

Horizontal Approaches to Food Standards of Identity Modernization 9/27/19

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MODERNIZATION

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P R O C E E D I N G S

SIMULTANEOUS BREAKOUT SESSIONS BLOCK #1

CONSUMER EXPECTATIONS OF STANDARDIZED FOODS

MR. BRADBARD: Good morning and welcome to all of you who are attending the Consumer Expectations Breakout Session this morning. I'm Steve Bradbard. I am the Branch Chief for Consumer Studies in CFSAN's Office of Analysis and Outreach and I'm going to be facilitating this morning session. We have three other people who are going to be involved in this morning's session. I'd like for them to introduce themselves too.

MS. VELEZ: Hi, my name is Megan Velez. I am the Acting Director in the Office of Regulations and Policy at CFSAN at FDA.

MS. CARLTON: Good morning. I am Ewa Carlton. I am a social scientist and I do research on consumer studies at FDA.

MS. HUDSON: Good morning. My name is Sonia Hudson. I am a Consumer Safety Officer in the Office of Nutrition and Food Labeling.

MR. BRADBARD: Okay. Before we get going, I'd like to via a show of hands get a sense of who is in this room. This is a consumer expectation group, but I don't expect that everybody here is part of just the general public. So, what I would ask is for people who are here representing themselves as just consumers to please raise their hands. All right. I could have said not anybody is here as a member of the -- okay. How about people who are in industry? Okay. Thank you. That's very helpful. How about people who are with public organizations? All right. Great. How about people with the media? Okay. I'm not going to ask the others of you to call out your representation. But it does seem like we have a large number of people here from industry.

Let me give you a bit of an overview for what we're going to be doing this morning. This is, as I mentioned, a session related to consumer expectations and standardized foods and these horizontal standards we've been discussing this morning. We want to learn about the shifting expectations and how changes in broad categories of food, again these horizontal changes, could allow for

innovation and product reformulation to meet the demands and expectations of consumers.

As the standards of identity are issued to "Promote honesty and fair dealing in the interest of consumers" -- that was -- I actually underlined it. That was important. We believe the consumer perspective is important to understanding what flexibility we should consider when exploring these horizontal changes and invite comments about what, if any, limitations are actually appropriate to ensure that standardized foods continue to meet consumer expectations. So, keep that in mind, that's really what our theme is today.

We are going to be talking about horizontal changes. And frankly two days ago I wasn't quite sure what was different between a horizontal and a vertical change. This morning's session was very good for clarifying that. So, we are really interested in your thoughts and feelings about these horizontal changes that can be made across categories of foods.

Keep in mind, this is for us, a listening session. We really do want to hear what you have to say. We all have our subject matter expertise and might even be able to offer some thoughtful responses to questions you ask, but that's not really what the purpose of this session is. We're trying to get information that can then be used for deliberation in the future.

Also keep in mind, that nothing we're saying here, if you say something and one of us says that's very interesting, that is not an endorsement of your idea. That is not something that then will be a statement. But I said at that meeting and you said it was a good idea. No, that's not how it's going to work. The disqualifier.

What will be a successful session? A successful session would be one where we gain input from this broad range of people in the room to help inform discussions that will lead to decisions about this important topic. We want this to be a dialogue. We are asking that everyone feel free to share what's on their mind. There are, of course, no right answers. We're not seeking consensus in the room. In fact, consensus in this kind of meeting is boring. Differences of opinion -- respectful differences of opinion are just fine, short of them

erupting into physical violence.

So, we -- there will be some things that are brought up that may not pertain directly to the topic, but that you consider are important. We're going to put those in our parking lot chart -- things that we can possibly discuss with leadership later on. And with that we will get started.

Ewa Carlton is going to be, for this session, recording what you say and at the end of this session we will be going over the key points of what you said. So, if Ewa put something down you can say, "Well, that's not exactly what I said," and clarify. But you'll also have that opportunity to clarify later on, if you'd like to, okay? So Ewa, you want to jump in?

MS. CARLTON: I mean one note also. So, we are transcribing this session so I will be -- for your comfort I will walk around with the microphone, so you don't have to get up and stand. If you would just raise your hand if you'd like to respond to a question or -- again if Steve asks or that someone else in the room has an idea, someone else has proposed, we just ask you when you have the microphone please introduce yourself just for the transcript. Thank you.

MR. BRADBARD: Right. And the introduction can be just your first name, if you would like, and if you want to give your specific affiliation you can. But if you want to just say I'm from industry or I am a consumer, that's fine as well, because this -- no one in what we write up is going to be identified by name or affiliation. It's considered to be more of a general report of comments that were made during the session. So, I don't know about confidentiality, you can go and talk about this if you want to with others. But at the same time, we're not going to be looking to make attributions.

Okay. So, the first question -- the first question we have here has to do with consumer awareness about foods being standardized. We've got a couple of sub questions. But generally, we'd like to get a sense. Do you feel that consumers have an awareness that foods are standardized? Which foods do you think they might be more aware of than others that are standardized? And lastly, how important do you think standardization is to

consumers? So, keep that -- are they aware? What food categories are they most aware of? And how important do you think this is to consumers? And please. There you go. Thank you very much.

MR. HASS: Doug Hass, Lifeway Foods, so from the industry side of it. I think that consumers are aware that foods are standardized. But the important -- the important question or the important caveat to that -- is that it's a double-edged sword. And I'll use our products kind of as an example.

Lifeway makes a traditional dairy product called kefir. There are a number of other kefirs and its Eastern European product. There's Lassi, which is sold -- a multi-billion dollar business in that in India and the Indian subcontinent. It's Viili in Norway. So, there's a whole host of this. They're all defined by the Codex. They're all defined in EU law or in other places, but in the United States -- United States is the one country in the world that a manufacturer like Lifeway cannot call kefir -- kefir.

It's not lawful to call it kefir in the United States, which is unlike any other country in the world. And that's because there is a standard of identity for cultured milk. And we are required to -- although, for 2000 years everyone's always called it kefir or again not to -- lassi or whatever it is. We're required to call it kefir cultured milk or if we get the real mouthful it's kefir cultured whole milk or kefir cultured low-fat milk. It's difficult to even say. So yes, there's a standard of identity, but it's not meaningful to consumers who are looking for kefir. And the other side of that is, there is -- those of us in the dairy industry are held to that standard. We are required to call the product kefir cultured milk. But a company that makes a fermented coconut water or a fermented tea or Kombucha can simply call it kefir, even though it's not. It's not dairy. It's not kefir by the meaning in every other country in the world. An Eastern European person who is used to bring kefir in the Ukraine would find -- come to the U.S. and pick kefir off of a shelf and they would find that it's not a dairy product. So, it's not at all the product that they expected to find. And that's because in the U.S. we

have a standard of identity that was written in 1981 when kefir and lassi and these global products didn't exist here. And so, I think the important question is, not just are they aware, but are they aware of the implications of what those definitions can mean when they go to look for...

MR. BRADBARD: Right, because what I heard you saying was, it does affect consumers the way in which standards of identity are spelled out. But whether consumers themselves are they aware of the standard of identity for that category of product? It may affect them, but they may not be aware of the actual standard of identity --

MR. HASS: Right.

