



May 23, 2014

Dr. Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

**Re: Food Labeling: Revision of the Nutrition and Supplement Facts Labels
Proposed Rule; Docket No. FDA-2012-N-1210, RIN 0910-AF22**

Dear Commissioner Hamburg:

Trust for America's Health (TFAH), a nonprofit, nonpartisan organization dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority, strongly supports the Food and Drug Administration's (FDA) efforts to revise the Nutrition and Supplement Facts Labels towards the goal of improving healthier eating habits for all Americans.

The proposed changes, once implemented, would be a fundamental step towards addressing the nation's obesity epidemic. According to TFAH's 2013 report *F as in Fat: How Obesity Threatens America's Future*, roughly two in three adults are either overweight or obese. Currently, 13 states have adult obesity rates above 30 percent whereas just 30 years ago, no state had an obesity rate above 20 percent.¹ Yet recent signs for optimism, also documented in the report, suggest that we have an opportunity to make real progress in addressing this epidemic.

As the food landscape, our eating habits, and other factors that affect population health have changed dramatically in recent years, we agree that this proposed rulemaking is timely and necessary. In general, we support the proposed rule and urge FDA to finalize both this rule and a separate proposal related to serving sizes in a timely manner. We are pleased to have the opportunity to provide the following specific comments on the proposed rule published March 3, 2014:



Added Sugars

TFAH supports the addition of a line for added sugars and recommends that the FDA also include a Daily Value (DV) for this line. The most recent estimates suggest that added sugars alone account for 25 percent or more of calories for over 36 million Americans.² In addition to providing too many calories, foods with added sugars are more often nutrient-poor and lack a variety of essential vitamins and minerals as compared to those with natural sugars.

As such, one of the critical recommendations of the latest Dietary Guidelines for Americans is that Americans eat less added sugars, however the current Nutrition Facts label does not provide enough information to assist consumers towards this goal. A DV for added sugars and a percent DV on the label itself thus would also help provide context for consumers who are using the Nutrition Facts label to help plan a healthy diet. Without a DV for added sugars, consumers could compare only the relative amounts of added sugars between products, but would generally not be able to consider the amount of added sugars in a product in the context of their overall daily diets. We respectfully note that a DV for added sugars would align FDA practices with those of many other health authorities that have adopted such a number, including the World Health Organization,³ the American Heart Association,⁴ and the Dietary Guidelines for Americans.⁵

Sodium

While we are pleased that FDA is proposing to lower the DV for sodium, the proposed value marks another instance where policy deviates from the larger medical and public health community. The proposed DV of 2,300 milligrams (mg) will be inadequate to protect public health based on recommendations from a number of other sources, most notably the Institute of Medicine (IOM) report *Strategies to Reduce Sodium Intake in the United States* which noted that the 2,300 mg level is meant to be an upper limit for safe consumption among the general population, not an optimal recommended value.

We concur with others in the public health field that the DV for sodium should be lowered to 1,500 mg.

Added Fiber

We support that dietary fiber continued to be required on the Nutrition Facts panel but urge the FDA to also include a line for added fibers to protect against misleading consumers that added fibers with no health value offer some sort of nutritional or health benefit.

Essential Vitamins and Minerals

We support both FDA's proposed mandatory listing for essential vitamins and minerals of public health significance, particularly for vitamin D, iron, and potassium. However, should the 2015 Dietary Guidelines for Americans be published before FDA's final revision of this proposal, we urge FDA to make decisions about mandatory versus voluntary declaration of essential vitamins and minerals based on the most recent guidelines.

Calories and Formatting

We support FDA's proposal to continue to require total calories be listed and to increase the prominence of the declaration on the Nutrition Facts panel. More than any other requirement, the calorie requirements should be viewed as a critical tool for fighting the obesity epidemic. To reach and maintain a healthy weight, consumers must be able to easily and accurately make healthy choices to meet a recommended daily caloric intake balanced against the energy demands of their personal physical activity.

We urge FDA to go a step further and include a percentage DV for calories, especially in light of the fact that FDA consistently uses 2,000 calories per day as a reference point for calculating DVs for nutrients and other ingredients.

In addition to being able to easily identify the number of calories per serving, we believe it is essential for consumers to be able to easily identify and comprehend the serving size and number of servings per container. Therefore, we support the 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.

We further support FDA's plans to conduct research on several items of key importance to ensure the Nutrition Facts panel is used to maximum effect possible. We strongly prefer the alternative label format over the central proposal because we believe it will more effectively assist consumers in making healthy choices.

Ingredient List Proposal

We believe additional rulemaking should be conducted by FDA in order to require a more useful, legible ingredient list that includes grouping all sugars together. However, we encourage the FDA to propose further improving the food labels by proposing regulations to require a more legible and useful ingredient list. The current list uses type size that is too small and it poses particular problems for those with food allergies.

In conclusion, we strongly support an update to the Nutrition Facts Panel as a significant opportunity to help make the healthy choice the easy choice for millions of Americans towards the shared goal of improving health. We hope that our comments will assist the FDA as you work collectively to finalize this proposed rule. If you have any questions, please do not hesitate to contact our Senior Government Relations Manager, Jack Rayburn, at (202) 223-9870 ext. 28, or via email at jrayburn@tfah.org.

Sincerely,



Jeffrey Levi, Ph.D.
Executive Director

¹ Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future*. Washington, D.C.: Trust for America's Health, 2013.

² Marriott BP, Olsho L, Haddad L, *et al.* "Intake of added sugars and selected nutrients in the United States, National Health and Nutrition Examination Survey (NHANES) 2003–2006," *Crit Rev Food Sci Nutr* 2010, vol. 50, pp. 228-58.

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, 2005*. 6th Edition, Washington, DC, 2005.