

## PROPOSED RULE

Food and Drug Administration  
21 CFR Part 101

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Whether to amend certain provisions of the agency's nutrition labeling regulations to give more prominence to calories on food labels

## QUALIFICATIONS

Currently a diet and health-conscious person who has been using the Nutrition Facts Panel as a guide when buying food for the past six years and has a sincere interest in the stopping the obesity epidemic

## COMMENTS

The FDA, with the assistance of the Obesity Working Group, has correctly identified a number of issues related to nutrition and nutritional labeling. In terms of nutrition, as the proposed rule points out "weight control is primarily a function of the balance of calories eaten and calories expended." The importance and veracity of that statement is what has, in turn, led to this proposed rule. However, the proposed changes, while paying lip service to that statement, do little to address the problem.

The premise upon which the FDA proposes somehow highlighting the calorie count on labels and/or removing extraneous information is that obese consumers are aware of the implications of calories on their diet and exactly how many calories they should be consuming. Only when this premise holds does a labeling requirement which calls greater attention to calories make any sense whatsoever. Unfortunately, the current FDA labeling does little to give guidance to obese consumers of either of those premises. In light of that, any change to the calorie content labeling is the equivalent of taking a blind man to a silent film and asking him what is going on: until someone can read him the words, the act is meaningless.

Given that fact, the Nutritional Facts Panel (NFP) must include information, possibly similar to that type of warning that adorns cigarette packages so thoroughly, which calls attention to the very fact that calories are the prime source of weight gain. In order to incorporate that change into the current NFP, the "Calories from Fat" line could be deleted, a suggestion of the OWG which is quite sensible given the scientific data discussed above. In place of that line, a simple statement such as "Caloric intake is responsible for weight gain" could be inserted. In that way, consumers, if and when they look at the NFP, would see the calories box and immediately be drawn to the statement. At this point, the first premise has been fulfilled: that consumer is now aware that calories, as opposed to the macronutrient which comprise calories (fats, proteins, and carbohydrates) are the sources of weight gain. This realization is particularly important given

the enormous amount of divergent [mis]information available regarding the differing effects of macronutrients, to which an obese consumer may be particularly susceptible.

The second premise that obese consumers know how many calories they should be consuming, is a much more difficultly solved problem. The problem lies in the fact that each consumer necessarily has a different necessary caloric intake requirement. The current NFP contains some information towards the bottom which may lead the consumer to believe that a 2,000-2,500 calorie per day diet is acceptable. Not only is this information unclear, but patently false. An obese person is most likely sedentary and for the most part need not be consuming more than 2,000 calories per day. However, that belies the point. The point is that obese consumers need to have a resource to which they can turn to determine what their proper intake of calories should be. Therefore, the NFP should contain two things: a statement to the effect of "Each person has a different caloric intake requirement." and a website or hotline that can be accessed in order to receive that information. Currently, the NFP includes the small 2,000 and 2,500 calories chart to which I have referred. This chart should be replaced with my suggestion. If that were to take place, an obese consumer could simply dial an 800 number, talk to a representative, give that representative his or her age, weight, height, activity level, and various other information and receive a recommended caloric intake range appropriate for that individual. The same could be done on a website: in fact it is available through [mypyramid.gov](http://mypyramid.gov), launched on April 20, 2005. The argument that this would be too cumbersome and would not take place is easily answered: for those individuals who care so little about their weight that dialing a phone number is too cumbersome, no label changes will have an effect.

Having solved the first two premises, now we can turn to the proposed rule that would highlight the calories. I would, given the statements above, oppose putting a percentage number, given the differing percentages needed from different individuals. However, I would encourage highlighting the calories portion, including my above recommendation. Placing calories in all caps and perhaps making the font one or two points larger would underscore the importance of calories over and above the importance of the other information on the label.

Although not necessarily within the scope of this rule, other changes to the NFP should take place in order to help solve the obesity problem. The greatest weakness in the NFP is the fact that everything is based on "Amount per Serving." The problem is obvious: the number of servings at one sitting is what matters. Given that, a nutritional density number should be added to every product. Studies on volumetrics, *see* Dr. Rolls, Volumetrics: Weight Control, has demonstrated that the number of calories per gram of food is much more important to controlling weight than calories alone. For example, one hundred grams of cottage cheese may have fifty calories, while one hundred grams of ice cream may have five hundred calories. This proportionality has been proven to be essential to weight loss. That number should be included under the calories statement, with an appropriate explanation. In this manner, consumers could pick up cottage cheese and see 0.5 calories/gram and ice cream and see 5 calories per gram and immediately understand which is less calorie dense.