MR. BRADBARD: -- is what you are saying.

MR. HASS: And I think that's the ultimate point.

MR. BRADBARD: Okay.

MR. HASS: Is they are not going to be aware of - - they are not going to be aware of the standard and how it impacts them.

MR. BRADBARD: Right.

MR. HASS: They're looking for a product and they may not understand -- the easy labeling versus standard of identity.

MR. BRADBARD: I understand.

MR. HASS: So those two things are distinct concepts, I think.

MR. BRADBARD: Okay. Very, very good point. Thank you. That was an endorsement. Anyone else, please?

MR. PEARSON: Thank you very much. My name is Justin Pearson. I am an attorney with the Institute for Justice. That basically means I'm a public interest lawyer. I primarily represent small business owners, sometimes consumers as well, particularly in challenging regulations at all levels of the government, when those regulations increased consumer confusion.

And honestly the answer to the question is, no. Consumers, to be fair -- and I'm going to explain. I don't mean to insult the public. But the average American can't name all three branches of government. They know very much and they're often very intelligent about what their jobs are, things that have to do with their job,

things that have to do with their day-to-day lives. When it comes to civics and government and regulations, they know next to nothing.

Not just consumers, the average small business owners doesn't know about these regulations either. And so just the idea that they care about standards of identity or they know about standards of identity is just -- there's a huge disconnect there between the premise of -- well, I think it's good that the question is being asked. But the idea that that's even a possibility that consumers might know about this stuff, at least the typical consumer who doesn't live near Washington D.C., it's just -- there's just -- no, it's not even close...

MR. BRADBARD: So, staying with what you just said, they don't know probably the standards of identity. They may have never even heard of the phrase.

MR. PEARSON: Correct. I would guarantee you the majority of Americans have never heard the phrase standard of identity.

MR. BRADBARD: How important do you think standardization is though to consumers, which might be different than how, where they are of standards of identity?

MR. PEARSON: Well, not standardization per se, what's important to consumers, obviously, is that they're not misled, right? That they get what they think they're buying. That's important. But that's a very different question than standardization, right? So those are two different concepts.

So, to agree that standardization helps that and I -- as you could probably tell, sometimes skeptical about that could conceivably be a good thing. But to the degree that standardization results in kind of calcified definitions that don't evolve rapidly or doesn't take into account geographic distinctions and terminology and things like that, I think they can be counterproductive.

MR. BRADBARD: Okay. Thank you very much. Some people in the back of the room and we'll get a microphone to you, sir.

MS. GALLIMORE: Just to kind of reiterate...

MR. BRADBARD: Could you introduce yourself please?

MS. GALLIMORE: Oh, sorry. Casey Gallimore with the North American Meat Institute. Just to kind of reiterate what's already been said. No, I don't think that consumers have any idea what a standard of identity is or how specific those regulations are. But they do have expectations for common products. So, I don't think the average consumer understands the difference between a burger and a beef patty. But they know when they order a burger that they are expecting it to be ground beef shaped in a patty -- they have expectations for foods that are familiar for them. So, I think in that way standards are very important for the industry to be able to consistently give consumers what they're expecting.

For certain new and innovative foods that they don't have a preconceived notion of what that food is, that's where the newer regulations of ingredient labeling are helpful. But for common foods that have been around for a long time that consumers have certain expectations for, yes, I think standards are important, even though they may not realize what that standard is.

And I think another aspect of it is the nutrition that comes in that standard. So, when a consumer -- for a common food that they're used to having, there's expectations that come with that food. So, for example, dietary guidelines that they've been told since they were children. They've been told that if you drink a glass of milk -- the reason we're telling you to drink a glass of milk is because of all of these nutritional benefits. So, if something is going to be purported as similar to that, those nutritional benefits need to be the same, because that's what the consumer is expecting.

MR. BRADBARD: Okay. And you've actually provided an early segue way to our second question, but hold that thought, because you have the opportunity to comment on nutrition and expectations in a moment. Yes?

MR. GENDEL: All right. Back here. Steve Gendel with the FCC. And, I guess, I'm not going to make an answer, but raise a question of whether consumers -- without getting into the details of what a regulation or standard of identity is, do they have an expectation that somebody is looking after the identity of more foods than

we actually have SOIs for.

MR. BRADBARD: Okay.

MR. GENDEL: So, the consumers really feel that most of the foods supply is somehow controlled or standardized in a sense not just 200 particular individual foods.

MR. BRADBARD: Would you like to offer a guess or...

MR. GENDEL: My guess is that they probably think that it is --

MR. BRADBARD: Okay.

MR. GENDEL: -- that somebody in the government is watching out for them for all of the foods out there or most of them out there not just for those particular 200...

MR. BRADBARD: And that's important to them.

MR. GENDEL: I think so. Yes, right.

MR. BRADBARD: Okay. Thank you.

MR. GENDEL: Those two last things are personal opinions.

MR. BRADBARD: Okay. Thank you very much, Steve.

MS. WARD: Hi, I'm Betsy Ward. I work for the U.S. Rice Industry. I agree with all the previous speakers about -- one I think that people do assume that, there's a standard of identity for a lot more foods than maybe there are. And for example, there is not a standard of identity for rice. And there is one in the Codex, but not in -- not with FDA, I mean, we'd like to see that. Because we do see new innovative products coming in the market that call themselves rice that have no rice in them. So, cauliflower rice -- this is a whole new trend. And if there were standard of identity that we then -- we could enforce that that would be enforce then they couldn't call it rice. They can call it riced vegetable, we're okay with that because that's verb (ph).

MR. BRADBARD: Right.

MS. WARD: But -- so there is confusion, I think, among consumers about what these products are and what they are not. And so, I think standard of identity are important for that reason as well.

MR. BRADBARD: Okay. Thank you. We have a question upfront here. Megan, this gentleman in the first

-- in the second row.

MR. FRIEDEBURG: Thank you. Arnim von Friedeburg with CMA Global Partners. We're actually a retailer of imported and domestic foods and very close to consumers. To answer your question, it is in our experience not likely that consumers are aware of -- of governmental standards of identity of certain products. I agree with the comment that they feel safe, food is safe. But when it comes to very specific standards of identity -- and I bring the example of ketchup for example, then consumers will expect that Heinz is the standard and therefore everything else conforms to it.

But there is also, at least in our audience and the consumers that we serve, a very distinct quest for authenticity and there are products out there in the world that are imported here that cannot be called ketchup, because they don't conform to the specific identity. And the consumers that we serve are completely flabbergasted that, for example, curry ketchup from Germany cannot be called ketchup, because it has curry in it, and there is a clear identity in Germany that is out there. So, the question is consumers are questioning there the rationale why --

MR. BRADBARD: Right.

MR. FRIEDEBURG: -- there is -- why that can't be called ketchup. And to them it's very, very bureaucratic (ph) form of things -- of hindering products that they want and we're not talking about -- on the ethnic groups. Or a lot of Americans are among that, that's a part of the questionable standard of identity that were done decades ago and no longer may apply.

MR. BRADBARD: Okay. Thank you very much. I think behind. How are we doing time-wise? Okay. One more please.

