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Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1016
Rockville, Maryland 20852

RE: Docket No. 2007N-0277: Food Labeling: Use of Symbols to Communicate Nutrition Information, Consideration of Consumer Studies and Nutrition Criteria

On behalf of the American Dietetic Association (ADA) and its 67,000 members, I am submitting written comments in addition to those previously submitted to the FDA and presented on September 11, 2007, by Dr. Mary H. Hager, ADA's Director of Regulatory Affairs.¹ A copy of that presentation is attached.

ADA appreciates this opportunity to share these comments based on its carefully researched positions and guiding principles for nutrition labels.^{2,3} ADA has long been a supporter of FDA's work in exercising its statutory responsibility to ensure that labels and associated food and beverage marketing claims are based on science and are truthful and not misleading.

When considering proposed labeling rules and related issues such as symbols used on food packages to communicate nutrition information, ADA uses a set of seven principles to guide its comments (attached). ADA believes that consumers should be able to understand the label information to make food purchase decisions that achieve their personal dietary and health goals. For these reasons and others described in greater detail in this letter, ADA would support a front-of-package symbol system that

- ❖ accounts for the overall nutrient profile of the food, both positive (nutrients to consume more of) and negative (nutrients to limit) attributes
- ❖ specifies calorie content of the food in household portions, and in the entire package if the product is likely to be consumed in a single eating occasion
- ❖ compliments, connects, and is consistent with the Dietary Guidelines for Americans and MyPyramid
 - relates a serving of the food product with serving/s of food group/s
 - encourages consumers to use the Nutrition Fact panel

¹ Hager MH. Comments of the American Dietetic Association, FDA Hearing on Symbols to Communicate Nutrition Information, September 11, 2007 (Attached).

² American Dietetic Association. Position of the American Dietetic Association: Total diet approach to communicating food and nutrition information. *J Am Diet Assoc.* 2007;107:1224-1232.

³ American Dietetic Association. Position of the American Dietetic Association: Food and nutrition misinformation. *J Am Diet Assoc.* 2006;106:601-607.

- ❖ is consumer tested
 - is truthful and not misleading
 - consumers understand how to incorporate the food into an overall healthy food pattern
- ❖ is part of a sustained educational program on labeling.

Specific Comments

The primary issues raised by the FDA in Docket No. 2007N-0277 (72 FR 39815, July 20, 2007) relate to the growing number of food label nutrition symbol programs currently in the marketplace both domestically and internationally, and the equally broad spectra of criteria and requirements for products to be eligible for their use; to whether they are meaningful to consumers and assist them in making better food choices; and ultimately the cost to the food industry to adopt these systems. These issues and the related questions asked by the FDA are addressed by ADA to the extent it is appropriate to its scope as a professional association.

Issue 1: There are many food label nutrition symbol programs currently in the domestic and international marketplace. Each system uses different nutrition criteria and requirements regarding eligibility for use. The agency would like information on the food products that bear nutrition symbols and the nutrient requirements for those symbols.

ADA thanks FDA for the opportunity to participate in its hearing on this topic on September 10 and 11, 2007. Because of the comprehensive nature of the hearing, ADA has no additional information to provide on specific international or domestic nutrition symbol programs.

ADA is participating in the work of the Keystone Center Food & Nutrition Roundtable to explore a standard approach to front-of-pack (FOP) nutrition icons to assist consumers in making healthier choices. The group is currently studying the relevant programs that are operating widely in the marketplace, and assessing available research regarding whether, why, and how consumers make use of such programs.

Issue 2: The presence of nutrition symbols could affect the food purchasing decisions of consumers. Symbols could help consumers make food choices, but it is also possible that symbols could introduce confusion when making decisions. The agency would like information on consumer research that supported the development of these programs and research that illustrates how these programs are understood and utilized by consumers.

ADA does not have a specific food product marketing program for the general public, and thus does not conduct consumer research for such purposes. ADA also does not have a food product certification program, and thus, does not have a proprietary symbol or icon program. However, ADA strongly believes that research must be conducted on an ongoing basis to determine how well consumers use the label to compare and choose products to build a healthful diet.

