



5775 PEACHTREE-DUNWOODY RD. • BLDG. G, STE. 500 • ATLANTA, GA 30342 • (404) 252-3663 • FAX (404) 252-0774
E-MAIL: CCC@KELLENCOMPANY.COM • WWW.CALORIECONTROL.ORG

February 5, 2004

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

RE: Docket No. 2003N-0338

One of the questions posed by the Food and Drug Administration's (FDA) Obesity Working Group is "Are there changes needed to food labeling that could result in the development of healthier, lower calorie foods by industry and the selection of healthier, lower calorie foods by consumers?" The Calorie Control Council (the "Council") has three pending petitions before the FDA which, if approved, would assist industry in making healthier, lower calorie foods and consumers in choosing these products.

The Council is an international association of manufacturers of reduced-calorie, reduced-fat and light foods and beverages, including the manufacturers of a variety of sweeteners and other low calorie ingredients used in those products. Manufacturers and users of soluble fiber and polyols are among the Council's members.

1) Docket No. 97P-0056/CP1 This petition requests that the Commissioner revise 21 CFR 101.9(c)(1)(i)(C) by providing for the use of a value of not more than 2 calories per gram for soluble dietary fiber. This value would be more scientifically correct than the 4 calorie per gram value now required for soluble fiber. It would also facilitate the further use of soluble fiber in processed food products providing additional fiber to the American diet.

A wide range of soluble fibers is available for use in processed foods. In addition to their documented health benefits, these ingredients may be used as thickeners, stabilizers, gelling agents and, in some cases, as emulsifiers.

2) Docket No. 96P-0143/CP1 This petition requests that the general food standard regulation be amended to permit the removal or reduction of a sugar or fat containing ingredient of a standardized food even when the ingredient is specifically required by the standard. This change would make the regulation consistent with 21 CFR 101.3(e)(4). The food would, of course, in accordance with 21 CFR 101.3(e)(2) have to be named

using an “appropriately descriptive term that is not false or misleading.” As under Part 105 of FDA’s regulations, applicable to caloric reductions, the term has to also be one that includes an approved nutrient content descriptor, such as “sugar free” or “fat free.” This requested change in labeling regulations would facilitate the development and use of additional reduced calorie, low calorie, reduced fat, fat free and sugar free products.

3) Docket No. 95P-0099/CP1 This petition requests that the food labeling regulations be amended to permit the use of the term “polyol” in lieu of “sugar alcohol” in the Nutrition Facts panel on the food label. The FDA already recognizes the reduced calorie value of polyols and the requested modification would reduce consumer confusion and provide for more consumer friendly labeling, which is important to both the consumer and the food industry. The Council has submitted to FDA nationally projectable consumer research confirming that the consumer is confused by the term “sugar alcohol.” The nationally projectable survey, conducted for the Council by Market Facts, found that 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.

In summary, approval of the three petitions discussed above would facilitate both the production and use of calorie-reduced products. The Council urges the agency to move forward and approve these petitions.

Respectfully submitted,

Lyn O’Brien Nabors

Lyn O’Brien Nabors
Executive Vice President

cc: Docket No. 97P-0056/CP1
Docket No. 96P-0143/CP1
Docket No. 95P-0099/CP1