



## Apple Processors Association

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July 19, 2005

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

**Reference: Docket No. 2004N-0463 – Prominence of Calories**

The Apple Processors Association (APA) recommends that the Food and Drug Administration (FDA) consider the following recommendations related to the agency's advance notice of proposed rulemaking (ANPRM) on giving more prominence to calories and serving size requirements on food labels:

**1) Propose All Label Changes At One Time --** While APA believes that the label can be a powerful tool to instruct shoppers about the nutritional value of the product ingredients, APA urges the FDA to consider carefully all the labeling changes that are anticipated to address the obesity problem, as well as any other related nutritional guidance-- and to propose all the new labeling requirements at one time. We encourage the agency to consolidate compliance dates for label changes so as to not create undue burdens on the food industry.

Apple processors have readily complied with the FDA labeling requirements, however, the continual parade of new labeling requirements presents a hardship to the smaller food companies. We support accurate, truthful, and helpful nutrition labeling, yet the financial burden of continually altering a major component of our packaging and distribution segment places a disproportionate burden on smaller companies, particularly when the changes do not enhance consumer understanding of the product.

**2) Change Labeling Only When Necessary to Assist Consumer Knowledge; Consumer Research Needed --** APA encourages the FDA to change labeling only when proven necessary to meaningfully assist consumer nutritional knowledge. Most significant, please be mindful that careful consumer research is still needed before making any nutrition label change to ensure consumer understanding and useful benefits. Strictly providing more mandatory information on the label without testing its effectiveness is ill-advised and of no consequence.

APA recommends that the FDA consider providing exemptions from label changes that prove unnecessary or irrelevant for non-existing ingredients in products. If a food does not contain a certain fat or a certain nutrient, changing a label to signify that an apple product does not have that ingredient does not inform the consumer what the food contributes as a nutritious choice in a healthy diet. We certainly do not want to confuse the consumer by listing ingredients that we don't have in our product.

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For example, the recently required changes in trans fat labeling cost one apple processor nearly a million dollars to comply with the new labeling requirements for apple products that do not even contain fat to begin with. There were approximate costs of \$85,000 to change over 1,200 product labels, and \$115,000 for excess labels and sleeves that can not be used on products before the deadline. There are additional costs of \$55,000 associated with products that will need to be de-labeled. There are also additional costs associated with existing products that must be deeply discounted to move them before the deadline. We estimate this cost to be at least \$250,000. To remain competitive in a global food market, producers must keep costs as low as possible. If a food company faces an average annual cost of almost \$500,000 to make label changes, competitiveness against foreign imports, especially China, could be jeopardized.

**Conclusion** -- The FDA has made some bold proposals to advance recommendations of the Obesity Working Group, which was created by the Commissioner of Food and Drugs to develop an action plan to address the nation's obesity problem. APA member companies produce apple products that have boosted the health of Americans, and they applaud FDA for considering actions to address this growing health problem in America.

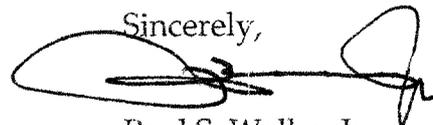
In the agency's consideration of new proposals to change the Nutrition Facts Panel, the Apple Processors Association recommends that:

- The FDA should conduct extensive consumer research on the usefulness and effectiveness of a Nutrition Facts Panel change before proposing any nutrition label modifications;
- The FDA should provide exemptions for companies, particularly smaller businesses, when any label change does not enhance consumer understanding of the nutritional benefits of the food; and
- The FDA should carefully consider the anticipated changes to the nutrition label over the next five years, and issue a comprehensive set of requirements at one time, rather than issuing single label changes throughout a five-year period.

Thank you for this opportunity to present our association's thoughts and recommendations, as you consider your new regulations.

