



**APPENDIX B**

*Letters from Independent Experts Supporting  
the Proposed Nutrient Content Claims*



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April 9, 2004

Office of Nutritional Products, Labeling  
and Dietary Supplements (HFS-800)  
Food and Drug Administration  
Department of Health and Human Services  
Washington, DC 20204

To Whom It May Concern:

I write in support of a petition for nutrient content claims submitted by Unilever United States, Inc. This petition requests that the FDA approve the use of claims such as "carbohydrate free," "low carbohydrate," "reduced carbohydrate," and "good/excellent source of carbohydrate" on labeling for certain foods.

My understanding is that the goal of nutrient content claims is to assist consumers in maintaining healthy dietary practices. Claims about carbohydrates could potentially do this by providing consumers with information to help select foods that will, as part of an overall diet, help reduce weight or avoid weight gain. This would guide consumers in constructing a healthy diet particularly with respect to reducing the risk of overweight and obesity. However, nutrient content claims about carbohydrates can only achieve this goal if, in fact, they convey information that is based on the effect that carbohydrates have on body weight.

Carbohydrates have an effect on body weight principally because they contribute calories to the diet. Importantly, different types of carbohydrates differ significantly in their caloric value: The predominant carbohydrates in the diet are sugars and starches that provide 4 calories per gram, whereas other carbohydrates (notably dietary fiber and sugar alcohols) contribute significantly fewer calories per gram. Therefore, to enable consumers to effectively use nutrient content claims about carbohydrates to construct a healthy diet, such claims must distinguish between carbohydrates that contribute significant levels of calories to the diet and those that do not.

Unilever's petition accomplishes this distinction. It sets appropriate qualifying levels for claims and proposes simple and accurate labeling language, focusing always on the caloric value of carbohydrates. This message about caloric value is the key message that consumers need to obtain. Indeed, the message that caloric intake is critical to weight control is *the* fundamental message that must underlie any public health communication about reducing the risk of obesity and being overweight. Unilever's proposed claims will help consumers obtain this message. For this reason, I support the company's petition.

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Nutrient content claims that fail to distinguish between carbohydrates that contribute significant levels of calories to the diet and those that do not would do more harm than good. Such claims would be confusing to consumers because such claims suggest that sugars and starches function no differently in the diet than fiber and sugar alcohols, when, in fact, this is not the case.

Dietary fiber is a particularly important carbohydrate: It contributes few calories while helping to maintain a healthy digestive process and is often found in foods that are good sources of a variety of nutrients. As the FDA is aware, certain dietary fiber is associated with reduced risk of heart disease and other health benefits. However, nutrient content claims that fail to distinguish between sugars and starches on the one hand and dietary fiber on the other could cause consumers to reduce intake of dietary fiber in their effort to reduce carbohydrate intake. I support Unilever's petition because its approach is designed to avoid this undesirable effect.

In summary, I believe that nutrient content claims about carbohydrates will assist consumers in maintaining healthy dietary practices, but only so long as they distinguish between carbohydrates that contribute significant levels of calories to the diet and those that do not. Unilever's petition would provide for such claims, and I therefore urge the FDA to adopt the claims that it proposes.

Sincerely,



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Office of Nutritional Products, Labeling  
and Dietary Supplements (HFS-800)  
Food and Drug Administration  
Department of Health and Human Services  
Washington, DC 20204

To Whom It May Concern:

I have reviewed a petition prepared by Unilever United States, Inc., seeking FDA authorization of nutrient content claims about the levels of carbohydrates in foods (e.g., "carbohydrate free," "low carbohydrate," "reduced carbohydrate," and "good (or excellent) source of carbohydrate").

This petition proposes that nutrient content claims for low levels of carbohydrates be based on the quantity of caloric carbohydrates (such as sugars and starches) in the labeled food. It also proposes that the presence of any carbohydrates that are primarily non-caloric (such as dietary fiber) be disclosed on the label. It further takes a reasonable approach to sugar alcohols, which would be counted as contributing to the level of carbohydrates (for purposes of a nutrient content claim) to the extent that they contribute caloric value. In my opinion, this approach is scientifically accurate and fully consistent with the goals of national nutritional policy, including the goals of FDA's "Calories Count" initiative relating to overweight and obesity.

The purpose of nutrient content claims is to provide information to consumers that they can readily use to maintain healthy dietary practices. Claims such as "carbohydrate free" or "low carbohydrate" would not serve this purpose if they were to refer to all types of carbohydrates together. For example, if a "low carbohydrate" claim on one food referred to a low level of dietary fiber, while the same claim on another food referred to a low level of sugar, the claims would be essentially useless to consumers. They would not provide enough information for consumers to use them in building a healthy diet – and indeed they could result in detrimental food choices, such as avoiding necessary levels of dietary fiber.

Unilever's petition provides for "low carbohydrate" and similar claims that would be genuinely useful to consumers. By specifying that such claims refer to carbohydrates that contribute significant levels of calories to the diet, the

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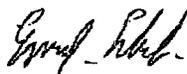
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petition ensures that such claims will consistently refer to the types of carbohydrates that consumers are most concerned about (i.e., carbohydrates that may contribute to weight gain). By specifying that food labels must also refer to the presence of any non-caloric carbohydrates, the petition ensures that nutrient content claims based on caloric carbohydrates will not be misleading.

Unilever's petition also provides a useful approach to claims about "good" and "excellent" source of carbohydrates. These claims would be based on significant levels of carbohydrates and would also ensure consistent levels of both dietary fiber and sugar. As such, consumers could use these claims in order to obtain balanced levels of different types of carbohydrates, if they wished to do so.

In conclusion, I fully support Unilever's petition as being scientifically sound and nutritionally responsible. Most importantly, it would permit claims that are genuinely useful to consumers, and therefore would provide an important benefit to consumers as they seek to maintain healthy dietary practices.

Sincerely,



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