



June 20, 2005

1905 5 JUL -6 P1:35

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
12420 Parklawn Drive
Rockville, MD 20852

Re: Docket No. 2004N-0456
Food Labeling; Serving Sizes of Products That Can Reasonably Be
Consumed At One Eating Occasion; Updating of Reference Amounts
Customarily Consumed; Approaches for Recommending Smaller Portion Sizes
63 Fed Reg. 17010 (April 04, 2005)

AARP appreciates this opportunity to comment on this Advance Notice of Proposed Rulemaking (ANPRM), which starts in motion the process for revising the Food and Drug Administration's (FDA) serving-size regulations. Based on strong support and interest from our members, AARP has been involved in the issue of food labeling since enactment of the Nutrition Labeling and Education Act of 1990 and its implementing regulations. Many thousands of consumers, especially those at risk for diet-related diseases (including many older persons), use food labels to choose more healthful diets. Many more, however, still do not. We commend FDA for continuing to work on improving the food label and on making nutrition information more readily available and understandable.

"Serving sizes" provide the foundation for FDA's food labeling rules. If serving sizes are not consistent with real-world consumption patterns, then the information provided in the Nutrition Facts Panel (NFP) – which is expressed in terms of single-servings -- can be misleading to consumers. Unrealistic or unreasonable serving sizes harm people who are trying to limit their intake of certain nutrients, as well as those trying to lose weight: they may reasonably assume, based on the size and packaging of a particular food or beverage product, that they are consuming a certain amount of a nutrient or total calories when, in fact, they could wind up eating three or even four times that amount.

We would like to focus our comments on two issues. First, AARP urges the agency to take this opportunity to update the "reference amounts customarily consumed" (RACCs), on which product serving sizes are based. These reference amounts, codified in FDA's regulations more than a decade ago, are based on food-consumption surveys, which, in some cases, were published as long ago as the late 1970s. More recent consumption data are available, and FDA should revise the RACCs to reflect the most up-to-date and accurate information.

2004N-0456

C63

Second, FDA should revise its approach to the labeling of “oversized” food products; these include products like large muffins, 20-ounce bottles of soft drink, and bags of potato chips. This labeling problem also arises with products such as soups, canned tuna and frozen entrees, which, although labeled as multiple servings, are usually consumed by one person at one time. Currently, FDA gives food manufacturers the discretion to label these products as containing either one or multiple servings.

AARP recommends that FDA revise its labeling regulations for “oversized” food and beverage products by raising the limit for requiring that these products be considered “single servings.” As a result, nutrition information for these products would be expressed in terms of the entire package when the contents of the entire package are generally consumed by one person at one time. Alternatively, FDA could require dual-column nutrition labeling: food companies could be required to provide nutrition information in the NFP on both a per-serving *and* per-package basis. Either change would make the NFP easier to understand and use, particularly for consumers who are trying to limit their caloric intake.

In our comments on a companion ANPRM on calorie labeling, we suggest that the agency require companies to include a calorie disclosure on the front of the package (the “principal display panel” or “PDP”). If FDA proposes such a labeling change, then it could also use this disclosure to highlight the product serving size. For example, rather than having a disclosure indicate “100 calories per serving,” it could also specify the serving size in common “household” terms (“100 calories per seven pieces” or “100 calories per half-cup”). Such a disclosure would clearly and prominently notify consumers of the basis of the nutrition information provided in the NFP, and would help them better understand and use that information.

If you have any questions regarding these comments, please contact Jo Reed (at 202-434-3800) of our Federal Affairs staff.

Sincerely,

A handwritten signature in black ink, appearing to read "David Certner". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Certner
Director
Federal Affairs