



International Dairy Foods Association

Milk Industry Foundation

National Cheese Institute

International Ice Cream Association

November 9, 2007

Division of Dockets Management (HFA-305)

Food and Drug Administration

5630 Fishers Lane

Room 1061

Rockville, MD 20852

RE: Docket No. 2007N-0277: Food Labeling: Use of Symbols to Communicate Nutrition Information, Consideration of Consumer Studies and Nutritional Criteria; Public Hearing; Request for Comments

Dear Sir or Madam:

The International Dairy Foods Association appreciates the opportunity to provide comments on the use of symbols to communicate nutrition information. We believe that nutrition information should be provided to consumers in a format that they understand and will use in making their food and beverage choices.

The International Dairy Foods Association (IDFA), Washington, DC, represents the nation's dairy manufacturing and marketing industries and their suppliers, with a membership of 530 companies representing a \$90-billion a year industry. IDFA is composed of three constituent organizations: the Milk Industry Foundation (MIF), the National Cheese Institute (NCI) and the International Ice Cream Association (IICA). IDFA's 220 dairy processing members run more than 600 plant operations, and range from large multi-national organizations to single-plant companies. Together they represent more than 85% of the milk, cultured products, cheese and frozen desserts produced and marketed in the United States. IDFA can be found online at www.idfa.org.

Our members agree that consistent standards for nutrition symbols for labeling may be helpful to consumers in making food choices when they want to consider nutrition. However, we believe that consistent standards already exist in the regulations regarding nutrient content claims so that additional mandatory requirements are unnecessary. Our comments address the criteria for the symbols, implementation of the program and the overall nutrition symbol labeling system.

I. Any Nutrition Symbols Should Be Voluntary, Not Mandatory

Any system of nutrition symbols for labeling should be strictly voluntary. Companies should be able to choose to use these labeling symbols as is appropriate for their products, their labels and their customers. A mandatory system would separate foods into "good foods" and "bad foods"

and, through such a distinction, could easily penalize some foods and the consumers who choose them.

A mandatory label change would be costly for food companies without any benefit if new, changed labels simply repeat information that is already presented on the label in the Nutrition Facts panel. Based on information collected from members of the International Ice Cream Association at the time of the required change for trans fat labeling, for instance, label changes have a particularly significant financial impact on companies with many different SKUs, including costs for redesigning labels, reprinting labels and disposing of obsolete packaging. The costs associated with disposal of obsolete packaging alone could be in the hundreds of thousands of dollars per company and would have a greater impact on smaller companies because they are more likely to have a larger inventory of packaging.

A. FDA Already Has Control over Nutrient Content Claims

FDA already has set regulations governing nutrient content claims for fat, calories, fiber, sugar, sodium and micronutrient content. FDA has the authority to promulgate further regulations to set standards for other nutrient content claims. In order to make nutrient content claims, a food or beverage must contain a certain amount of the particular nutrient about which the claim is made, must include that nutrient in the Nutrition Facts panel, and, in some cases, provide additional information on the label, such as comparative information and disclosure statements.

Many of the nutrition symbols already used by companies are regulated nutrient content claims, such as "low fat," "high fiber" or "excellent source of protein." These claims, whether presented as a symbol, as a statement or as part of the name of a food, must meet all the requirements of the regulations on nutrient content claims.

B. Labeling Statements are Already Required to be Truthful and Not Misleading

Some symbols are not necessarily nutrient content claims, but are instead truthful statements about the ingredient or nutrient content of a food or beverage. As with all statements on a food label, these symbols or statements must be truthful and not misleading. In order to prove that they are truthful, label statements must also have adequate substantiation.

Since FDA already has the authority to regulate and enforce nutrient content claims and other labeling statements, there is no need to set mandatory requirements for nutrition symbols. Mandatory symbols would simply repeat information already available on the label, while adding costs which would unduly impact small processors.

