



April 30, 2008

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

Re: Federal Register, Vol. 73, No. 18, Docket No. FDA-2008-N-0040

The Society for Nutrition Education (SNE) is responding to the announcement in the Federal Register, Vol. 73, No. 18, Monday January 28, 2008 regarding Food Labeling: Revision of Reference Values and Mandatory Nutrients.

SNE is an international organization of nutrition education professionals dedicated to promoting healthful sustainable food choices and sharing a vision of healthy people in healthy communities. Our members conduct research in education, behavior and communication; develop and disseminate innovative nutrition education strategies; and communicate information of food, nutrition, and health issues to students, professionals, policy makers, and the public. Publications describing this work can be found in the SNE peer-reviewed *Journal of Nutrition Education and Behavior*, the leading research periodical devoted to behavioral nutrition, nutrition education, research and policy.

SNE believes that any changes made to the Nutrition Facts Panel should ultimately benefit consumers. As nutrition educators, SNE members are challenged to help consumers translate often confusing information in order to make healthy food choices. It is with that in mind that SNE is addressing the following issues:

- **Consistency of consumer messages given by Federal agencies**
- **What reference values should be used in calculating percent DV**
- **What factors should be considered in establishing new reference values**
- **Calorie information and nutrients that are of most value to consumers**

Since 1973, the Nutrition Facts Panel or its equivalent has provided consumers with reliable, objective nutrition composition of the product. According to the implementing regulations for the Nutrition Education Labeling Act (NLEA), nutrition information on the label was to serve as a tool to allow consumers to easily compare similar products and to understand the contribution of an individual food to the total daily diet.

Both the FDA and the Food Marketing Institute (FMI) periodically track label use. FMI surveys indicate that in 1992, half of US adult consumers said they used nutrition labeling when buying a food for the first time (FMI 1993). The number rose to about 60% by 1995 and then dropped nearly to

baseline in 1996(FMI 1997). Consumers have also voiced their opinions through qualitative research conducted by the International Food Information Council (IFIC 2004). These opinions are summarized below:

- Consumers generally want labels that are easy to use;
- Consumers do not want to put a lot of effort into learning how they are to be used;
- Not everyone understands percent daily value, - however, many consumers view it as a valuable aid; and
- Improving labels to make consumers more aware about the nutrient content in the foods they are buying is valuable.

Consistency of consumer messages given by Federal agencies

The principal dietary guidance provided by the U.S. Government is the “Dietary Guidelines for Americans” (DGAs). (U.S. Department of Health and Human Services and U.S. Department of Agriculture, “2005 Dietary Guidelines for Americans,” 6th ed., Washington, DC: U.S. Government Printing Office, 2005.) By law (Public Law 101-445, Section 301), the Dietary Guidelines are to be “promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.” Consumers would be well-served if the information found on food packages better reinforced and supported the recommendations of the Dietary Guidelines for Americans.

Currently the differences between FDA’s approach and the DGAs are many – and are confusing to consumers. For examples, FDA calls out individual nutrients while the DGA focuses on whole foods. FDA also uses serving sizes (RACCs) that, in most cases, are appreciably larger than those used by the DGAs and may legally be even larger on individual packets of foods. Some examples are shown in the table below:

	DG/Pyramid Serving	FDA RACC	Maximum individual serving (RACC x 200%)
Rice	½ cup prepared	140g prepared (.71 cup)	1.4 cups prepared
Hot Cereal	½ cup prepared	1 cup prepared	2 cups prepared
Bread, rolls	1 slice (~25-40g)	50g	100g
Milk	1 ½ oz. cheese	1 oz	2 oz
Applesauce	½ cup	1 cup	2 cups

The Dietary Guidelines, for example, recommends that all adult Americans consume 3 or more servings (called “ounce equivalents”) of whole grains daily. A consumer who wishes to follow this advice receives no clear guidance from standard packaging information.

