



BCMA

THE BISCUIT AND CRACKER MANUFACTURERS' ASSOCIATION

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June 18, 2004

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

RE: [Docket No. 2003N-0076] Food Labeling: *Trans* Fatty Acids in Nutrition Labeling; Consumer Research to Consider Nutrient Content and Health Claims and Possible Footnote or Disclosure Statements; reopening of Comment Period
69 Federal Register 9559, March 1, 2004;
69 Federal Register 20838, April 19, 2004.

Dear Food and Drug Administration Officials:

These comments are submitted on behalf of the Biscuit and Cracker Manufacturers' Association (BCMA), headquartered in Silver Spring, Maryland. BCMA serves the interests of the biscuit and cracker industry, primarily by working in the areas of education and government liaison. BCMA is the leading cookie and cracker baking association for this multibillion-dollar industry.

This letter will comment on four issues: the necessity of a footnote on food labels regarding trans fat acids (BCMA is opposed); development of criteria for nutrient content claims regarding trans fat (e.g., trans fat free, reduced); the necessity to avoid constant, continual changes in labeling; and product reformulation.

With respect to the proposed footnote regarding trans fats, we wholeheartedly agree with the position of the Grocery Manufacturers of America (GMA) in its comments filed with the agency on this proposed rule (also taken by the National Food Processors Association (NFPA)) that the footnote should not be required. We also concur that FDA should not use food labels to warn, guide, persuade or dissuade consumers from buying or not buying certain products. The food label should be used to present neutral, empirical information, not to advocate.

With respect to the development of criteria for nutrient content claims on trans fats, we commend to FDA the recommendations contained in the GMA comments (again, supported by NFPA). ("Trans fat free" defined as less than 0.5 grams per reference amount; "reduced trans fat" defined as a minimum reduction of 25% of trans fat, compared to a reference food.)

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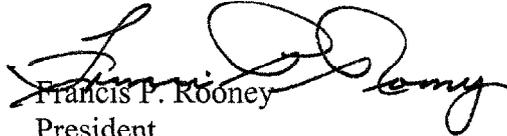
With respect to the necessity to avoid continual changes in labeling, BCMA endorses the recommendation of NFPA, made in its comments to the agency, that FDA should not require the food industry to have to make label changes continuously over a period of years. As NFPA notes, a number of manufacturers, BCMA members among them, face the prospect of several mandatory label changes from now until 2006 and perhaps beyond, to 2008 (as GMA points out in its comments). This is not helpful either to them (the manufacturers) or to the consuming public.

With respect to product reformulation, BCMA agrees with and endorses the recommendation of the Grocery Manufacturers of America (GMA), made in its comments filed with FDA in this proceeding, that the FDA focus on regulatory initiatives that will help drive product reformulation to reduce *trans* fat, for the reasons set forth in GMA's comments. In particular, we agree with GMA's comment that a requirement of "zero" trans fat would lead to negative consequences.

BCMA has worked closely and in cooperation with its fellow organizations, NFPA and GMA, and generally endorses their comments in this proceeding.

BCMA appreciates this opportunity to comment on the proposed rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis P. Rooney", is written over the typed name.

Francis P. Rooney
President
B&CMA