MS. PERRY: Yes, I think consumers are used to standards they expect -- oh, I'm sorry. I'm Ames Perry, Food Resource. And I think they have an expectation of certain standards that are met. When you have -- when you put ketchup on your fries you expect it to taste it certain way, to have certain attributes. But I think that regulators are more focused on keeping ketchup made with tomatoes or whatever rather than curry ketchup. I don't

think that that type of change confuses consumers. I think -- for a lot of consumers standards are like the music that plays in the background of a movie. They expect it to be there, but they don't pay a lot of attention to it, unless something jars. And I think calling something curry ketchup does not confuse most consumers or something of that nature.

MR. BRADBARD: Thank you very much and I know others that you have questions. We may get a chance to have you comment afterwards and you may be able to work your comments into the questions that we are going to be asking. I did mention a segue.

We are interested in the nutrition and dietary goals that you feel are important to consumers and what horizontal changes can reflect these goals that are important to consumers? Does that seem clear to you? Tying the horizontal changes into the nutrition goals of consumers. Yes?

MR. MARRIOTT: Thank you. Robert Marriott (ph). I'm here in personal capacity (inaudible). I want to highlight a methodological issue with regard to problems of evaluating what goals are important to consumers which also speaks to Question 1 to some extent. Consumers are -- and research involving consumers in these areas is very vulnerable to priming and anchoring heuristics by consumers as well as cultural value associating claims. So, as you ask a consumer about whether or not they expect that the government has defined how a current -- certain food is labeled then they're going to say, "Oh, yes sure, that make sense." And then they're going to hold on to that very strongly and they're not going to be willing to give up on it.

The same is true if the question is asked in terms of political balancing, whether the consumer has a prior expectation of strong government or weak government. This strongly influences how consumers express and then rearticulate to themselves their expectations. So, what I want to emphasize here is that, consumer expectations for nutrition for a scope of regulation, it's all kind of shaky and it's not necessarily based on reality in a variety of ways. So that may limit our ability to anchor our own approach to

regulation, our own interpretation of what consumers expect --

MR. BRADBARD: Okay.

MR. MARRIOTT: Because that itself isn't very stable ground.

MR. BRADBARD: Okay. I appreciate the caution in terms of listening to what consumers say in this regard.

MS. GALLIMORE: Again, Casey with the Meat Institute. Something else consider when you're talking about what consumers expect -- especially when you're talking about food. Food is a very emotional subject for consumers. And we relate food with holidays, with family, with memories and things like tastes and smell are more associated with memories than anything else, so like language or vision. So, it's something -- especially when you're talking about standard -- a standard food item that -- changing that standard food item can easily change that emotional attachment. If you remembered -- for the ketchup example, if you remember having ketchup on your fries every time you hung out with your grandpa the entire time you're growing up and then one day you go to you use ketchup and it doesn't taste the same. That can be a very emotional experience for consumers. So, I think that's something you have to take into consideration. Food is not just sustenance that we put in our body. We're not robots, we associated those things.

MR. BRADBARD: Okay. Thank you.

MR. FRIEDLANDER: Hi, Adam Friedlander with FMI Food Marketing Institute and we represent food retail industry. And one of the attributes that I think are important to consumers -- and my specialties in food safety, so along with the emotional aspect it's also what is the physical components that are important to consumers. So, I think allergens and public health food safety are very important. So, for example, I came across -- as a consumer, I came across product that was labeled as an egg roll and I looked at allergen statement based on thought (ph) book and it didn't say contain eggs. And so, I was confused as a consumer. I'm like well, well, what if someone had an egg allergy? They don't -- either that product was misbranded or there's not a standard of identity for it.

So, I guess as a consumer I would want standards of identity to reflect allergenicity as well as other food safety characteristics.

MR. BRADBARD: Right, beyond nutrition goal --

MR. FRIEDLANDER: Beyond nutrition.

MR. BRADBARD: -- staying alive is important too.

MR. FRIEDLANDER: Yes, exactly.

MR. BRADBARD: And food safety would be something you'd be interested in.

MR. FRIEDLANDER: Well said.

MR. BRADBARD: Other thoughts. And keep in mind, we're asking now about changes in the horizontal standards could or horizontal changes in the standards could actually meet some important nutrition goals of consumers.

MR. PEARSON: I think it's important to recognize that, you know, there's not just one monolithic group of consumers out there. Different consumers care about different things. They value different things; they prioritize different things. And businesses have shown themselves to be remarkably nimble in trying to get consumers' money by advertising the things like consumer segments want at any given point in time. And I think as long as they're not misleading consumers, which by the way, would result in a class action lawsuit, so that gives them some incentives. But as long as they're not misleading consumers, I think, that should be encouraged and that we should recognize that the government tends to move a lot slower than industry and we don't want standards of identity that prohibit businesses from reacting quickly to consumer demands and primarily to all the different subsets of consumer demands.

I think consumers have shown themselves to be pretty good, within the reason of finding the categories of foods that they like, whether it's vegan food or barbeque or whatever. Like, they're good at kind of finding the types of foods that they're looking for and primarily because producers are so good at attracting consumers so they can get their money that I think the primary concern needs to be whether someone is saying something that is actually misleading or fraudulent.

MR. BRADBARD: Okay.

MR. PEARSON: And as long as they stay within those bounds, I think, you need to be really careful creating a slow developing regulatory regime that doesn't react as quickly as the marketplace does.

MR. BRADBARD: Okay. Keeping in mind that the public is heterogeneous and food -- tastes are heterogeneous, but thinking also about categories of products, are there certain categories of products that you think of that would be almost a real target for horizontal changes to standards that would relate to health? So, thinking about categories of products that should almost be like the more priority ones that people would benefit from horizontal changes.

MR. PEARSON: Right. I think the real horizontal change in that regard needs to be to recognize that -- the way that the FDA examines nutritional inferiority is sometimes a little off. Right? Because, see, if some -- if a food is lacking in one of the nutrients in the list of essential nutrients that the FDA comes up with, it's nutritionally inferior. But what that does is that overlooks that sometimes -- that different foods have different characteristics. And sometimes a food could be much higher in some areas, but then lower in a different area. And so, I think there needs to be a much more flexible approach where different, and on that, probably healthier foods aren't viewed as imitation, because they're lower in one category.

MR. BRADBARD: Okay.

MR. PEARSON: And so, I just -- I think -- I just think you need a lot more flexibility.

MR. BRADBARD: Right. Okay.

MR. PROFACI: My name is Joseph Profaci. I'm with North American Olive Oil Association. One of the things I heard this morning that concern me a little bit was the possibility that there -- with the horizontal change you may be able to substitute -- a salt substitute, let's say, for salt in a standardized food. I'd be concerned that the same might be for a sugar substitute in a product that requires sugar. And therefore, you would not have to notify the consumer that you now have added something different or changed an ingredient in a standardized food. To me, I don't like that idea. As a

consumer I don't like that idea.

MR. BRADBARD: Okay.

