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December 16, 2002

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

Re: Docket Number 94P-0036
Food Labeling: *Trans* Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims

AARP appreciates this opportunity to file additional comments on the Food and Drug Administration's (FDA) revised proposal regarding the inclusion of information about *trans* fatty acid¹ content in the Nutrition Facts panel. Including this information on the nutrition label will be particularly helpful to the millions of Americans, many of them older persons, who must lower the intake of this nutrient in order to reduce their risk of coronary heart disease.

We support the FDA's proposal to require that an asterisk or other symbol be placed in the "% Daily Value" column when *trans* fat intake is listed, and that this asterisk refer the consumer to an explanatory footnote. However, we do not support the proposed wording of this footnote. The proposed footnote -- "Intake of *trans* fat should be as low as possible" -- should be revised to read "Combined total intake of saturated and *trans* fats should be as low as possible."²

By failing to reference both saturated fat and *trans* fat content, FDA may confuse consumers and undermine well-established public health messages that direct consumers to reduce their intake of both saturated fat and *trans* fat. If the footnote is finalized as proposed, then consumers might focus only on limiting *trans* fat and disregard the saturated fat content of their food. They also might be led to choose a food because it contains a small amount of *trans*

¹ We support the FDA's proposal to use the term *trans* fat, rather than *trans* fatty acids, in the Nutrition Facts label. Use of the term *trans* fat is consistent with the approach taken for the labeling of other "fatty acids," terms that are correct but too technical for general consumer use.

² FDA should conduct some consumer testing to ensure that consumers understand the intended message of the footnote. FDA should also test to determine the best placement for the asterisk or other symbol (in the space where the "% DV" value would go, or next to the amount of the nutrient per serving), as well as whether the message about combined saturated and *trans* fat content should also footnote the listing of saturated fat content or of the "% DV."

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fat when it may, at the same time, contain more saturated fat than comparable foods. We are concerned that including the footnote on the nutrition label in the manner proposed could actually have a more harmful effect on the public health than not disclosing *trans* fat at all.

In conclusion, we recommend that FDA revise the proposed *trans* fat footnote to include a reference to saturated fat so that the footnote provides consumers with an accurate and complete dietary message. We also urge the agency to finalize the complete *trans* fat proposal as soon as possible. If you have any further questions, please contact Larry White on our Federal Affairs Staff at 202-434-3800.

Sincerely,

A handwritten signature in black ink, appearing to read "David Certner", with a long horizontal flourish extending to the right.

David Certner
Director
Federal Affairs