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March 13, 2006

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

Re: Docket No. 2006P-0094  
*Petition re Definition of the term "Natural" for making claims on foods and beverages regulated by the Food and Drug Administration*

To the Food and Drug Administration:

The Center for Science in the Public Interest (CSPI) supports the Sugar Association's petition requesting that the Commissioner of Food and Drugs (FDA) undertake rulemaking to establish specific rules and regulations governing the definition of "natural" before a "natural" claim can be made on foods and beverages regulated by the FDA.

CSPI agrees that it is essential to reduce consumer confusion by an accurate and consistent definition of natural across Federal agencies that regulate food labeling. The United States Department of Agriculture (USDA) has already defined "natural" in its *Food Standards and Labeling Policy Book*.<sup>1</sup> The USDA defines the word "natural" in a manner that is consistent with consumer expectations and that has been accepted in the marketplace. This definition has not restricted creative and attractive labeling of foods subject to USDA authority. It has only prevented misbranding of foods that are not natural.

However, because the FDA has not adopted any definition, foods regulated by the FDA are often marketed as "natural" when they contain ingredients that are not minimally processed and that do not occur in nature, such as high

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<sup>1</sup> USDA Food Standards and Labeling Policy Book, August 2005.  
[www.fsis.usda.gov/oppde/larc/policies/labeling\\_policy\\_book\\_082005.pdf](http://www.fsis.usda.gov/oppde/larc/policies/labeling_policy_book_082005.pdf)



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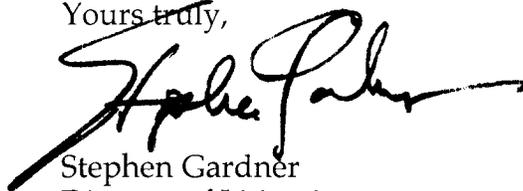
fructose corn syrup (HFCS) and partially hydrogenated vegetable oils.<sup>2</sup> Such labeling deceives consumers and is competitively harmful to companies whose products are truly natural.

As part of its ongoing Litigation Project, CSPI has met with representatives of three companies that made such deceptive labeling claims. One company advised CSPI that it was reformulating its product to eliminate the non-natural ingredient, but the other companies refused to change their practices. Although final decisions have not been made, CSPI is preparing a lawsuit to address the misuse of "natural." It would be both more efficient and more broadly effective if, instead of forcing private litigants to sue one company at a time, FDA joined USDA in giving companies subject to its authority clear guidance on how to avoid misbranding.

Therefore, CSPI joins the Sugar Association in urging the FDA to adopt a definition of "natural" that is identical to that used by the USDA.

CSPI thanks the FDA for its consideration of this proposal.

Yours truly,



Stephen Gardner  
Director of Litigation

Copies to:

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<sup>2</sup> Some companies pretend that HFCS is natural if it was produced with the use of enzymes instead of chemicals (to hydrolyze starch and convert glucose to fructose), because some enzymes can be obtained from microorganisms and may themselves be considered natural. Consumers do not view HFCS created with enzymes as being any more natural than HFCS made with chemicals. HFCS made through either route is chemically very different from natural cornstarch and can in no way be considered "minimally processed" or "natural." A similar situation obtains for corn syrup, which is produced by acid or enzymatic degradation of cornstarch.