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August 6, 2004

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, MD 20852

RE: Docket No. 1998N-0359 Program Priorities in the Center for Food Safety and Applied Nutrition; Request for Comments

The Calorie Control Council (“the Council”) provides the following comments on the Food and Drug Administration’s request for comments on program priorities in the Center for Food Safety and Applied Nutrition (CFSAN) for the fiscal year (FY) 2005. The Council is an international association of manufacturers of low calorie and reduced fat foods and beverages, including the manufacturers and users of a variety of alternative sweeteners, fat replacers and low-calorie bulking agents.

The Council understands and appreciates the tremendous amount of time and effort CFSAN devotes to food security and food safety. The Council recognizes the importance of CFSAN’s involvement in the various Codex Alimentarius committees and strongly supports its continued participation in these activities.

The Council, however, has a number of petitions pending before the agency, which would benefit not just industry, but more importantly, the consumer. Specifically, the Council requests that CFSAN include the following in its list of priorities for FY 2005:

- 1) The Council’s 1995 Citizen Petition (Docket No. 95P-0099/CP1) requesting that food labeling regulations be amended to permit the use of the term “polyols” in lieu of “sugar alcohols” in the nutrition panel of the food label. As part of this petition, the Council submitted a nationally projectable consumer survey in which 78 percent of those surveyed think the term “sugar alcohol” indicates that a product contains some sugar even when the product is labeled “sugar free.” Sixty-nine percent believe the product contains some alcohol. Allowing the use of the term “polyol” in lieu of sugar alcohols would reduce consumer confusion.
- 2) The Council’s 1996 Citizen Petition (Docket 96P-0143/CP1 and related Docket No. 95P-0078/CP1) requesting that food labeling regulations be amended to permit, with suitable labeling, the removal or reduction of ingredients (such as fat and sugar) of standardized foods even when the ingredient is specifically required by the standard.

98N-0359

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This would allow for a reduction in calories and/or fat to assist in addressing the current obesity epidemic while allowing for more consumer friendly labeling.

3) The Council's 1997 Citizen Petition (Docket No. 97P-0056/CP1) requesting that the agency advise the food industry that it may use a caloric value of not more than 2 calories per gram for soluble fiber in food labeling, including Nutrition Facts labeling. This value is scientifically more defensible than the 4 calorie per gram value currently required for soluble fiber and would facilitate further use of soluble fiber in processed foods, thereby providing additional fiber to the American diet.

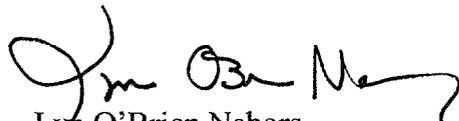
In 1999, the Center informed the Council that "In addition to the question raised in your petition about the caloric contribution of fiber, questions also remain about the definition of dietary fiber, in general, and more specifically about the definition of soluble fiber."

Since FDA's 1999 response to the Council, the Institute of Medicine of the National Academies has issued its final report, "Dietary Reference Intakes for Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids," in part funded by the FDA. While Chapter 7, "Dietary, Functional, and Total Fiber," of that report does not refer to fiber as insoluble and soluble fiber it does state, "While it is still unclear as to the energy yield of fibers in humans, current data indicate that the yield is in the range of 1.5 to 2.5 kcal/g."

Further supporting the importance of dietary fiber, the IOM report concludes that fiber is associated with reduced risk of coronary heart disease and "the greatest benefit comes from cereal fibers and viscous *Functional Fibers*, including gums and pectins." (Gums and pectins are soluble fibers.) The report also concludes, for example, that there are beneficial effects of fiber with respect to gastrointestinal health. Furthermore, IOM notes "there is a seemingly large gap between current fiber intake and that which is recommended . . ." In sum, the IOM not only confirms the benefits of dietary fiber but also their reduced caloric value.

Again, the Council requests that CFSAN act on these long-standing petitions of importance to the consumer and industry.

Respectfully submitted,



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