



June 7, 2005

Division of Dockets Management
Food and Drug Administration
5630 Fishers Lane
Rm. 1061 (HFA-305)
Rockville, MD 20852

Re: Advance Notices of Proposed Rulemakings on Food Labeling: Request to Extend the Comment Periods an Additional 60-days (Docket Nos. 2004N-0456 and 2004N-0463)

Dear Sir or Madam:

On April 4, 2005, the Food and Drug Administration ("FDA" or the "Agency") published two Advance Notices of Proposed Rulemakings ("ANPRs") on: (1) serving sizes and reference amounts (hereinafter referred to as the "Serving Size ANPR");¹ and (2) prominence of calories (hereinafter referred to as "Prominence of Calories ANPR")². Specifically, the FDA requested comments on whether to amend certain provisions of the Agency's nutrition labeling regulations concerning servings sizes and prominence of calories on food labels.

The American Beverage Association ("the Beverage Association") has worked diligently to meet the current submission date of June 20. However, developing comments that properly reflect its numerous and diverse membership is a significant task. The Beverage Association member companies produce 95% of all soft drinks consumed annually in the United States as well as purified water, ready-to-drink teas, sports drinks, juice and juice-based beverages, and all other carbonated and non-carbonated products. In addition, the vast majority of the beverage licensors who manufacture concentrates and/or syrups from which soft drinks and other beverages are made belong to the Association. The

¹ 70 Fed. Reg. 17010 (April 4, 2005).

² 70 Fed. Reg. 17008 (April 4, 2005).

Association has determined that additional time is needed to adequately address the issues raised in the ANPRs.

Therefore, on behalf of its members, the Beverage Association respectfully requests the Agency to extend the comment period an additional 60-days for the Serving Size and Prominence of Calories ANPRs. These ANPRs may greatly impact the beverage industry. This additional time will permit the Association to gather relevant data and other information to develop comprehensive comments.

We appreciate your consideration to our request. If you have any questions, please do not hesitate to contact me.

Sincerely,

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cc: Lori LeGault, Center for Food Safety and Applied Nutrition, FDA