PSW/kb

Sincerely,



Paul S. Weller, Jr.  
President

## **APA Meetings**

### **2005 Raw Products Committee**

**April 1, 2005**  
Channel Inn  
Washington, DC

### **2005 Annual Meeting**

**June 12-14, 2005**  
Nemacolin Woodlands Resort  
Farmington, PA

### **2005 Washington Seminar**

**November 14-15, 2005**  
Willard Inter-Continental Hotel  
Washington, DC

### **2006 Annual Meeting**

**June 25-27, 2006**  
The Sanctuary Resort  
Kiawah Island, SC

### **2007 Annual Meeting**

**June 13-15, 2007**  
The Greenbrier Resort  
White Sulphur Springs, WV

## **Join the APA Team**

Additional membership information and application forms are available from APA headquarters at:



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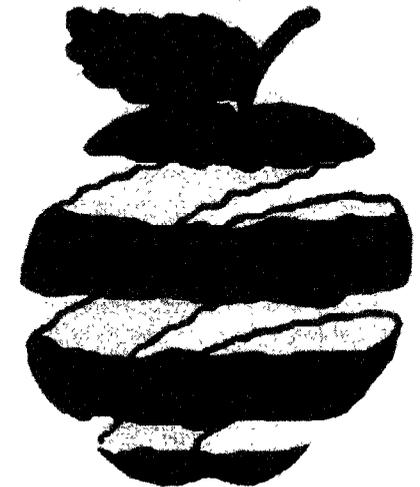
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# **Apple Processors Association**



*Serving the nation's processed  
apple products industry...*



## A Unique Role

The Apple Processors Association (APA) was founded in 1987 to meet a unique need: serving those firms that produce quality food products, mainly from fresh apples, and the suppliers that provide goods and services to this important market.

APA has its headquarters in the heart of the Nation's Capital, providing a highly visible and effective voice for the apple products industry. Its experienced staff works daily with Congress, federal regulatory agencies — such as FDA, EPA, and USDA — and major allied food and industry organizations.

Today, APA member firms produce more than 80 percent of the nation's apple sauce, a majority of its fresh-pressed apple juice, and a wide variety of high-quality specialty apple products. Careful attention to food safety and consumer needs is a hallmark of APA members' operations.

APA processor member firms are also unique in that each produces a portion of the fresh apples used in producing its food products. Orchards are carefully maintained, and fruit monitored and selected for maximum quality.



## Continuing Programs

APA provides its members with an on-going series of programs designed to directly benefit their business operations. These include:

**Annual Meeting** — a three-day meeting, usually held in June, which brings top industry and consumer experts together for a dialogue on timely issues. These include marketing tips, packaging trends, consumer research, and media reports and reaction to industry initiatives. APA members also share industry ideas and experiences.

**Washington Seminar** — an APA exclusive: two days in the Nation's Capital with top government officials, who legislate and regulate the food industry. This mid-November meeting usually includes a regulatory update, legislative review, and an up-to-the-minute political outlook by a nationally known pundit. APA members can meet personally with national policymakers.

**Raw Products Committee** - APA members are automatically part of the apple industry's Raw Products Committee, which meets prior to the annual growing season to be briefed on matters affecting that year's apple crop. Environmental issues are discussed, as well as procurement of apples, latest federal pesticide requirements, and grower liaison.



## Special Projects

APA undertakes special projects that benefit its members and the apple processing industry. Recently completed the nation's first database of pesticide residues in processed apple products. This extensive research project met a critical need by the U.S. Environmental Protection Agency: determine whether pesticide residues are problematic in apple products consumed by children. APA data were used in evaluating approval of commercial pesticides.

Another recently completed special project included exploring new product and packaging concepts for apple products. Goal was to enhance consumer acceptance and use of apple sauce and other products through improved packaging methods. Participating companies now have new concepts for testing and evaluation.

## Added Benefits

APA members say that one of the most valuable benefits of their APA membership is the opportunity to meet and dialogue with apple processing industry leaders. Special effort is made to pair up processors and suppliers including breakfasts, receptions and other social events, and joint committees.