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May 31, 2002

Via Electronic Transmission and First Class Mail

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, Maryland 20852

**Re: Proposed Amendments to Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish and Identification of the 20 Most Frequently Consumed Raw Fruits, Vegetables, and Fish (Docket No. 01N-0458)**

Dear Sir or Madam,

The Food Marketing Institute<sup>1</sup> (FMI) is pleased to respond to the Food and Drug Administration's (FDA's) request for comments on the Agency's proposed amendments to the voluntary nutrition labeling regulations. 67 Fed. Reg. 12918 (March 20, 2002). FDA specifically proposes to update the names and the nutrition labeling values for the twenty most frequently consumed raw fruits, vegetables, and fish in the United States. The preamble further states the Agency's intention that any final rule that may issue based on this proposal will become effective in accordance with the uniform effective date for compliance with food labeling requirements, which is not sooner than one year following publication of the final rule. 67 Fed. Reg. at 12932. Thus, if a final rule is issued in 2002, the effective compliance date with the revised guidelines would be January 1, 2004.

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<sup>1</sup> Food Marketing Institute (FMI) conducts programs in research, education, industry relations and public affairs on behalf of its 2,300 member companies — food retailers and wholesalers — in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion — three-quarters of all food retail store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 60 countries.

FMI and FMI's members greatly appreciate the effort expended by FDA to establish accurate, meaningful nutrition information for produce and seafood. Our members have commented that the FDA information is an important, credible resource that allows them to respond to consumer inquiries.

Given the value of the information, however, we believe that FDA should make additional efforts to ensure that it is communicated or else easily accessible to the public and that the information is consistent across the federal nutrition communicators. For example, the nutrition information in its final form should be posted on FDA's website in a place that is easily accessible to the public. Retailers who have developed websites should be allowed to incorporate links from the retailer website to the FDA nutrition information.

Moreover, we recommend that FDA affirmatively send the updated information to key nutrition communicators, such as registered dietitians and extension agents; our members have commented that an announcement about the new information is often made but that it would be helpful for the Agency to provide the data itself to key nutrition communicators. In addition to the private sector, we urge FDA to ensure that the data are available to and used by the other relevant branches of the federal government. Members advise that sister agencies, such as the U.S. Department of Agriculture's (USDA's) Agricultural Marketing Service (AMS), may be disseminating different nutrition information for some produce items.

Furthermore, we suggest that FDA consider providing information on omega-3 fatty acid content for seafood. Our members report that consumers are interested in this information and that they face challenges in finding accurate or consistent sources of information to respond to consumer inquiries.

Finally, FMI supports the use of a uniform compliance date and urges FDA to adopt the effective compliance date as proposed. An implementation of at least one year will be necessary to ensure that the information is incorporated and disseminated to as many retailers as possible.

We appreciate the opportunity to comment on this matter. If you have any questions regarding our comments, or if we may be of assistance in any other way, please do not hesitate to call on us.

Sincerely,

A handwritten signature in black ink that reads "Tim Hammonds". The signature is written in a cursive style with a large, sweeping initial "T".

Tim Hammonds  
President and CEO



**FOOD MARKETING INSTITUTE**

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