MR. PROFACI: If that's what that means. If we're talking about when it comes -- my industry is olive oil. If we're talking about a substitution of a type of edible fat in a standardized food, maybe it's something different, I'm not sure. I'd have to think about that. What I'm concerned is that a horizontal change not allowed would be substituting something for salt that's not salt, or something that's --

MR. BRADBARD: Okay.

MR. PROFACI: For sugar, that's not sugar.

MR. BRADBARD: We have someone over here, Megan -- straight across.

MS. GALLIMORE: I just have one clarifying question too. So, the concern that it's not within the substitution itself, isn't the lack of knowledge that you think that could -- okay, great. Thank you.

MR. BRADBARD: (Inaudible Response).

EMMA: Hi, I'm Emma from food mines industry, mostly. My point in question is that I heard from the panel earlier this morning that the solutions to standards of identity may not just be in changing the standards themselves, but also considering other labeling options. And so, I think we were -- there can be a bit of confusion between what a standard is versus what's clearly displayed on the label. And if things are clearly displayed on the label and what those things are based on the things that are important to consumers that could be immensely helpful as well. So, to the point of the salt substitutes they can be extremely helpful for reducing sodium, but we don't want to mislead consumers either. And so, if there was some -- there is an ingredient statement, but of course, it's super tiny on the back and consumers may not be looking at it. And so those are the type of issues, other labeling disclosure methods that might also help us make more changes to the SOI.

MR. BRADBARD: Okay. Just we have a couple of -- this gentlemen here.

MR. KELLY: My name is John Kelly. I'm with the Department of Agricultural Marketing Service, Dairy program. And I just kind of wanted to maybe defend the

government a little bit with -- and I know there's kind of -- the market tends to want to drive things really fast. But when we look at something like infant formula and dairy products and their association with, in particular, child development. I think that's some area that we kind of want to exercise a caution and make sure science is correct. And make sure that's in line with -- doesn't let consumer expectations -- I mean, I think that's an important component of consumer expectation when they're looking at purchasing a product in particular for children.

MR. BRADBARD: Okay. Thank you. Here -- up front here again.

MR. FRIEDEBURG: Let me be blunt. I think the overarching goal of this exercise is to make the population healthier and also ensure safety. And that's I think, what the center of identity topic is all about. In my personal opinion, it is simply not the right approach, because health is a lifestyle. It's not related to food. And so, what we're dealing with currently is the fight between techno food and traditional foods, I believe. And that is, if you want to open that whole area up as a government, I believe the federal government needs to be very cautious in that. I understand you don't want to hinder innovation, but also innovation is not always positive, is not always helpful for everyone. Right? And so, we also need to put the entire equation of price and availability and different target groups that are allergic to some and others into the equation, when you talk about standards.

MR. BRADBARD: Okay. Thank you. Last question on this -- or last comment on this question.

MS. GALLIMORE: Again, Casey, with the Meat Institute. Some of the things that we know consumers are interested in, like he just pointed out, is consumers want to eat healthier. They don't always know what that means. They look to the government and industry sometimes to tell them what that means. But they know trigger words like sodium and fat and sugar. And one of the things we've struggled with between standards of identity and label claims is a standard of identity may have a certain level of salt or sugar or element like that. And then a

claim that you're looking for "reduced sodium" or "reduced sugar" or "low fat" or "reduced fat" has a certain number that you have to hit. So you're in this -- if you want to reduce it by a little bit, maybe you're not going to be able to reduce it that far, because you'll lose taste for the consumer, you don't have an option, because you won't meet the standard of identity, but you also won't meet the reduced fat or reduced sodium standard of identity for that item. So increased flexibility will allow industry to give consumers healthier options, maybe not as healthy as some of the standards that have been set, but it's at least a reduction. So, I think we can all agree a reduction to 10 percent is still better than a reduction of zero percent, even if it's not 20 percent.

MR. BRADBARD: Okay. That's great. Thank you very much. And you actually again gave us a nice segue into the next question. This question might take a little bit more discussion. As people in this room have indicated, the whole gestalt around food is a very interesting one, a family, tradition, tastes, senses, but also nutrients and other things.

The question is -- thinking about standardized foods, what attributes are important to consumers such as nutrients, ingredients. And what part of those attributes --so let's take the nutrient profile of a standardized food. And you might be looking at fiber content, calorie count. The fat content, as you mentioned before. What are some of the implications on these changes in the horizontal standards? For the -- let me go back and rephrase that.

So, looking at this again, knowing which attributes are most important, okay? Which types of horizontal changes will be most -- you can help me with this Megan. I said that was a complicated question. I'll read the question, which attributes of standardized foods are important to consumers? For example, is the nutrient profile of standardized food important to consumers? Are there specific aspects of the profile such as fiber content or calorie count that are most critical?

MS. VELEZ: And I think then to build on that if -- when you think about these -- the nutrient content,

the different flavor profiles, things of standardized foods. Are there specific foods that are standardized right now, do you think those are particularly important to consumers?

MR. BRADBARD: Thanks Megan.

MR. MARRIOTT: Thank you. Robert Marriott again. I'm going to be pretty direct on this and ask if we are asking a subjective or objective question regarding important to consumers, in the same way that I'm curious about 21 U.S.C. 341, in the judgment of the secretary whether such action will promote honesty and fair dealing in the interest of consumers? Are we attempting to evaluate what is important in these contexts from the subjective space of consumer demand, from the market or from scientific evidence? That's a question for all y'all.

MR. BRADBARD: Coming up front.

MR. HASS: Doug Hass with Lifeway Inc. Again, I think to answer your question is, yes, sometimes, no other times. I don't think, you can ask an open-ended question about, well, are there attributes that are important when we've defined a standard? Well, maybe, depends on which one. You kind of have to pick one, because the answer will just depend. But I think what's -- I think going back to the last comment really is, what are we trying to do? Are we trying to push nutrition and disclosure forward? Is it the honest and fair dealing piece that we're trying -- that we're -- that's driving the discussion? Why are we -- why is the FDA interested in this question?

And if it's about being honest -- honest and fair dealing, then it's about factual disclosures. And there's no reason why -- if we're going to define ketchup, we have this ketchup standard of identity, since we talked about that. There is no reason people are going to understand, if you see ketchup and it's a tomato-based product and happens to have curry in it. And you say its curried ketchup. I'm not really sure how that's harming consumers or less than honest? And for a consumer, who really just wants tomatoes in their ketchup and doesn't want any other additive or anything else, I think that's fine.

You know, and back to my earlier point, though, when you -- if you're going to define a standard of identity, if you're going to decide that these are -- these attributes are important. You have to stick to it. You have to make sure that you save or my earlier example. If you're going to call something kefir it has to follow what that definition is. You can't decide -- to go back to take that with ketchup. If somebody says ketchup, we know it's got to be tomato-based. You might disclose that you've added other things to it. But you can't have a ketchup that is gellan gum and pig's blood. Well, it's red, and it's in the consistency of ketchup and therefore we're going to call it ketchup.

If you're going to the -- I think the answer -- the only way to answer your general question is to say, if you've defined a standard of identity, then yes, you've decided those things are important. And those are important attributes, because you've defined the standard of identity. And if you didn't define a standard of identity for that product, the answer of your question is no. You didn't find those things important.

