



GROCERY MANUFACTURERS OF AMERICA
MAKERS OF THE WORLD'S FAVORITE BRANDS OF
FOOD, BEVERAGES, AND CONSUMER PRODUCTS

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Food and Drug Administration
Room 1061
5630 Fishers Lane
Rockville, MD 20852

Re: *Trans* Fat Labeling
65 Fed. Reg. 75887 (December 5, 2000)
Docket No. 94P-0036

The Grocery Manufacturers of America (GMA) is the world's largest association of food, beverage, and consumer product companies. With consumer sales of more than \$460 billion, GMA member companies employ more than 2.5 million workers in all 50 states. GMA speaks for food and consumer brand manufacturers at the state, federal, and international levels on legislative and regulatory issues.

GMA is submitting these comments in response to FDA's request for comment on the nutrient content claims that inform consumers of the levels of *trans* and/or saturated fats in a food product. GMA strongly supports the availability of "reduced *trans* fat," "reduced saturated fat" and "reduced combined saturated/*trans* fat" claims to provide consumers with additional truthful and nonmisleading information on which to base their dietary choices.

GMA also is submitting these comments in connection with Health Canada's proposed *trans* fat labeling requirements, which postdated FDA's proposed rule. Changes in both the US and Canadian requirements for nutrition labeling will result in major costs to the food industry and thus potentially increase food prices. For that reason, GMA has a substantial

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interest in ensuring that the two are consistent. This objective also should guide FDA's consideration of the more specific issues, including nutrient content claims.

I. Proposed Nutrient Content Claims

GMA members strive to provide healthful as well as palatable products to consumers. We know through consumer research that the number one reason that a consumer purchases a food product is for its taste. Consumers will not realize the benefits of a food that provides good (or better) nutrition if the food does not taste good. Nutrition labeling must be designed to allow manufacturers the flexibility to improve the nutritional profile of a product and to inform the consumer of that improvement while preserving the organoleptic properties of the product. This is the rationale underlying the proposed nutrient content claims discussed below.

Nutrient content claims play an important role in the consumer's decisionmaking process. GMA recognizes that there is evidence that *trans* fat is roughly equivalent to saturated fat with respect to impact on serum LDL cholesterol. To enable consumers to make dietary choices that help maintain healthy cholesterol levels and to give manufacturers an incentive to offer those choices to consumers, we propose that FDA authorize nutrient content claims that take into account the balance between saturated fat and *trans* fat in the food product. Accordingly, FDA should authorize the following nutrient content claims, subject to the following criteria.

- For "reduced combined saturated/*trans* fat," the regulation should require a net reduction of twenty-five percent in the combined total for saturated and *trans* fat, compared to the reference food. This would permit an increase in the level of saturated or *trans* fat but a net reduction in the combined total of the two.

- For “reduced *trans* fat,” the regulation should require at least twenty-five percent reduction in *trans* fat and no increase in saturated fat, compared to the reference food.
- For “reduced saturated fat,” the regulation should require at least a twenty-five percent reduction in saturated fat and no increase in *trans* fat, compared to the reference food.

These claims serve the overall purpose of permitting the consumer to make healthy dietary choices. They also permit manufacturers sufficient flexibility to use fatty acids in offering consumers palatable foods and thus increase the likelihood that consumers will make healthier dietary choices.

II. Harmonization of U.S. and Canadian Regulation

Health Canada’s proposed *trans* fat labeling requirements are similar but not identical to the proposed US regulations. Because both countries are now addressing the question of *trans* fat labeling, it is likely that GMA members marketing products in the United States and Canada could be forced to comply with two inconsistent sets of *trans* fat labeling rules. This is not helpful to the consumer and does not facilitate free trade.

FDA and Health Canada could avoid these problems by adopting the same standards and format for *trans* fat labeling. This approach would afford maximum clarity to the consumer -- which is, in fact, the primary purpose of nutrition labeling -- and minimum burden on trade. GMA is not proposing a specific standard or format; that is a subject that should be a major topic on the agenda for the March 2001 meeting between Canada and the United States concerning labeling issues under the North American Free Trade Agreement.

At the very minimum, the two countries should agree to mutual recognition of their respective labeling requirements. This would be far less satisfactory than harmonization, but still preferable to subjecting consumers to inconsistent labeling requirements.

Harmonization or mutual recognition of labeling requirements will translate into a cost savings to both industry and consumers.

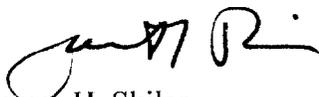
III. Conclusion

Any decisions that FDA makes concerning *trans* fat labeling should accomplish two things. First, the *trans* fat labeling requirements should permit manufacturers to offer foods that are palatable and provide consumers with sufficient comparative information to enable them to make healthy dietary choices. Second, GMA cannot emphasize strongly enough the importance of harmonization of nutrition labeling requirements between the United States and Canada. FDA should not subject consumers and manufacturers to inconsistent labeling requirements.

Sincerely,



Lisa D. Katic
Director
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James H. Skiles
Vice President and General Counsel