra bold type. This will ensure greater focus on the calories of the food consumers are purchasing and help consumers to better monitor the number of calories they are consuming.

CFA also strongly supports FDA's proposal to revise the Reference Amounts Customarily Consumed (RACCs) for certain foods and beverages to reflect the way Americans eat today. As FDA notes, the original RACCs were established using U.S. Department of Agriculture survey

data from 1977-1978 and 1987-1988.[1] Consumption patterns have changed over the past few decades. Labels should better reflect more current serving sizes so that the information is accurate and consumers can better manage calorie intake.

- **Servings per container**

CFA supports the agency's proposal to increase the prominence of the "servings per container" declaration in a similar manner as the "Calories" declaration and recommend that FDA also consider increasing the size and prominence of the "Serving size" declaration. This will allow consumers to more easily identify the number of calories per serving and the number of servings per container.

Further, CFA supports the inclusion of calorie and nutrition information per serving and per container for foods that can reasonably be consumed at one occasion. A dual label would be especially useful in displaying calories, saturated fat, sodium, and added sugars in the entire container so that consumers could know how many calories and how much of these ingredients they were consuming if they consumed the entire container of food. Without this information, consumers have to make sometimes complicated computations in order to know the nutrition quality of the entire container of food. By requiring this information for foods that can be reasonably consumed at one occasion, consumers could better measure and monitor their consumption.

- **Alternative label proposal**

CFA also supports the alternative label format because it will more effectively assist consumers in choosing more foods that are high in nutrients of which they should consume more and fewer foods that are high in components of which they should eat less. Making the Nutrition Facts label more understandable could help to encourage more people to use nutrition labels, as well as help them to use the label more effectively in their food purchase and consumption decisions. Grouping nutrients into categories that clearly indicate, in comprehensible language, which nutrients are more or less healthful would help to achieve the purposes underlying most of FDA's proposed changes to the label, as it would make clear that consumers should consume less sodium and added sugars, among other items.

CFA supports inclusion of added sugars on the Nutrition Facts Panel

CFA supports the decision to list added sugars on the Nutrition Facts Panel. Excessive sugar intake can increase the risk of obesity, diabetes, and cardiovascular disease. Currently, the Nutrition Facts Panel does not provide information regarding added sugars, so consumers have little way of knowing how much added sugar they are consuming. Consumers likely find it difficult to follow the *Dietary Guidelines*' recommendation to reduce consumption of added sugar if they are not provided this information on food labels. Listing added sugars on the Nutrition Facts label would provide essential information on the amount of added sugars in a food and help consumers eat less added sugars.

FDA should require that added sugars be expressed in teaspoons, as well as grams. Consumers readily understand teaspoons since that is how ingredients are measured in most recipes. Using a commonly recognized measurement will enhance consumer understanding of the amount of added sugars in a particular food.

[1] Food and Drug Administration, Food Labeling; Serving Sizes, Jan. 6, 1993, 58 FR 2229, at 2236-2237.

One way to provide adequate context and foster better understanding of added sugars is to include a percent Daily Values (DV) for added sugars on the Nutrition Facts Panel. A DV for added sugars would allow consumers to compare the amount of added sugar in a product in the context of their overall daily diets. In addition, as a new category on the label, it will be helpful for consumers to see it displayed similar to how other nutritionally important categories are displayed: with a percent DV. As FDA states in its proposal: "In particular, the percent DV of a nutrient present in food is declared on food labels to help consumers understand the relative significance of nutrition information in the context of a total daily diet, compare the nutritional values of food products, and to plan general diets."[2] Other groups such as the World Health Organization and the American Heart Association have made recommendations regarding daily added sugar consumption which could provide a basis for FDA to set a DV for added sugars.[3] [4]

FDA should decrease the Daily Value for sodium

FDA's proposal to lower the Daily Reference Value for sodium is a good step; however a small reduction from 2,400 mg to 2,300 mg is insufficient to protect public health. Instead, the FDA should lower the DV for sodium to 1,500 mg.

The *Dietary Guidelines* warns that 2,300 mg is too high for many individuals who are 51 and older, children, African-American, or have hypertension, diabetes, or chronic kidney disease. This represents a significant portion of the U.S. population.[5] For these individuals, the *Dietary Guidelines* advise that they consume no more than 1,500 mg per day. This is a more appropriate target for the general population and does not put a significant portion of the population at risk for diseases such as hypertension, stroke and cardiovascular disease which have been linked to excessive sodium intake.[6] [7]

The FDA expressed concern that it would be difficult for consumers to reduce their sodium consumption to 1,500 mg because of the high-sodium content of the current food supply and taste preferences. However tastes can change as sodium levels are reduced and lowering the DV for sodium would provide greater incentive for manufacturers to reduce the sodium content of their foods.

---

[2] See 79 F.R. 11880, 11887.

[3] World Health Organization, "Diet, Nutrition, and the Prevention of Chronic Diseases," WHO Technical Report Series 916, 2003. Available at http://whqlibdoc.who.int/trs/who_trs_916.pdf. *Accessed May 9, 2014*.