So, if it's important enough to answer the question, yes, then there should be a standard for it. That allows some flexibility. If there are ranges of things that we can define, rather than saying it must have exactly this number of grams or milligrams. Sure. Those are all individual decisions. But I think it comes -- I think your general question is, if you've defined a standard of identity, the answer is yes. Now how are you going to enforce it? What are you going to do to make sure that that's actually happening in the market?

MR. MARRIOTT: Robert Marriott, again. I agree. The distinction that I am hoping to arrive at here I think is, between the use of standard of identity for the purpose of consumer expectation in the essential qualities of the food as per the language in the 2005 proposed rule, and standard of identity as articulated for Question 3's nutrition goals. And these are two different routes in which the role of consumer expectation occurs to play different roles.

Consumer expectation and its identity is central to the essential elements of the food in the first role.

In the second role, nutrition goals and alteration of identity of food along those lines -- consumer perception of nutrition goals is a more subjective thing, where we have a more objective answer available. So, it's not clear that consumer perception of nutrition goals plays the same necessary role in that space, as it does in the essential qualities of the food.

MR. BRADBARD: I'd like to hear more on that in terms of consumer perception of nutrition goals from others. In terms of the consumer's new demand for more healthful foods, lower sodium, lower sugar products and how, if it all, this should intersect with these horizontal standards. Yes.

MR. DUNLAP: Thanks. Mike Dunlap with Keys Group. It's a perfect intro to basically what I was going to talk about here. So, we're talking about consumer preferences, and the role of the regulatory framework in that. And adding something that allows us to get an outcome more speedily is probably great for innovation. Maybe not so great, if there's a government mandate that's coming down the pike that we want to say, maybe all the standards have only a certain amount of sodium allowed then -- which then causes manufacturing concerns and consumer -- or preference concerns later on.

When we talk about what the consumers want on the innovation side, those are usually consumer driven. And I think that we're trying to noodle around, do consumers care about these standards? I think they care about uniformity and product, but probably more brand specific. And so if you have five ketchups, they pick a brand that they like, because maybe it does have -- it's a little sweeter for -- maybe it's the type of tomato, maybe there is sugar added or wherever it is. Or if they're not brand loyal, maybe they're just more price conscience. And a standard that says you're going to have more or less sodium or sweeteners, something there may not play as much role.

So, we've got a pretty -- it was said earlier, we have pretty diverse consumer groups. And there's only a small subset, I think, that really look at those labels that closely. Maybe it's somebody trying to get in shape or running a marathon or for whatever reason, looking at

the protein, looking at the calories, looking at the carbohydrates, and the types and the sources of those. But I think by and large, the consumers going to be price conscious and they're going to be taste conscious. And so, the companies are trying to work within that.

And so speeding up that framework, and being able to cut across these -- for innovations it's great, but I think there'd be some concerns on the backside if that process can also be used to mandate things down the pike for what the government decides is the right way to go on nutrition.

MR. BRADBARD: And you mentioned price conscious and taste conscious and I want to throw in again, health conscious, which we just mentioned. And how again, this whole greater interest now and greater consumer demand for more healthful foods may feed into this in terms of the flexibility we're talking about.

MR. DUNLAP: Right. And I think that -- it was mentioned earlier. The key here is that consumers want to know what that's written on the package is accurate. And that's, I think, fundamental to the sanctity of the food labeling and processing system. And, of course, fundamentally they just assume, I think, because we have such a great food safety system in place, that the food is also safe.

So I think consumers take, possibly for granted, because we've done such a good job that the food safety is there. They, I think, probably take for granted that the labeling is accurate, because we have a firm enforcement construct on top of that. And then beyond that, they're going to look for taste and they're going to look at the price point.

MR. BRADBARD: Okay, thank you. Anyone else? Yes sir. In back row?

MS. GALLIMORE: I'm very glad that you mentioned that, because in almost every consumer survey, we see at the end of the day, no matter what we're asking about, price is the number one thing that consumer is still consistently looks at and taste as well. And I know FMI has done a lot of great work and it consistently, no matter what claim or attribute we're asking about, it always comes down to price and taste. So, for industry to

keep things affordable, we need flexibility.

But I think specifically, when you're looking at which foods and which attributes are important for which foods. I think again, the dietary guidelines are a good place for us to start. Because -- again, consumers don't necessarily know this is the specific nutrient that the government is telling me I need to get and I get it through eating this food this many times. But they know that they're supposed to eat this food this many times. So, I think we can use the important aspects of why we tell consumers to eat certain foods in certain quantities.

Why are we telling them that? And is the change to this standardized food going to affect the nutrient that they're getting out of it? So, they know they need to eat meat and poultry to get protein. Most consumers know they need protein. They don't know that you're also being told to eat meat and poultry products to get B12, which is harder to get in a lot of other foods. So, they know they're told to drink milk to get calcium, but they may not know they're also being told to drink milk to get Vitamin D. So, I think we need to look at the dietary guidelines when we look at specific foods and what attributes are important.

The consumer may not know the specific nutrient. But they know that science has shown through that rigorous dietary guidelines process that I need these foods.

MR. BRADBARD: So, when we're making these changes, and we're attempting to communicate to consumers a good framework might be the dietary guidelines to talk about how this change -- if it keeps it within or allows them to achieve more in terms of the dietary guidelines. Okay, thank you.

MR. WARD: Hi. Betsy Ward, again from rice industry. Maybe this is a question for FDA, but sort of -- the definition and the purpose of the standard of identity versus sort of nutrition aspect. So, my impression is the standard of identity is there to protect against economic deception. And so that -- but -- and there may be nutritional benefits to a product, but that's not the primary purpose, I don't think. And I

think all these other things are important, but -- and so I just wonder -- I mean, are you going to change the purpose of the standard of identity to incorporate nutritional attributes?

MR. BRADBARD: Okay. So that's an important question to you and that's something we will pass along. As I said in the introduction, what I had here was certainly the standards of identity, are you -- issued to promote honesty and fair dealing in the interest of consumers. That was a quote. But you're asking your question beyond that. Yes.

CHARLES: Charles, Vegetarian Resource Group. Besides taste and expense, I think people often look at use. So, like, for example, chocolate milk. They know, they may not use chocolate milk in baking, but they may use a different kind of milk in baking a cookie or something. So that's just as important. So, people understand that.

So, like they understand, coconut milk is not really the same as some other milk they may use it in kind of cooking or peanut butter they use in a different way. I think what's happened probably over the past 30 years is that the consumers, for right or wrong, are often ahead of the regulators and the dietitians and nutritionists and that creates a problem, because then they go through non-scientific answers. Okay? And then -- so I think when you're discussing all this, you really need to look at where consumers are, and you're staying with them.

So according to our polls, about 40 percent of the people right now are eating more -- are eating plant-based meals, at least some of the time. Okay? About 2 percent are vegan, which means no animal products. And so, it's 2 percent, so it's not the majority. But, I think, again, when you're looking at all of this, you need to look at that 40 percent also, so you don't lose them, if that makes sense. And I realized that it's harder, because you have different audiences right now, versus in the past it was one audience.

