

# National Pork Producers Council

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Dockets Management Branch (HFA-305)  
Docket No. 94P-0036 RIN 0910-AB66  
Food and Drug Administration  
5630 Fishers Lane  
Room 1061  
Rockville, MD 20852

**Re: Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims; Reopening of the Comment Period, Docket No. 94P-0036, RIN 0910-AB66**

To Whom It May Concern:

The National Pork Producers Council (NPPC) is pleased to provide comments in response to the notice entitled, "Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims; Reopening of the Comment Period," Federal Register: November 15, 2002 (Volume 67, Number 221) RIN 0910-AB66.

NPPC conducts public policy outreach on behalf of its 44 affiliated state association members, representing over 80,000 pork producers. NPPC is committed to enhancing opportunities for the success of U.S. pork producers and other industry stakeholders by establishing the U.S. pork industry as a consistent and responsible supplier of high quality pork to the domestic and world markets.

NPPC supports the Food and Drug Administration's (FDA) proposed incremental approach towards providing mandatory declaration of *trans* fatty acid content, on a separate line, within the Nutrition Facts panel. In fact, the industry applauds the Agency's recognition of the metabolic effects of individual fatty acids apart from their organic chemistry classification. Further, we believe that FDA should take this opportunity to harmonize with the U.S. Department of Agriculture and allow the voluntary separate listing of stearic acid as a subclass of the saturated fat declaration.

In its reopening this comment period, FDA has proposing an asterisk in the %DV box for the *trans* fatty acid content line on the Nutrition Facts panel. The footnote associated with the asterisk would state, "Intake of trans fat should be as low as possible." NPPC believes this to be weak public policy, which potentially will set dangerous and confusing precedent. NPPC recognizes the Agency's dilemma; there is no scientifically established

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DV for *trans* fatty acids. However, the proposed solution is equivalent to placing warning label on the Nutrition Facts panel. The panel should remain a "factual" conveyance of scientifically established information to consumers and not a vague warning that places good or bad judgments on the value of certain foods. FDA cites numerous documents where dietary commentary and guidance have been published in an appropriate manner to handle this complex discussion.

Secondly, FDA proposes to outline conditions for enforcement discretion to allow manufacturers to label *trans* fatty acid content prior to a final rule. NPPC does not believe this action to be proper or necessary. It is the stated intention of the Agency is to publish a final rule in early 2003. The comment period has now been open since 2000, therefore expediting labeling activity prior to a final rule is at best unnecessary and at worst providing an additional opportunity for consumer confusion, should the final rule be in conflict with a manufacturer's pre-rule labeling.

In summary, NPPC supports FDA's incremental approach towards providing mandatory declaration of *trans* fatty acid content, on a separate line, within the Nutrition Facts panel. NPPC is opposed to the Agency's proposed use of an asterisk in the %DV listing for *trans* fatty acids, with the proposed accompanying footnote on the use of *trans* fatty acids. NPPC does not support proposed *trans* fatty acid labeling activity, by manufacturers, prior to the publication of the final rule. Further, we would recommend that FDA consider harmonizing with USDA by allowing the voluntary declaration of stearic acid content as a subclass of the saturated fatty acid declaration.

We appreciate the opportunity to present comments on behalf of America's pork producers. If you have any additional questions, please contact Ms. Audrey Adamson, Director, Federal Relations at (202) 347-3600.

Sincerely,



Dave Roper  
President  
National Pork Producers Council