ADA is in the process of surveying its own dietitian members about their awareness and perceptions of symbol programs used to communicate information. The survey results will likely be available in the latter half of 2008 and be used to compliment member educational communication tools about food labeling.

Issue 3: The availability of a nutrition symbol for use on the food label could have an impact on costs for both industry and for consumers. The agency would like information on possible economic impacts.

The American Dietetic Association does not conduct economic studies of this nature. However, members of the ADA play a huge role in communicating to consumers how to use the food label to achieve their dietary goals to improve their health and manage their diet-related conditions.

General Comments

ADA supports FDA's decision to explore the issue of symbols to communicate nutrition information and urges it to consider the effectiveness of such symbols in helping consumer make better informed food and beverage food choices to build a healthful diet.

On June 15, 2005, ADA wrote FDA commending it on its initiative to change the food label to address today's public health nutrition concerns, one of which is obesity. ADA is concerned that using a symbol on packages to indicate that a food is 'better for you' (summary symbol) without the calorie content is likely to send a message of permission to consume unlimited amounts. Therefore, ADA believes that front-of-pack summary symbols should be accompanied by the number of calories the food contains in a serving (ideally in household measures), or if the product is likely to be consumed in a single eating occasion, in the entire package. ADA does not support the printing of calories alone on the front-of-package since consumers should preferentially select foods based on their nutritional value, not just energy content.

While front-of-package symbols are frequently promoted as helping consumers make better food purchase selections more quickly, it is unclear as to how well the current plethora of symbols actually facilitates informed purchase decisions and improved diets. ADA also believes that an ongoing, sustainable education program is required to teach consumers how to evaluate and compare food products, and make informed decisions about the foods they choose to consume. Thus, ADA supports those symbols that are understandable by consumers, accompanied by nutrition fact, and supported by educational programs.

ADA urges FDA to consider equivalent guiding principles in exercising its authority to formulate a cogent, coherent and consistent national policy on the use of symbols and icons that consumers can understand and use within the context of the hundreds of food and beverage options available in today's market. The potential of a nonproprietary symbol program that provides nutrition facts (with reference to the Nutrition Facts label), as well as summarizes the overall nutritional value of a food, has the potential to help consumers within the context of the total diet needs to be further researched and developed in the US. ADA supports a symbol system that allows consumers to consider and decide for themselves which products best fit with their personal health and nutritional goals. ADA would also support FDA adding potassium to the list of mandatory nutrients on the Nutrition Facts panel to help consumers select foods to meet the Dietary Guidelines and to address the growing concern about hypertension in the US population.

For additional information and clarification of these comments, please contact Mary H. Hager, PhD, RD, Director of Regulatory Affairs at 202-775-8277, ext. 6007, or mhager@eatright.org.

Best regards,



Connie B. Diekman, MEd, RD, LD, FADA
President of the American Dietetic Association, 2007-2008

ATTACHMENTS

American Dietetic Association Labeling Principles

When considering proposed labeling rules, ADA uses the following principles to guide its comments. These are not exclusive, but are the foundation for all comments regarding labels:

- A. Label claims should be clear and understandable to consumers.
- B. The label must be truthful and not misleading.
- C. Content on the label should help consumers make informed decisions to build a healthy diet.
- D. Label content should have consistent type and format so products can be read and consumers can make product comparisons.
- E. All claims should include labeling of accurate quantitative information about the dietary substance, including percent of Daily Values in a single serving of the product, when known, or the daily dietary intake necessary to achieve the claimed effect.
- F. Consumer research is imperative before making changes to the label.
- G. The label is only a source of information, and thus sustained support for educational programs and individual counseling by registered dietitians is essential.

ADA believes that consumer research is critical in determining whether labeling formats and contents are understandable and for ensuring that allowable nutrient and health claims are not misleading. Furthermore, consumers should be able to understand the information in the context of their total diet and their individual health concerns.

January 17, 2006

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