MR. BRADBARD: One more question on. Or one more comment on this question. Or we can move on? Okay, let's move on. Gentleman over here offered an interesting

alternative way of making ketchup before that most consumers would not accept, certainly, whether it's surely ketchup or curry ketchup.

Okay. So, are there then some changes to certain standardized foods or food categories that would make that product no longer meet consumer expectations, no longer be acceptable to consumers as that product? Can you just think about food categories or food products were there be changes that could be made, whether it's a change in a particular nutrient.

MS. VELEZ: Ingredient or process.

MR. BRADBARD: Ingredient or process that would no longer make that, as you understand it, acceptable to consumers.

MR. HASS: I almost want to rewind -- Doug with the Lifeway again. I almost want to rewind my last answer. That's -- it's the unanswerable question. The answer is yes. And the answer is no. Again, you can't -- to some consumers -- and the point we just made here, it's really important to a vegan, a one change might make that product or the establishment of the standard of identity for -- an almond beverage. That standard of identity depending on how you define it might make it unacceptable to vegans. It might make it acceptable to other people. So, I don't think that question really can be answered.

Again, it kind of goes back to, is it important enough to the FDA to define what that is. Is there some reason to do that either, because we think it's -- there -- it's the Wild West. It sits -- we're doing it with CBD. There are things that are misleading, or their things that nobody can understand what's in the product then we think it's important. Or gee, the Codex and the EU and everybody else has already defined this a certain way and we have no definition or we have a completely contrary definition or an aged definition and we think it's important to harmonize ourselves with the rest of the world in this area. I -- whatever the case is, I think that's what's going to drive the question. Otherwise, this kind of an open-ended question -- the one that you can get as many different answers as you talk to the people in this room, and you will not advance the

ball anywhere, unfortunately.

MR. PROFACI: Yes, kind of along those same lines. I think it all just depends on what else is on the label. And I think some -- maybe this question perhaps overlooks the fact that the standard of identity is just one small part of the label, right? And so, people generally -- with maybe some very rare exceptions. They generally don't just buy something that just says, like beef or eggs without any other information on the label whatsoever.

And so, yes, so if someone buys something that's called bacon. Right? Just to give a random example. And it didn't come from an animal. Well, if the only word on that label is the word bacon, then perhaps that would be confusing to consumers. But if it says, plant-based bacon, made entirely out of plants, no animals harmed. Well, then the consumer is going to recognize, oh, this is like an alternative to bacon from an animal. This is some -- this is different type of bacon. And so, it just all depends on what the other words on that label are. And I think just looking at SOIs by themselves, without looking at the greater context of the label, I think, and sometimes send us down unnecessary rabbit holes.

MR. BRADBARD: Right.

MS. GALLIMORE: I'm so glad. Again, Casey from Meat Institute. I'm so glad, you brought up bacon. So, one of our biggest concerns at the Meat Institute with standardized -- with standardization is we have very well -- well enforced and well thought out standards in meat and poultry items. And as was explained earlier, the vast majority of our labels get physically reviewed by FSIS, if not at the labeling and policy division than in the plant by inspectors that are there every day. So, we have a very stringent system. And when we say bacon, we have a very strict rule that we have to apply to, to say that.

So, when someone says plant-based bacon. Although, they may be conveying to someone that it's not pig. They don't -- they're not being held to the same -- all those other parts of this standardization that come with the word bacon. So, if you're going to use a standardized food name, whether it be bacon or burger or milk, and then have some kind of caveat to explain to the

consumer that no, this isn't the exact standardized food that you think of.

You're also creating a competitive disadvantage for the person, who has to comply with the standardization as it's written if you're going to allow -- and I think that's where horizontal approaches can be really great. That you can have some kind of addendum to a standardized food that says, okay, it's not bacon, but it's plant-based bacon. If you label it plant-based bacon, it needs to meet these parts of the standard, but can deviate from -- To me, that's, that's the whole point and horizontal approach is to create something where you could make a non-meat and poultry item. But still you have to have some kind of standard, if you're going to use those same standardized terms that meat and poultry process start using.

MR. BRADBARD: Right. Not just simply a disclaimer statement.

CHARLES: Often various companies call us, and they're talking about new products they are developing. And they're asking us could we call it this and can we say -- make this claim? And then I say, is it on your label? Are you going to put it in the ingredient statement more information about it? And that often makes the decision for them that they are going to call something whatever, but then they change their mind and they realize they have to put more information on it, if that makes sense.

MR. BRADBARD: Okay. We -- I know, you did -- you had a question up front. Last question -- topic.

MS. PERRY: Ames Perry again. One thing too, particularly with something like bacon, you've got FDA, which would cover plant -- any plant-based bacon like product, and USDA, which has standards that apply to bacon. And they do allow some description if you have beef bacon you have to state specifically underneath. If you have turkey bacon, you have to state the part of the turkey it's from and things of that nature.

You would need to kind of make sure that USDA and FDA were on the same page, because if you work with USDA Foods, you know that they refer a lot to FDA standards in the formulation of those foods. And so, I

think while the horizontal standards and using something like non-fat, which works pretty well, I think, could possibly break down when you take it someplace else.

MR. BRADBARD: Yes. Thank you very much. So, let's move on. I mentioned earlier that I'm the Director of the Consumer Studies team and Ewa is on my team. And we are, of course, very interested in consumer research. Number comments here about getting some good information about what consumers are actually thinking and consumers of course aren't a unitary group, they're a heterogeneous group. And we certainly appreciate that in a lot of the research that we do. So, we do a lot of active research. And we also look at what's out there in terms of extant data and we buy reports from companies.

All that said, we are interested in hearing from your data sources that you know of or data that you think are needed in terms of us being able to consider consumer expectations. Now, again, you don't know everything that we've done or that we review, but you may know of particular data sources that you think would be very valuable for us to consider.

MR. FRIEDLANDER: Adam Friedlander, FMI. And as was alluded to earlier, FMI produces in abundance of research. For example, we have the 2019 U.S. Grocery Shopper Trends. And we survey many consumer -- I don't know the exact number, but we've been doing this research for decades. And we also have the grocery SPEAKS, so the 2019 version of that as well. And we really break it down into what are consumer expectations in terms of product categories as well and what information on the label. And so, we'd be happy to provide that information to the FDA.

MR. BRADBARD: Okay. Thank you. So, the FMI reports. Other ideas about data sources, empirical, anecdotal or otherwise?

MR. MARRIOTT: Robert Marriott again. Touché (ph) -- excuse me, not Touché -- NHANES. NHANES -- if we are looking at a large-scale ongoing process for evaluating both overarching proportionate consumption usage, but also being able to identify subgroup trends of use, so vegan food consumption, different perceptions coming from particular groups, NHANES is the -- is the survey instrument that provides the largest and most

comprehensive availability source for data. And it's possible to get new blocks inserted into NHANES, although that process is complicated and resource-intensive in some respects.

MR. BRADBARD: Okay.

MR. MARRIOTT: If the process for this is going to be not just a generational overhaul of standards of identity, but the construction of a new approach to standards of identity on the horizontal paradigm going forward, something like NHANES is going to be useful in terms of --

MR. BRADBARD: Okay.

