

February 24, 2000

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Dockets Management Branch
FDA
5630 Fishers Lane, Room 1061
Rockville, MD 20852
RE: Docket #94P-0036

Voice: 202-205-5587

Dear Susan Thompson,

I recently sent you a letter dated January 14, 2000 concerning the hydrogenated fat/trans fatty acid FDA labeling issue. This letter is an amendment to my first letter.

Here is a quote from The New England Journal of Medicine, June 24, 1999 by Dr. Alberto Ascherio which summarizes my thoughts well.

"Current US regulations provide an incentive to manufacturers to produce foods high in trans fatty acids, because food labels are not required to include the amount of trans fatty acids. Many scientists agree that the amount of trans fatty acids should be stated on food labels. One simple option is to combine this information with the saturated-fat content. This approach, however, ignores the observation that the intake of trans fatty acids is associated with a higher risk of coronary heart disease than is the intake of saturated fatty acids."

"Although changes in labeling are important, they are not enough. Many fast foods contain high levels of trans fatty acids, are exempt from labeling regulations, and can even be advertised as cholesterol-free and cooked in vegetable oil. For example, the consumption of one doughnut at breakfast (3.2 grams of trans fatty acids) and a large order of french fries at lunch (6.8 grams of trans fatty acids) adds 10 grams of trans fatty acids to one's diet and represents 5 percent of the total energy intake on an 1800-calorie diet, and neither product needs to be labeled."

I recently purchased the following products:

- 1.) Campbell's 98% Fat Free Cream of Mushroom soup. Among the 27 ingredients (listed in very small black and white print) was vegetable oil (corn, cottonseed, canola and/or partially hydrogenated soybean).
- 2.) Quaker Instant Oatmeal, artificial Strawberries and Cream flavors. Among the 26 ingredients (listed in very small black and white print) was creaming agent (maltodextrin, partially hydrogenated soybean oil, whey, sodium caseinate).

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3.) Pepperidge Farm Deli RYE Seedless Rye (LOW FAT, CHOLESTEROL FREE). Among the 26 ingredients (listed in very small black and white print) was partially hydrogenated shortening (soybean and cottonseed oils).

4.) Healthy Choice Bowl Creations Cheese & Chicken Tortellini. Among the 101 ingredients (listed in very small black and white print) was partially hydrogenated soybean oil.

When I encourage my wife not to buy products containing hydrogenated fats and/or partially hydrogenated fats, she complains that "everything has hydrogenated fats and/or partially hydrogenated fats in them." Our family is very aware of the adverse health effects related to trans fatty acids, hydrogenated fats, and partially hydrogenated fats. We try our best not to purchase foods with these items as ingredients, but unless a person reads the lengthy list of ingredients on the back of every package (unrealistic for the average shopper), the shopper will unknowingly buy products which have ingredients (trans fatty acids, hydrogenated fats, and partially hydrogenated fats) which have been proven to increase the risk of coronary heart disease. As careful as we attempt to be, various products, such as the ones listed above still find their way into the shopping cart and onto our dining table. It is very difficult for the average person to distinguish between what the companies can get away with using deceptive brand names (i.e. Healthy Choice) and labels (i.e. 98% fat free, low fat, cholesterol free, etc.) versus the ingredients listed on the back of the package. Many times the marketing portion of the label (front of the package) does not logically (although legally it may) correspond at all the ingredients and the FDA Nutrition Facts (back of package).

I strongly recommend that a better, very clear, "quick and easy to read" label be placed on the back of the package which communicates the "healthiness" or "unhealthiness" of the product to the consumer. Also, I recommend that the FDA prohibit companies from using the front (or any part of the package) to mislead people as to the healthiness of the product. My family members frequently see the "Healthy Choice" brand name, "98% fat free" label or similar words on the front of the package. They purchase the product thinking that it is healthy without looking at the Nutrition Facts and ingredients.

I personally believe that trans fatty acids, hydrogenated fats, and partially hydrogenated fats should be BANNED from foods sold in the United States, including foods sold in restaurants, etc. Currently the European countries limit trans fatty acids to 4% in any food. I have called several of the major food companies, and the response I am getting from many of them is that they will not eliminate trans fatty acids, hydrogenated fats, and partially hydrogenated fats from their products unless the FDA forces them to do so or unless the marketplace forces them to eliminate them. They seem to be unwilling to take the moral or ethical high ground to take corrective action for the sake of doing what is right. Apparently, they must be forced to do what is right.

