



**International Dairy Foods Association**  
Milk Industry Foundation  
National Cheese Institute  
International Ice Cream Association

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July 6, 2004

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

Docket 03N-0076

To Whom It May Concern:

The International Dairy Foods Association (IDFA) appreciates the opportunity to provide comments to FDA regarding the labeling of trans fat. The dairy industry wants to provide consumers with the most accurate information available on food labels.

IDFA, which represents the nation's dairy processing and manufacturing industries and their suppliers, is composed of three constituent organizations: the Milk Industry Foundation (MIF), the National Cheese Institute (NCI), and the International Ice Cream Association (IICA). Its 500-plus members range from large multinational corporations to single-plant operations, representing more than 85% of the volume of milk, cultured products, cheese, ice cream and frozen desserts produced and marketed in the United States--an estimated \$70 billion a year industry.

Although dairy products contain very low levels of trans fat, most dairy product labels will have to change to reflect the additional requirements of trans fat labeling. IDFA believes that the changes already made to declare the quantitative amount of trans fat are sufficient and that there is not enough scientific research on which to base a Daily Value or disclosure levels.

#### **Daily Value for Trans Fat**

Consumers expect the information provided by food labels, and especially the Nutrition Facts panel, to be accurate, truthful and scientifically based. At this time, IDFA believes there is not enough scientific basis for setting a Daily Value level for trans fat.

Setting a Daily Value for trans fat alone or together with saturated fat is premature, as there has been no Institute of Medicine determination of either a recommended intake or upper limit for trans fat. While scientists agree that nonconjugated trans fat does appear to have a detrimental effect on heart health, there is not a great deal of scientific research that supports one level as a cut-off point for a recommended limit.

03N-0076

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The Dietary Guidelines Advisory Committee has stated that the Guidelines should recommend that Americans consume less than 0.5 g of trans fat per day. However, this level was set by determining how much naturally produced trans fat the average American consumed, eliminating all partially hydrogenated fats. This level was not based on scientific research that showed that trans fat consumed at levels greater than 0.5 g per day were especially harmful for heart disease.

If labels were required to declare a joint Daily Value for both trans fat and saturated fat, the difference in appearance within the Nutrition Facts panel could confuse consumers. Consumers are accustomed to seeing a Daily Value for a single nutrient or a blank space in the Daily Value column, such as the sugars or protein declaration. If the Daily Value for saturated fat and trans fat were to be combined, it would be unclear to consumers how to interpret this piece of information, particularly when comparing two foods with the same Daily Value, but with different levels for trans fat and saturated fat.

### **Trans Fat Footnote**

The purpose of the Nutrition Facts panel is to give an overall picture of the nutrition provided by a food product. It should not call undue attention to one or more nutrients so that the other nutrients in the food are overlooked. Recent discussions have debated how to change the Nutrition Facts panel to highlight calories in regard to weight control. This overlooking of calories by consumers may have happened because of the label's concentration on fat.

A footnote regarding trans fat, saturated fat or any other nutrient would call undue attention to that nutrient, potentially at the expense of other nutrients. While consumers should be aware of the amount of trans fat they consume, they should also be aware of the calories, fiber, and micronutrients provided by foods. A footnote that calls additional attention to trans fat could interfere with this message.

Adding a footnote about trans fat could also set a precedent for labeling of other nutrients on the Nutrition Facts panel. If FDA requires an explanatory footnote for trans fat, some could see similar requirements for footnotes for sodium, total fat, and saturated fat to warn consumers to limit consumption of these nutrients. Since FDA has no Daily Value for polyunsaturated or monounsaturated fat, footnotes may be added to recommend intake levels for these fats.

Depending on the wording of the footnote, this statement could potentially group all trans fats together, regardless of whether or not the fat is conjugated. While FDA has recognized the health benefits of conjugated trans fats by excluding them from the labeling requirement, the footnote should also make this distinction clear.

### **Qualifying levels for trans fat nutrient content claims**

Nutrient content claims are based on the Daily Value of a nutrient and how much of that nutrient is provided by the food product. Because no Daily Value has been set for trans fat, it is impossible to set levels for trans fat nutrient content claims.

However, food should be able to make truthful statements about the amount of trans fat in their product. Those products that have less than 0.5 g of trans fat per serving and are allowed to label their products as containing 0 g of trans fat in the Nutrition Facts panel should be allowed to label their products as "trans fat free" because it is in line with the information provided on the Nutrition Facts panel.

#### **Disclosure and disqualifying levels for trans fat**

Similar to nutrient content claim levels, disclosure and disqualifying levels are also set based on the percentage of the Daily Value of the nutrient that is provided by a food. Since there is no Daily Value upon which to base disclosure or disqualifying levels for trans fat, these cannot be set at this time.

#### **Impact on product formulation**

Since dairy products contain so little trans fat, most dairy products won't change their formulations because of trans fat labeling. However, some ice cream products with bakery or other types of inclusions may search out inclusions that have less trans fat. Usually these companies reduce the amount of trans fat in their product by using less shortenings and more saturated fats.

#### **Small business relief**

IDFA's members include a number of small, family-run dairy companies. These companies are already taking on the huge expense of changing their labels to include the trans fat information required by the final rule. If additional changes are required, such as a footnote or Daily Value, small businesses should be given additional time to implement another required label change.

In summary, IDFA strongly supports the inclusion of scientifically-based information on the food label. However, at this time, there is not enough research or scientific consensus about the levels of trans fat that are harmful to set a Daily Value or disclosure levels. A footnote that calls a disproportionate amount of attention to trans fat, saturated fat or other nutrients could have a negative nutritional impact by causing consumers to pay less attention to other important nutrition information.

Sincerely,



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