FDA Wants Your Opinion on Dairy-Product Labels

If you're a lover of chocolate milk, but want to watch your weight, you might reach for the carton labeled "reduced calorie." But dairy manufacturers would rather that the carton simply say "chocolate milk."

Why? According to a petition submitted to FDA, one reason is that industry groups believe labels such as "reduced calorie" or "no added sugar" are a turn-off to kids who might otherwise reach for flavored milk with non-nutritive (artificial) sweeteners at the school cafeteria or from the grocery store cooler.

The petition from the International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) was published for public comment in the Federal Register and has generated much interest—and confusion. It remains open for comment until May 21, 2013.

According to Mary Poos, Ph.D., deputy director of FDA's Office of Nutrition, Labeling and Dietary Supplements, FDA has received more than 30,000 comments on the issue to date. "Based on these comments, we're seeing a fair amount of confusion about what the labeling change would actually mean," Poos says.

FDA wants to hear from consumers on this issue, but also wants to ensure that they understand the exact nature of the proposed change, she adds.

What the Change Would Mean

The petition from IDFA and NMPF calls for FDA to change the "standard of identity" for milk. A standard of identity is the federal requirement that determines what ingredients some food products must (or may) contain to be marketed under certain names.

Currently, if a manufacturer wants to include an ingredient that is not among those in the product's standard of identity, the name of the food on the package's main display panel must be modified with a nutrient content claim (such as "reduced calorie") to show how it has been changed.

For example, under existing regulations, the replacement of a nutritive

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sweetener (such as sugar) with a non-nutritive sweetener (such as sucralose, acesulfame potassium, or aspartame) in flavored milk would reduce the milk's calorie count. Because of the replacement, words such as "reduced calorie" must be prominently displayed on the package. The specific name of the sweetener used must still be included in the list of ingredients.

The two groups asked FDA to amend the standard of identity for flavored milk and 17 other dairy products (including nonfat dry milk, heavy cream, eggnog, half-and-half and sour cream) so that non-nutritive sweeteners are among the standard ingredients. The products would then not require any additional description on the label.

"If we granted the petition, a carton of chocolate milk made with non-nutritive sweeteners would simply say 'chocolate milk,' the same as a carton made with nutritive sweeteners, such as sugar," notes Felicia Billingslea, director of FDA's Food Labeling and Standards staff. "You would need to read the ingredient list, which is typically on the back or the side of the product, in order to tell the difference between the two."

People commenting in response to the Federal Register notice appear to be under the impression that the non-nutritive sweeteners will not be listed anywhere on the product—which is not the case. They would still be named in the ingredients list on the package.

Why Do Dairy Groups Want the Change?

In their petition, the dairy groups give the following reasons for requesting the change in FDA's regulations:

- Studies show school-age children are more likely to consume flavored milk than regular milk.
- Flavored milk labels that bear nutrient content claims such as "reduced calorie" are unattractive to children.
- The proposed amendments would promote more healthful eating practices and reduce childhood obesity.
- Updating the standard of identity for milk in this way would promote honesty and fair dealing by creating consistency in the names of flavored milk products.

What Does FDA Want From Consumers?

The FDA recognizes the importance of this decision and is interested in hearing from the public and industry on the petition, says Billingslea. In particular, comments are welcome on issues such as:

- Will the proposed change in FDA's milk labeling regulations provide sufficient information for consumers to understand what is in the milk they're buying?
- The petition states that flavored milk labels with descriptions such as "reduced calorie" are unattractive to children. Are children's purchasing habits affected by flavored milk labels that currently bear these descriptions?
- Will the proposed change in FDA's milk labeling regulations create an increased burden for consumers who want to know whether a product contains a nutritive or non-nutritive sweetener?

You can submit your comments at *www.regulations.gov*. You can search for a rule by its docket number, in this case Docket No. FDA-2009-P-0147.

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FDA Now Requires

Petitioners' Request

In chocolate milk, FDA now requires the front label to state "Reduced Calorie" if a non-nutritive sweetener (such as sucralose, acesulfame or aspartame) replaces a nutritive sweetener (such as sugar).

The dairy industry asks that the label NOT carry such a claim. They say the consumer can tell what's in the milk—including the presence of a non-nutritive sweetener—by reading the list of ingredients.

Ingredients List NOT Affected by the Petition

INGREDIENTS: LOWFAT MILK WITH VITAMIN A PALMITATE AND VITAMIN D3 ADDED, LESS THAN 2% OF COCOA PROCESSED WITH ALKALI, NATURAL AND ARTIFICIAL FLAVORS, CELLULOSE GEL, POTASSIUM CITRATE, CARRAGEENAN, CELLULOSE GUM, SALT, SUCRALOSE, ACESULFAME POTASSIUM

Whether or not FDA accepts the dairy industry's request, the ingredients list must still include the name of the non-nutritive sweetener.