MR. MARRIOTT: -- providing that data.

MR. BRADBARD: To be able to insert questions into NHANES. Okay. Thank you.

MR. GENDEL: So, this is Steve from the FCC again. And I know as a professional that you know this, but I can't help but mention the importance of distinguishing between what consumers say and what they do. So, in your data gathering, you really need to make sure that you actually look at real behavior, not just opinions.

MR. BRADBARD: Okay. Thank you.

MR. SULI: Hi. Chris Suli (ph), International Food Information Council. I just wanted to put a plug in for our research as well. We do a lot of consumer-based surveys. We do an annual survey, the Food and Health Survey. This year was the 14th year we've done that.

We submit them often in the form of comments to federal agencies. So, if they can be of use to you. We'd love to learn more about what FDA's specific needs are. We have our own sets of questions that we run what we find interesting, what our members find interesting and what other stakeholders find interesting. But I'd love to learn more about the specific needs -- and that's why I'm here today -- from the government.

MR. BRADBARD: Okay.

MR. SULI: Also, just as a consumer, I'm also curious what is being done with shopper data. I shop at Safeway, for example. I know they have my information. Do I have access to what I've purchased over the decades? Because to your point about behavior versus aspirations,

I might think that I'm doing well, but maybe my receipts show otherwise.

MR. BRADBARD: Right. Okay. Thank you. We have a question up front here. Megan?

MS. VELEZ: Oh. Sure.

MR. BRADBARD: IFIC? IFIC, Yeah. Oh, right here, the gentleman from -- thank you, Megan.

UNIDENTIFIED SPEAKER: Thank you. Well, the obvious answer would be Google and Amazon. You'll probably find no better consumer trend data on purchases and expectations, what they search for. So, I mean you probably know this yourself. Maybe there's a way as both are now regulated or in the process of regulating to extract some quick proprietary color from them.

But the most serious part is I would urge the FDA to involve industry in the answer of consumer research. And in the entire exercise of reforming standards of identity, do not limit the ability of companies to marketing because food in this country is also entertainment. It is competition. It is a variety of information that needs to be creatively expressed in order to differentiate in packaging, differentiate companies from each other, brands, and allow smaller companies to get into the industry and not just allow only very large companies to dominate the entire market, which already it is. But it is important to not limit small businesses in the form of communication.

I know there are lawyers waiting for, you know, companies to make mistakes. But in the end, we have free speech and there needs to be some form of allowance in that whole regulation -- you know, put into consideration.

MR. BRADBARD: Thank you very much. Let's move on to the final question. And there was the comment made earlier about communicating to consumers. And maybe a good frame for this could be dietary guidelines in terms of letting consumers know that this flexibility, horizontal changes actually will help them meet the guidelines more.

The last question does have to do with consumer communication. I'll be interested to hear this. So, if FDA does create this horizontal flexibility that we've

been talking about to allow for a substitute or additional ingredients or changes in manufacturing process, how should this be conveyed to consumers?

We could say to consumers, "Well, there's this new regulation." But that often times doesn't tell much to consumers. And we were talking about that today. Consumers are not much on standards of identity or FDA's regulatory structure. But what information that would be meaningful should be conveyed to consumers and how could it be done in a clear and consistent way about the changes we're discussing?

UNIDENTIFIED SPEAKER: I know this isn't the answer you're looking for, but I question whether it's important that that gets conveyed to consumers. And by that, I mean -- you know, let's say for the sake of argument that any changes that are made to move things closer to consumers' preexisting understandings. Well, then assuming that happens, that's a good thing. And I don't know if you need to have some sort of public awareness campaign to let consumers know that now the regulations are more in line with what they already thought, especially when they're regulations that consumers didn't know existed.

Like it's -- it might be that this isn't a battle you need to fight in terms of letting people know that you've made a positive change. Although -- and I'm sure you'd like to take credit for making a positive change as well -- you should. But in terms of the consumer understanding, I don't know how much it's worthwhile to devote resources to it.

MR. BRADBARD: Okay.

MR. KANTOR: Thank you. Mark Kantor from FDA, but I'll talk as a consumer. We haven't talked about America's favorite food, ice cream. And as far as communicating to consumers, I'm just wondering what we can do about making information on the labels a little more prominent or more meaningful to consumers.

Is there a difference between ice cream and, you know, frozen dairy dessert or something else like that? You look at the different flavors of ice creams even within one company and you'll see very small print. Some of them say ice cream and some of them don't say ice

cream.

And, you know, I think this also kind of relates back to the whole previous discussion about what are the expectations, is it just for nutrition or is it what consumers are expecting.

So, I think there might be ways of educating consumers, getting information out about standards. Maybe it has to do with just how manufacturers label their products, how prominent they say what is this, is this a real ice cream or is this not ice cream according to the standard.

UNIDENTIFIED SPEAKER: Two things. I think, again, kind of reiterating an earlier point. If there is a standard that's creating a competitive disadvantage, then I think that needs to be -- that needs to be fixed, number one, so that that's not a problem. And in that manner, it's probably going to be something along the lines of conveying to the consumer the differences in processing techniques, things like upcoming cell culture, meat versus -- plant-based meat versus meat.

But from the consumer perspective -- and I think -- I don't remember his name, but, you know, earlier "Maybe it's not a battle you need to fight," consumers don't want to be lied to. So, I think that's where you're going to have to use consumer data to better understand what is a different manufacturing process that they care about and what's a different manufacturing process they don't care about.

If you're pressing versus extruding, I don't think they care. If you're using a cow versus using, you know, soy, I think they care. So, I think we've got to look at consumer data to know what matters to them.

And then at some point, you know, as long as we're not creating competitive disadvantages in the marketplace, you're going to have to leave it up to industry to can convey to the consumer. And more -- now more than ever, our consumers keep us honest.

MR. MARRIOTT: Robert Marriott again. A methodological approach to take for this might be that as standards of identity are modernized, the standard components can be identified and categorized based on their structure or form and each structure or form

category can have a specific labeling requirement in terms of modification or relaxation.

That would be an approach to horizontal adjustment and coordination that would have the effect of reducing the case by case burdensome reevaluation of each standard that would help the horizontal development process.

MR. BRADBARD: Okay.

MR. MARRIOTT: And over time, gradually reduce the upkeep resource requirements.

UNIDENTIFIED SPEAKER: I would just like to follow up on something that the lady in the back said, which I think is absolutely right, that the consumers keep them honest.

And so, I think it's important not just to focus on what's important to consumers, but what's important to consumers that businesses aren't already doing. And so to use the example of cow's milk or soy milk, usually the sellers of soy milk have a very powerful interest in letting consumers know that it's soy milk, not cow's milk, and it would actually be disastrous to some of these companies if people thought they had started selling food that came from animals, because their clientele is looking for vegan alternatives.

And so, I think it's just important to recognize that just because something is important to consumers doesn't mean it's something that needs to be regulated if it's something that the market is already handling without regulation. Thanks.

MR. BRADBARD: Okay. We do have to wrap-up the comments. We want to get into the portion of the session we're going to pull this together now, summarize, and also get your final comments. Ewa has been diligently taking notes. I keep hearing these footsteps behind me I think moving across the room.