Since it is unlikely that trans fatty acids, hydrogenated fats, and partially hydrogenated fats will be BANNED anytime soon (although I strongly encourage it for the health of our country), I recommend that a label on the FRONT of food packages say something like this:

WARNING: THIS PRODUCT CONTAINS TRANS FATTY ACIDS. THE FDA HAS DETERMINED THAT CONSUMPTION OF TRANS FATTY ACIDS INCREASE THE RISK OF CORONARY HEART DISEASE.

I believe that these large food companies would then be very willing to look at eliminating trans fatty acids, hydrogenated fats, and partially hydrogenated fats from their foods if such a label was required on their food packages. If the food is "Trans Fat Free" the package could be labeled as such, and the WARNING label could be removed. We need to act quickly and decisively in this case. Since the health of the American population is at risk, I believe that the scales ought to be tilted in favor of the consumer. The large food companies and restaurants (they should not be exempt) will respond more quickly to do the right thing if the FDA introduces new easy to read and understand "user friendly" labels on our foods. The FDA needs to produce a label which immediately communicates "healthy" or "unhealthy" to us as consumers, because we are not nutrition experts, nor should we have to be.

I still like the idea of color coding the ingredients. Green is good, yellow is caution, and red is danger. Healthy ingredients could be labeled green, borderline ingredients could be labeled yellow, and unhealthy ingredients (as determined by a list produced by the FDA or independent board of scientists/nutritionists) could be labeled red. Consumers could, without having to carefully scrutinize each and every one of the ingredients, quickly determine whether or not a food product was healthy for them based on the amount of green, yellow, or red colored words in the ingredients label. It would be easy to avoid a product which had lots of red in the ingredient label.

Susan, you are doing a great job!! It was nice talking to you the other day. I have enclosed some supporting documents for you to review. They may strengthen your case. Please pass this literature along to Dr. Jane Haney, Mrs. Virginia Wikenning, and Kathleen Koehler. Also, as I recently saw a very good news segment entitled "Eye on Health" produced by KYW, Philadelphia, Channel 3. KYW 11 PM news did a very good piece on Trans Fatty Acids which aired on Tuesday, 15 February 2000. You may be interested in obtaining a copy of the videotape of this show. The Video Monitoring Services office telephone number is 215-569-4990 (x10).

Thank you for considering this issue. I believe it is an important one. I respectfully request the favor of a reply.

Very respectfully,



R. M. Manski

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FOOD ADDITIVES

They preserve, they color, they flavor, they firm, they befuddle—and they swamp the ingredient lists of the foods we eat. The Center for Science in the Public Interest identifies some additives as safe, recommends avoiding some, and advises consuming others in moderation. Here's a helping hand:

Ascorbic acid (vitamin C)	Sorbitan monostearate
Beta carotene	Starch
Calcium propionate	Sucralose
Calcium stearoyl lactylate	Thiamin mononitrate
Carrageenan	Vanilla, ethyl vanillin
Casein, sodium caseinate	
EDTA	
Erythorbic acid	Acesulfame K (acesulfame potassium)
Ferrous gluconate	Artificial colors, blue 1, blue 2, green 3, red 3, yellow 6
Fumaric acid	Olestra (olean)
Gelatin	Potassium bromate
Glycerin	Saccharin
Gums	Sodium nitrate and sodium nitrite
Lactic acid	
Lactose	
Lecithin	
Modified starch	
Mono- and diglycerides	
Phosphates, phosphoric acid	
Polysorbate 60, 65, 80	Caffeine
Potassium sorbate	Corn syrup
Propylene glycol alginate	Dextrose (glucose, corn sugar)
Sodium ascorbate	High-fructose corn syrup (HFCS)
Sodium benzoate	Invert sugar
Sodium carboxymethylcellulose (CMC)	Mannitol
Sodium caseinate	Partially hydrogenated vegetable oil
Sodium citrate	Salatin
Sodium propionate	Salt (sodium chloride)
Sodium stearoyl fumarate	Sorbitol
Sodium stearoyl lactylate	Sugar (sucrose)
Sorbic acid	

has an effect. "I'm getting hungry," Gary says. After 10 minutes in the shop, Kearns' minions bolt for dinner. What they'll eat, there's no telling.

But Kearns is optimistic. "It's never too late to change your diet," he says.

"Your next shopping trip could begin to improve the quality of your diet forever."

Ken McAlpine's sports and fitness articles have appeared in *Men's Fitness*, *Outside*, and *Sports Illustrated*.