II. If FDA Feels that a Mandatory Nutrition Symbol Labeling System is Warranted, Then It Should Be Transparent and Not Misleading

A. Nutrition Symbol Labeling Criteria Should be Transparent

If a symbol were to be required to indicate the healthfulness of a food, the individual nutrients and their relative weight in determining the eligibility for a symbol should be widely available,

particularly to the food industry. Transparency would ensure consumers that nutrient or components important to them were taken into consideration in development of the system. However, transparency is even more important to food companies whose foods and beverages would be required to carry the symbol. If a company is required to place a symbol on their label, that company should also have the ability to understand how to revise their formulation or recipe in order to qualify for a higher rating.

B. Symbols Should Not Be Misleading or Convey Unintended Meanings

If a specific symbol is to be required, then the symbol or set of symbols should be demonstrated to be not misleading to consumers. The symbols should not communicate messages other than the intended message of the symbol. Consumers should understand that the symbols reflect the nutritional value of the food or beverage, not other issues such as the safety of the food or casting it as "good" or "bad" for you.

C. A Single Symbol Summarizing All Nutritional Characteristics of a Food or Beverage Would Be Overly Simplistic

A single symbol that declares the overall healthfulness of a food product would be overly simplistic and would tend to reduce complex foods into one-dimensional "good food" or "bad food" categories. Consumers choose foods based on a variety of factors, including taste, convenience, ingredients and nutritional profile. Depending on the particular food, health concerns and other personal preferences, a consumer may be interested in different nutritional characteristics for their food choice. For example, if a food is rated an "excellent choice" a consumer wouldn't know whether the food qualified for the rating based on its vitamin A content, protein content, fiber content or omega 3 fatty acid content.

For consumers that have a specific health concern, such as preventing hypertension, he or she might look for a particular nutrient or set of nutrients to help meet his or her nutritional needs. If a single symbol was to be displayed on the Principal Display Panel, a food could be rated a "good choice" but not provide any of the nutrients that the hypertension-interested consumer wanted to include in their diet. Therefore, it might not be a good choice for that person.

D. Companies Must Have Flexibility to Present Symbol Information as They and Their Consumers Desire

Some dairy companies do use nutrition symbols to quickly communicate the nutritional benefits of their products to their customers. Other companies choose to present this information in a different manner, sometimes in labeling, sometimes in advertising. All approaches are appropriate, depending on the needs of a company and consumers, as long as the information complies with applicable regulations.

Companies need the flexibility to present additional nutrition information in a variety of formats, including statements, icons, symbols, lists or other formats that are suitable for the food and its label and for the customer purchasing the food. Foods and labels are very different, requiring different messages and formats. Dairy labels can vary from a 6 square inch label on a gallon

milk jug to a half gallon carton of ice cream. The consumers for these different products can also vary, as do their nutrition interests in choosing a product.

E. Symbols Should Take Into Account Positive Nutrients

Nutrition symbols should incorporate positive nutrients to be encouraged, not just negative nutrients that should be limited. Foods should be highlighted for the benefits they can provide, not penalized for the fat or sodium they contain. Consumers are increasingly choosing foods for the benefits the food and its components can provide. Recent research from the International Food Information Council found that 40% of consumers have begun consuming more of a specific type of food or beverage to improve the healthfulness of their diet, while 36% have started eating more of a certain food component to improve their diet quality.¹ Nutrition labeling symbols could help consumers choose foods for their nutritional benefits by highlighting the food components and nutrients that consumers want to include in their healthy diets.

Nutrition symbols would also be an excellent way of emphasizing both essential nutrients that are typically deficient in most American diets and classes of foods that are encouraged for consumption by the Dietary Guidelines for Americans. Symbols could help consumers identify foods they can select to include more of these nutrients and types of foods in their diets. The Dietary Guidelines for Americans identified dairy, fruits, vegetables and whole grain foods as food groups to encourage. The Dietary Guidelines also identified nutrients of concern as calcium, potassium, fiber, magnesium, vitamin A, vitamin C, and vitamin E.² One goal of any nutrition symbol labeling system should be to help consumers select certain foods that offer "nutrients density" and should therefore be increased in their diets. Standards for nutrition symbols should be set so that products can be easily identified as fruit, vegetable, dairy or whole grain foods and as those that contain shortfall nutrients. Symbols such as the current whole grain stamp or the 3 A Day icon already identify whole grain foods and dairy foods so that consumers can choose to incorporate these recommended food groups.