While we realize that both FDA and USDA are constrained by existing regulations, SNE urges all federal agencies to find a way to move beyond these constraints, to better serve the American public with a consistent message – and to conform with Public Law 101-445, Section 301.

Without suggesting a specific approach, SNE encourages FDA work with other federal agencies, industry and consumers to explore effective ways that package labeling can communicate to Americans how to follow the Dietary Guidelines. In addition SNE urges FDA, in concert with other agencies, to develop and promote education programs to help consumers use information on food labels to make healthy food choices as recommended in the Dietary Guidelines for Americans (DGAs).

What Reference Values to Use and Why

Much confusion exists regarding the purpose and use of Recommended Dietary Allowance (RDA), Dietary Reference Intake (DRI), Estimated Average Requirement (EAR) and Tolerable Upper Limit (UL) reference values. While all are based in sound science, the appropriateness of their use in different circumstances varies considerably. The 2002 Institute of Medicine (IOM) report reviews the appropriate uses of the DRIs in the assessment and planning of diets for individuals and for groups. The IOM report states:

“the RDA, EAR, and UL may be used in assessing the diet of an individual, as one aspect of a nutritional status assessment. The RDA and Adequate Intake (AI) may be used as a basis for planning a diet for the same individual. Likewise, the EARs and ULs are used to assess the nutrient intakes of a group.” Dietary Reference Intake, Institute of Medicine, 2002, S-7 and 13-1”

The Nutrition Facts Panel is used primarily to assess how a food fits into an ‘individual’s’ diet when compared to other foods. In other words, consumers are participating in their own form of diet planning. For that reason, it is the opinion of SNE that RDAs should be used whenever possible, and AI and UL when appropriate. In addition, SNE believes that both actual amounts and Daily Values should be available to consumers in a readable form on the label.

Calorie Information and Nutrients of Value

Calories

SNE recommends continued use of the 2,000 calorie diet as a reference energy intake. However, it would be in the best interest of the consumer to eliminate the footnote containing the daily values for diets providing 2,500 calories. Without extensive educational efforts, this footnote is a potential source of consumer confusion. Since calories are of primary interest to many consumers, SNE agrees that calories should remain prominently displayed in bold face type.

SNE sees no purpose in continuing to list ‘calories from fat.’ This phrase is a source of potential confusion to consumers. That is, a consumer may easily assume that the calories from fat are in addition to the product’s listed calories and that calories from fat are somehow different than calories in general, neither of which are true. Therefore, SNE opposes the addition of calories from saturated fat.

Nutrients

Trans and Saturated Fat – While IOM recommends a combined DV for saturated and trans fat, SNE believes that this combination would add to consumer confusion - not serve to alleviate it. SNE recommends that values for saturated, trans, poly and monounsaturated fats be listed separately on the label under the Total Fat.

Fiber – Fiber is a food component that is highly valued by some consumers (IFIC 2006). It is also a source of much confusion. The recent low-carb fad and popular use of net carbs exacerbated this confusion. In an effort to help consumers, SNE recommends listing one category of fiber only. We further recommend that soluble and insoluble remain a voluntary addition to the label of appropriate products. The IOM recommendation that suggests using the terms ‘viscous and non-viscous’ instead of soluble and insoluble is not productive.

Nutrients of Concern

The 2005 Dietary Guidelines (DG) identifies several nutrients that tend to be inadequate in the population. These include:

- Vitamins A,C, B12, E and folic acid
- Calcium
- Iron
- Potassium
- Magnesium

Vitamins A, C, Calcium and Iron are already mandated for the Nutrition Facts label and SNE recommends continuing that mandate. In the spirit of sending consistent messages to consumers from all government agencies, SNE recommends adding the other nutrients identified as a concern to certain population groups in the Dietary Guidelines for Americans (DGAs).

Thank you for your consideration on these issues.

Sincerely,

A handwritten signature in cursive script that reads "Debrah M. Palmer". The signature is written in black ink and is positioned below the word "Sincerely,".

Debrah M. Palmer, PhD
SNE President