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Division of Dockets Management (HFA-30)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

Re: Docket Number 2007N-0277

In its July 2007 Federal Register Notice **Use of Symbols to Communicate Nutritional Information, Consideration of Consumer Studies and Nutritional Criteria**, the Food and Drug Administration (Agency) opened a public comment period to seek information on consumer understanding of symbols and asking specific questions of food companies currently using symbols.

The Sugar Association (Association) believes the use of symbols to communicate the nutritional healthfulness of a food product will mislead consumers. Therefore, the Association is submitting general comments regarding the merits of establishing a system of symbols to communicate nutrition information, not to a specific question asked by the Agency.

Assisting Americans in making healthy food choices and reducing obesity and overweight are essential public health goals. The Agency's Obesity Working Group (OWG) stated that "Obesity is a pervasive public health problem in the United States" and "Overweight and obesity increase the risk for coronary heart disease, type 2 diabetes, and certain cancers." The OWG concluded that the most important public health message for the consuming public is that "calories count" and that weight control is primarily a function of the balance of calories eaten and calories expended.<sup>1</sup> Caloric balance is also the key message in the 2005 Dietary Guidelines for Americans.<sup>2</sup>

The Association contends that the use of symbols to communicate nutrition information on particular food constituents will fail to convey the nutrition complexities of healthful eating and distracts from the important OWG "calories count" message. In fact, this simplistic approach could result in the unintended consequence of being counter-productive.<sup>3</sup>

Dietary advice that emphasizes restricting fats and sugars has led to a plethora of food reformulations<sup>4</sup> that, in many instances, mislead consumers about the fundamental importance of total caloric intake. In fact, the decade-and-a-half focus on fats led the OWG to recommend eliminating the listing for calories from fat on the food label.

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THE SUGAR ASSOCIATION, INC.

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Should the Agency set official criteria for nutrition symbols, it is entirely conceivable that once again food manufacturers will reformulate foods based on restricting individual macronutrients, which has the potential to further downgrade the importance of caloric balance in the minds of consumers. There is little evidence that modifying individual foods assist individuals in creating healthy diets. The evidence is overwhelming, that simplistically restricting individual macronutrients as the criteria for a healthy food choice does not work and the scientific evidence shows that there is an inverse relationship between sugars and fat intake when expressed as percent of energy.<sup>5 6 7 8 9</sup> Food choices need to be made in the context of an individual's calorie needs and overall diet. Even healthy food choices can lead to weight gain if they are consumed in portions that are in excess of what individuals need to maintain a healthy weight. As was stated at the September 2007 hearing, a person who eats one piece of a regular pizza may be better off than a person eating 8 pieces of pizza that has earned a healthy symbol.

The Association contends that dietary advice should be based solely on the best available science. Yet, food manufactures using healthy symbols are setting undeclared criteria for sugars despite the fact that the Institute of Medicine (IOM) did not set an Upper Level for total or added sugars intake.<sup>10</sup> Furthermore, many ingredients used to decrease or eliminate the so-called negative constituents in foods provide neither increased nutritional value over the traditional ingredient or a significant caloric reduction.<sup>11</sup> Substitution of traditional ingredients for artificial ingredients, bulking agents and fillers could have unforeseen consequences regarding metabolism, satiety, taste preferences and caloric intake.<sup>12 13 14</sup>

The Agency already provides regulations for food manufacturers to make nutrient content claims. Instead of developing a symbol scheme, such as the United Kingdom's traffic light symbol, which does not take calories into consideration, the Association respectfully asks the Agency to use its food label regulatory power to emphasize calories and serving sizes. The Association contends that a better use of limited resources is a nation-wide educational campaign by all stakeholders that provides the American public guidance regarding individual caloric needs<sup>15</sup> and the importance of monitoring calories per serving to maintain daily caloric intakes, within individual needs. Whether consumers are eating fruits, vegetables, dairy, grains, fast food or dessert, caloric balance achieved through appropriate portion sizes would be a more healthful objective than another cycle of food reformulation.

The Association thanks the Agency for its consideration of these comments as it evaluates whether or not a nutrition symbol scheme would truly improve the diets and the health of the American public.

Sincerely,



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President and CEO

- <sup>1</sup> CFSAN, FDA, Calories Count: Report of the Working Group on Obesity (Mar. 12, 2004), available at <http://www.cfsan.fda.gov/~dms/owg-toc.html>
- <sup>2</sup> USDA, HHS, Dietary Guidelines for Americans, available at <http://www.health.gov/dietaryguidelines/>
- <sup>3</sup> TL Davidson and SE Swithers, A Pavlovian approach to the problem of obesity, *Intl J Obesity* 28(7) 933-935, 2004
- <sup>4</sup> Food Processing.com, New food products resource center, available at [http://www.foodprocessing.com/resource\\_centers/new\\_food\\_products/index.html](http://www.foodprocessing.com/resource_centers/new_food_products/index.html); Accessed November 7, 2007
- <sup>5</sup> John B. Allred, *Too much of a good thing?* *JADA*, Vol 95, N-4 p 417-18 April 1995
- <sup>6</sup> Johanna T. Dwyer et al., Fat-Sugar See Saw in School Lunches: Impact of a Low Fat Intervention, *J. Adolescent Health* 428 (Supp. 6 2003)
- <sup>7</sup> Michael Gibney et al., *Consumption of Sugars*, 62 *Am. J. Clinical Nutrition* 178S (Supp. 1995)
- <sup>8</sup> Rosanne P. Farris, *Nutrient Intake and Food Group Consumption of 10-Year-Olds by Sugar Intake Levels: The Bogalusa Heart Study*, 17 *J. Am. College Nutrition* 579 (1998)
- <sup>9</sup> James O. Hill & Andrew M. Prentice, *Sugar and Body Weight Regulation*, 62 *Am. J. Clinical Nutrition* 262S (Supp. 1995)
- <sup>10</sup> Food & Nutrition Bd., Nat'l Acad. Of Sciences, Dietary Reference Intakes for Energy, Carbohydrates, Fiber, Fat, Fatty acids, Cholesterol, Protein and Amino Acids (Macronutrients) 6-42 (2002)
- <sup>11</sup> *Sugar Free Shortcomings*, Health & Nutrition Letter (Tufts Univ., Medford, MA) June 2003
- <sup>12</sup> D Benton, Can artificial sweeteners help control body weight and prevent obesity? *Nutr Res Rev* 18(1) 63-76, 2005
- <sup>13</sup> OJ Mace, J Affleck et al, Sweet taste receptors in rat small intestine stimulate glucose absorption through apical GLUT2, *J Physiol* 582(1) 379-392, 2007
- <sup>14</sup> WD Pierce, CD Heth et al, Overeating by young obesity-prone and lean rats caused by tastes associated with low energy foods, *Obesity* 15(8) 1969-1979, 2007
- <sup>15</sup> Generate a caloric needs chart for use in educational materials and on food products base on calories recommendations on estimated energy requirements of sedentary individuals of reference height and weight from IOM Dietary Reference Intakes macronutrients report, 2002.