

Memo: 2-24-04

Subject: FDA Request for comment on food labeling health claims;
Dietary Guidance

Submittal

URL: <http://www.fda.gov/dockets/ecomments>

Docket 2003N-0496

Deadline: February 26, 2004

Comment:

Dear Sir:

Re: Request for comment on "alternatives for regulating qualified health claims in the labeling of conventional human foods and dietary supplements" FR 68: 227; 66040 11-25-03

Nutritional labeling, where it seeks to persuade the consumer that the product is tailored to meet specific nutritional goals, and, hence, health status objectives, is by inference, making a qualified health claim. As such, it falls within the purview of the proposed goals of this rulemaking effort. Our comment addresses itself to urging the wider utilization of "significant scientific agreement (SSA)" in the development of qualified health claims and to broaden its use to the content of nutritional labeling.

We urge the FDA to adopt the same principles of "significant scientific agreement (SSA)" in the assessment of the health claims pertaining to carbohydrate content for conventional human foods and dietary supplements. Large numbers of consumers make decisions regarding the purchase of foods based upon the information put forward in the nutritional labeling. Where carbohydrate content is concerned, the consumer is now, more than ever, attempting to regulate his or her intake of carbohydrates. The principle of scientific accuracy in communicating the carbohydrate content has been compromised through the use of creative categorization of carbohydrate content (Net Carbs, Effective Carbs, Impact Carbs, etc.). The only purpose served by this labeling creativity is that of misleading the consumer with respect to the actual carbohydrate content of the food. The consumer deserves the truth about the total carbohydrate content of foodstuffs and not unsubstantiated health claims that steer them from the truth, benefiting only the products' manufacturer.

Truth, and the consumer, would be better served if the nutritional labeling bore labeling that reflected the true Total Carbohydrate content as well as a statement

2003N-0496

C29

similar to that presented for 'calories from fat." Coupled to a SSA-based definition of carbohydrate, a "calories from carbohydrate" would permit the carbohydrate-conscious consumer an informed choice.

With respect to the preferred alternative for the regulation of inferred health claims in nutritional labeling, we urge the FDA to utilize Option 1. Pre-market clearance would offer the consumer the deserved protection and reduce the burden of post-market regulatory and legal action to correct or remove false or misleading labeling.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chip Marsland', with a long horizontal line extending to the right.

Chip Marsland
Chairman & CEO
Betafoods Corporation.