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July 16, 2003

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

Dear Sir or Madam:

Re: Docket No. 02N-0434, Withdrawal of Certain Proposed Rules and Other Proposed Actions;
Notice of Intent

We are writing in support of the FDA's action to withdraw the proposed rule to allow "and/or" labeling of soft drinks. This "and/or" confusion has gone on for nearly 20 years and the average consumer still thinks their soft drinks are sweetened with sugar (sucrose) when in reality that is not the case. There is no plausible explanation or reason why soft drinks shouldn't say High Fructose Corn Sweetener (HFCS) if indeed they are sweetened with HFCS.

No doubt you have seen various television reports which discuss the obesity crisis in the U.S. and the skyrocketing consumption of soda pop. Those same reports then show how many teaspoons of sugar (sucrose) are in each can. As you know, there is no sucrose in soft drinks, but the label does not clearly state what is indeed in each can. In fact, the label indicates that there might be sucrose in each can. This confusion must stop.

To fully implement the FDA's action to withdraw the "and/or" labeling of soft drinks, you must also rescind your decision "not to initiate enforcement action against soft drink manufacturers that use "and/or" labeling in the listing of sweetener." Why have a rule if you are not going to enforce it?

HFCS and sugar (sucrose) are different products. It is not fair to the American consumer to mislead them on what they are consuming. It is also not fair to the companies who produce sugar (sucrose). We urge you to permanently and formally withdraw all approval that permits "and/or" labeling in soft drinks.

Sincerely,



Mark S. Flegenheimer

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