Symbols should be available for a wide variety of nutrients, food components, ingredients and foods that have demonstrated health impacts, especially those related to obesity, heart disease and cancer, which are major public health concerns in the United States. One company uses a set of icons to identify levels of nutrients that their consumers are interested in (including high in calcium, low in fat, no sugar added) as well as other food components such as whole grain and also ingredient information such as gluten free or no preservatives. These icons were selected because these pieces of information were important to this company's customers.

F. Different Criteria Should Be Set for Different Categories of Food

Consumers choose different foods and beverages for different reasons. Dairy products may be selected for their high levels of vitamin D, calcium, protein and vitamin A. Breads may be chosen based on their whole grain or fiber content. While nutrition symbols should reflect defined levels of whole grain, fiber, calcium, vitamin D and other food components, it would be unrealistic to require a dairy food to be a good source of fiber to qualify for an "excellent choice" type of symbol.

If a single icon or symbol is chosen to reflect the broad range of nutrients provided by any food, then different nutritional criteria should be determined for different categories and types of foods. The symbol criteria for dairy foods should be different from the symbol criteria for breads, fruits and entrees. The criteria should vary based on the nutritional benefits of the overall class of food or beverage and the relative nutrition of a particular item within a class (the "better for you" items).

III. If FDA Feels that a Mandatory Nutrition Labeling System is Warranted, the System Should Be Implemented With Care

A. Approaches Should Be Evaluated Before and After Implementation

Food labels are complex, with a variety of nutrition information presented in multiple locations and formats. Consumers' food selection processes are even more complex, so potential symbol systems should be consumer tested and evaluated in order to ensure that they have the desired effect while not inadvertently reducing consumer's selection of nutrient rich foods. If a food contains nutrients or foods to encourage as defined by the Dietary Guidelines, then a nutrition symbol system should encourage increased intake of that food. If the symbol approach inadvertently decreases nutrient rich foods, then the system should be altered before being implemented on retail food packages. Symbols should demonstrate through consumer testing that they will have the desired effect on consumer behavior.

In addition to evaluating the effectiveness of symbol labeling before it is implemented, the program should be evaluated after it has been in use for one year in order to ensure that its impact is as intended. If consumers are using the symbols to select nutrient rich foods that contain foods and nutrients recommended for consumption by the Dietary Guidelines, then the system has been successful. If the symbols are being misunderstood by consumers and these foods are chosen less often, then the symbols should be re-designed to be more effective.

B. Symbols Should be Updated Periodically Based on Evolving Science

Nutrition science continues to grow and evolve as more studies show the benefits of lesser known food components or demonstrate new or stronger benefits of previously known foods and nutrients. Symbols should be updated based on evolving science and food trends so that the symbols are of the most use to consumers. For example, the benefits of conjugated linoleic acid (CLA), a naturally-occurring conjugated trans fat, could be communicated using a specific symbol for CLA or for "healthy fat" or as a contributing factor toward qualification for an "excellent choice" icon.

C. Symbol System Should Be Supported by Consumer Education

Any food labeling, including symbols indicating better food choices, cannot be effective alone. The symbols must be accompanied by an educational or communication campaign to explain to consumers what they mean, how they were devised and how consumers should use them. Similar to the educational campaign supporting MyPyramid, this is an area where public/private partnerships and food manufacturers may be helpful in reaching their customers.

In conclusion, any system of nutrition symbols for labeling purposes should be voluntary and present information on both nutrients and foods to encourage. These symbols should be presented to consumers in a format that is understandable and flexible enough to be used in different ways on different labels. Symbols should not lump all foods or all nutrients together, but instead the criteria should vary based on the food that is being labeled. Finally, we believe that any labeling should be monitored for its effectiveness and should be supported by consumer education.

Sincerely,



Cary Frye
Vice President, Regulatory Affairs



Michelle Matto, MPH, RD
Assistant Director, Regulatory Affairs

¹ International Food Information Council. "Consumer Attitudes toward Functional Foods/Foods for Health." October 2007.

² Dietary Guidelines for Americans, 2005.