[4] Johnson RK, Appel LJ, Brands M, *et al*. "Dietary sugars intake and cardiovascular health: A scientific statement from the American Heart Association" *Circulation* 2009, vol. 15, pp. 1011-20.

[5] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2010*. 7th Edition, December 2010.

[6] Appel LJ, Frohlich ED, Hall JE, *et al*. "The importance of population-wide sodium reduction as a means to prevent cardiovascular disease and stroke: a call to action from the American Heart Association," *Circulation* 2011, vol. 123, pp. 1138-1143.

[7] Whelton PK, Appel LJ, Sacco RL, *et al*. "Sodium, blood pressure, and cardiovascular disease: Further evidence supporting the American Heart Association sodium reduction recommendations," *Circulation* 2012, vol. 126, pp. 2880-9.

CFA supports FDA's proposed listing of essential vitamins and minerals
CFA supports FDA's proposal to continue to require mandatory declaration of calcium and iron on the Nutrition Facts Panel and to begin to require mandatory declaration of vitamin D and potassium because the *Dietary Guidelines* considers these four vitamins and minerals to be nutrients of public health concern.[8] Listing these vitamins and minerals will help consumers meet essential nutrient requirements. CFA also supports FDA's proposal to make declaration of vitamins A and C voluntary as they are not considered nutrients of public health concern in the current *Dietary Guidelines*.[9]

FDA should conduct a consumer education campaign on the new Nutrition Facts Panel
While consumers have been using the Nutrition Facts Panel for many years, a major revision to the label would be strengthened by a well-funded, coordinated consumer education campaign. The campaign should promote and explain the new Nutrition Facts label and help consumers understand the information provided by the label and how they can use it to make healthier food and beverage choices.

FDA should work in partnership with other federal agencies including CDC, USDA, and other agencies within the Department of Health and Human Services so that a coordinated message is disseminated from all parts of the federal government. FDA should also work with non-profit groups, food manufacturers, retailers, and others with an interest in nutrition and health to distribute messages about the new label. FDA should time the campaign to launch with implementation of the final rule when consumers will start seeing the new labels on food packages. FDA should especially focus education efforts among low-income and low-education consumers, who are more likely to suffer from many obesity- and nutrition-related chronic diseases.

FDA should take steps to revise the ingredient list
CFA encourages FDA to propose regulations to require a more legible and useful ingredient list, which would further improve food labels for consumers. Current guidelines, which have not been changed for decades, require manufactures to use a type size that is at least 1/16th inch in height. Many manufacturers use all capital letters, a condensed and san serif font and full justification, which obscure the information making it difficult to read.

In September 2013, legislators proposed the Food Labeling Modernization Act, which would require the FDA to modernize the ingredient list to include upper- and lower-case letters, bullet points between adjacent ingredients, and other changes to improve the readability.[10] CFA urges the FDA to act by supporting these changes to make ingredient labels useful for consumers.

In addition, added sugars should be grouped together in the ingredient list. While adding a line in the Nutrition Facts label for added sugars would make it easier to understand the amount of those sugars in a product, many consumers would like to read the ingredient list to determine

[8] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2010*. 7th Edition, December 2010.
[9] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2010*. 7th Edition, December 2010.
[10] Center for Science in the Public Interest. "Legislators propose modernizing food labeling," Press release. Sept. 19, 2013. Available at http://www.cspinet.org/new/201309191.html.

the relative amount of added sugars in a product. However, when various added sugars are scattered in the ingredient list, it is difficult to estimate the total amount of those sugars and compare that to other ingredients. Furthermore, many consumers may not recognize the many types of added sugars on food labels, such as corn syrup, dextrose, fructose, high-fructose corn syrup (HFCS), honey, lactose, maltose, molasses, raw sugar, and sucrose.[11] Therefore, we recommend that the FDA require grouping of sugar sources in the ingredient list – with individual sugars in parentheses – so consumers could get a better idea of the sugar content in a product.

FDA should develop regulations for front-of-package labeling

While FDA's proposed updates to the Nutrition Facts Panel are extremely important, there remains a great need for easily understood, federally regulated, front-of-package nutrition labels. Consumers need an easy to use, easy to understand front-of-package label to complement the Nutrition Facts Panel and help facilitate healthy consumer choices. The current landscape of different labels with different definitions created by different groups only serves to confuse consumers.

An ideal front-of-package nutrition label would create a single measure that takes into account the overall healthfulness of a food, including calories, added sugars, fats and sodium. Some systems use traffic light-type indicators to identify how healthful different nutrient levels are, while others use numerical or other ranking systems. Each means of rating healthfulness has advantages and challenges. FDA should actively develop the body of research to evaluate which system is most effective at encouraging healthful food choices by consumers.

CFA appreciates the opportunity to provide comments to the agency on this important topic. We encourage FDA to expeditiously consider the public comments and develop a final rule so that consumers can soon benefit from updates to the Nutrition Facts Panel.

Sincerely,

Chris Waldrop
Director, Food Policy Institute
Consumer Federation of America

[11] United States Department of Agriculture, "What are added sugars?" Via http://www.choosemyplate.gov/weight-management-calories/calories/added-sugars.html.