



**SNACK FOOD
ASSOCIATION**
An International Trade Association

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September 22, 2003

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

Re: Docket No. 03N-0076; Food Labeling: Trans Fatty Acids in Nutrition Labeling, Consumer Research to Consider Nutrient Content and Health Claims and Possible Footnote or Disclosure Statement (July 11, 2003) – Request for Extension of Comment Period

Dear Sir or Madam:

On behalf of the Snack Food Association, I am writing to respectfully request a 90 day extension to comment on the Food and Drug Administration's (FDA) Advance Notice of Proposed Rulemaking (ANPR), Food Labeling: Trans Fatty Acids in Nutrition Labeling, Consumer Research to Consider Nutrient Content and Health Claims and Possible Footnote or Disclosure Statement published in the *Federal Register* on July 11, 2003.

The Snack Food Association (SFA) is an international trade association representing snack food manufacturers and suppliers. SFA membership includes smaller regionally-based snack food companies in addition to large nationally-branded snack food manufacturers. Retail sales of snack foods in the U.S. total more than \$30 billion annually.

03N-0076

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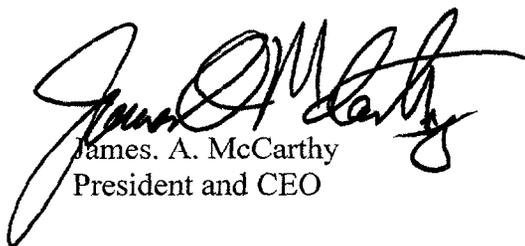
SFA provided comments in April 2000 on FDA's proposed rule on trans fat nutrition labeling, Docket No. 94P-0036. In those comments, SFA supported the Agency's proposal and urged that adequate time is needed to phase in the new labeling. Furthermore, in December 16, 2002 comments on the proposed trans fat footnote, Docket 94P-0036 Reopening of the Comment Period, SFA stated that the proposed footnote was well intended, but was inappropriate and misleading.

SFA believes it is important that FDA wait for the Food and Nutrition Board (FNB) report on the uses of the Dietary Reference Intake (DRI), which is expected to be issued in the Fall of 2003. The FNB report is expected to work out the details for developing label reference values and other information for the nutrients that have no dietary recommended intakes, such as trans fats. It seems practical for FDA to wait for the FNB report to become available in order to use the reference values information in the report.

SFA suggests that FDA not act prematurely without the FNB report. Such action by the FDA could subject the snack food industry to successive changes in food labeling in a short period of time, resulting in substantial cost to the snack food industry. Also, such multiple changes to the label could confuse the consumer. By waiting for the FNB report, FDA could mandate a one-time label change.

SFA appreciates your consideration of our request for the 90-day extension to the comment period on the ANPR.

Sincerely,



James A. McCarthy
President and CEO