So perhaps we can go through some of this and see if we've captured accurately what it is that you have been telling us. And if you'd like to also add something, we can do that.

So Ewa, do you want to kind of go through it?

MS. CARLTON: Sure. I mean...

MR. BRADBARD: And you have the microphone?

MS. CARLTON: Yes. I apologize if I -- at my attempt in capturing what you said, I kind of changed what you really wanted to say. But I just put kind of like phrases. And let's see if this really reflects.

In terms of consumer awareness that some foods are standardized, here we've heard from you that a lot of times consumers are not aware of the legal regulation process, however, they do have strong expectations in relation to standards of given foods. So that's kind of like a second point.

We have something mentioned here on consumers' awareness, but also some confusion especially related to foods that are introduced on the market recently or are not traditional on the market, like kefir or probably some other foods.

On the other hand, we've heard that even though consumers are not aware of the regulation process, they have a strong belief that government is overseeing their food, and from that sense, they do believe that there is some standardization. However, they do not understand the process behind it. So, it's kind of like two sides of the same coin.

There was mentioned -- rice was mentioned and the lack of standards of identity for rice and that consumers may not be aware of that. Authenticity. So, example of ketchup was provided and curry ketchup and this --

MR. BRADBARD: Curry ketchup.

MS. CARLTON: -- may not be a problem to consumers as long as curry is clearly declared on the label, so consumers know that this ingredient was added.

And also, we had a talk about consumer expectations regarding taste. So, when we have a product, we have a certain expectation that it will satisfy our basic expectation of taste.

Question (2), dietary goals that are important to consumers. Well, I think it was mentioned that consumers do have their prior expectations and sometimes they may not be realistic. And that consumers regard food very emotionally. It's a part of the cultural, a part of family, a part of holiday.

And also, another theme here that physical

components of food are very important -- and allergens were mentioned here. So, the importance of declaring allergy causing ingredients. So that has to be something that's an overarching goal.

Also, we need to keep in mind diversity among consumers and their varied demands and expectations. It's not a homogenous group of people.

We talked about flexible approach and that not every food can satisfy certain requirements for nutrients. There are some specific foods that may be high in some nutrients and at the same time low in certain nutrients. But this might be inherent to this particular food.

There was a concern about salt and sugar substitutes and a lack of consumer knowledge about substituting salt and sugar. So, I don't know if we may need a little bit more clarification, but I think what was meant here is that consumers may not be completely aware of what kind of ingredients might be present in a product. And I don't know if there's anything to add.

Label declaration is very important. We have to pay special attention to products for children. And there was a mention of infant formula and the need of formulation based on science.

There was an opinion about the so-called new techno foods versus traditional foods. And I think the sense of this one was that those techno foods, those innovative foods may not be always positive. So, the change is not always positive.

There was a mention of course that consumers -- it's important for consumers to eat healthy. Therefore, the products on the market with low sodium and low fat and the need for flexibility in establishing standards for those low fat and low sodium products.

The question about attributes of standardized foods that are important to consumers. And we -- somebody mentioned that we have to be cognizant of what is consumer demand versus what are the public health goals, that consumers might not always know what's the most advantageous for them in terms of their health. Okay, here we had a mention of the ketchup again.

Meeting consumer expectations versus perception

of nutritional goals. So, I think that what was said here is that taste and price always come up as two leading attributes that consumers are looking into. They are looking into taste and price. And then this needs to be somehow reconciled with when we talk about standards of identity. As well labeling and food safety were mentioned.

Considering dietary guidelines. So, this ties up very well to the consumer demand versus public health goals. And someone mentioned that standards of identity ought to protect against deception and not as much as emphasizing nutritional goals. So, first of all, consumers need to be very well informed about what type, what kind of product they're buying.

And following consumer use, so following consumer behavior, how do consumer behave. And then we have horizontal changes that would result in the product no longer meeting expectations. So, somebody mentioned here that we do have different perspective among different groups of consumers. So, for example, we might have very different perspectives from vegans versus people who do eat meat. So that needs to be accounted for.

Someone mentioned that it's very important what else is on the label. So, when we have the name "bacon," we may have something that proceeds the bacon, for example, the phrase "plant-based," and then how does this change the standard of identity.

And then also someone mentioned that the stringent standards for products like bacon burger and milk might not have to be followed when we talk about plant-based because of the different nature of these products. Therefore, we don't have this level playing field.

Someone mentioned USDA and FDA need to be on the same page. Data, question (5). There were a lot of good sources of data mentioned, for example, FMI research, NHANES, and especially trying to incorporate standards of identity questions into the next iterations of NHANES' data collection. Importance of studying consumer behavior.

And IFIC studies were mentioned and also

following market data through Google, Amazon. Also involving industry and industry -- considering industry research, as someone mentioned this, another source.

Question (6), what of this -- which of this information needs to be communicated to consumers? And we've heard here about aligning regulation with consumer perceptions and understanding. Someone mentioned clarity of the label. So clearly indicating what the product is, what the standard of identity of the product is on the label. Again, this ties back to what we've talked about, the competitive disadvantage; for example, that if we have bacon and plant-based bacon, these two products may need to meet different requirements.

Process consumers care about. So be evidence-based on consumer data and consumer research. And a proposal of categorizing components across products. So, I understand this is very much aligned towards the vertical changes. So, we talk about the whole categories of components that would be -- that will be used across different products and product categories.

So, this is my attempt to capture what was said. Luckily, we also have transcripts. So, we have a word for word record.

MR. BRADBARD: That's great, Ewa. Thank you. Thank you very much for doing all of that and pulling that together. But you did -- do we have any comments from the group that you'd like to make, I guess just adding on to what I heard?

I heard, you know, there's 300 million people in the country with 300 million beliefs, attitudes, feelings, that there is no one size-fits-all, that talking about "the consumer" is a real rabbit hole. And it makes it even more difficult when you're dealing with a particular construct like standard of identity.

I mean, you could talk to somebody for 20 years and they may never say "standard of identity" in the conversation. But if you bring it up, they might have a lot to say about it -- some of which might be accurate, much might not. And then if they tell you what they're going to do, it further complicates -- they might not do it. They'll say, "Based on this, this is what I'm going to do." And then you observe them, and guess what, it

doesn't happen.

So, the real protection it sounds like is that there is someone who is looking over these standards of identity. Plus, as Mark pointed, the label itself that has to be truthful and not misleading. And I guess the most egregious people suffer the consequences.

But I do think that this notion of flexibility and building in a horizontal approach to the standards is something that you've been very, very good today about sharing your information with us. And I know that everyone in the agency really appreciates the time and thoughtfulness that you've given to this today. Megan?

MS. VELEZ: I think that's it. I'm just guessing closing, so we're going to join after lunch. There's a reminder. There's a buffet lunch for purchase here in the hotel, if that -- which is a convenient option if you so choose. Otherwise there are a la carte options around the hotel and immediately outside.

We're going to begin the second set of breakout sessions, which the agenda in your packet has the room number, promptly at 1:30 p.m. So, thank you all again for your time and your really thoughtful input today.