THE
SUGAR ASSOCIATION
1101 15th Street, NW Suite 600
Washington DC 20005

June 20, 2005

U.S. Food and Drug Administration
Division of Dockets Management
5630 Fishers Lane, Room 1061
Rockville, MD 20852

RE: Docket No. 2004N-0463, Food Labeling: Prominence of Calories

Dear Sir and Madam:

The Sugar Association, Inc., (Association) submits these comments regarding the Food and Drug Administration's (FDA) Advance Notice of Proposed Rulemaking (ANPRM) on "Prominence of Calories." The Association represents the United States sugar cane growers and refiners and sugar beet growers and processors. Association members account for over 90% of this country's sugar production. As the public information arm of the sugar industry the Association disseminates scientifically substantiated information concerning sugar through public education and communication programs.

The Association agrees with the conclusion of the Obesity Working Group (OWG) that the most important public health message for the consuming public is that "calories count" and that weight control is primarily a function of the balance of calories eaten and calories expended. This was also the key message in the 2005 Dietary Guidelines for Americans.

The Association agrees with suggestions that information on caloric content should hold the prominent position on the food label, both in the context of the PDP and the NFP. FDA should amend its regulations to require greater prominence of information on caloric content so that consumers get the information they need to address concerns over weight control and are not misled by relative nutrient content claims that obfuscate or undermine this important information.

Comments Regarding the PDP

In addressing the issue of labeling of calorie content, FDA should amend its nutrient content regulations to require that the PDP contain qualifying information regarding calories for relative nutrient content claims regarding sugars (e.g., "less sugar" claims).

Consumers need prominent information on the PDP related to caloric content,[1] but information on total caloric content (or content per serving size) will not be enough. Foods are now marketed to a significant degree based on nutrient content claims that emphasize a particular subclass of caloric ingredients denominated as "sugars." FDA regulations permit nutrient content claims related to reductions in sugars without requiring any qualifying information related to the effect on caloric content.

Consumers perceive of products labeled as having "less sugar" to have health benefits related to weight control. In fact, the sugars in these "less sugar" products are often replaced with other caloric ingredients, including sugar alcohols and fats. The net result is that consumers are misled about the significance of caloric content and, indeed, about the actual change in caloric content. They are often led to believe that they need not worry about overconsumption of foods bearing "less sugar" and "sugar free" labeling which may, in fact, contain more calories (and more fat) than the reference product.

This is directly contrary to the advice provided in the 2005 Dietary Guidelines for Americans, which provide that, "[w]hen it comes to body weight control, it is calories that count—not the proportions of fat, carbohydrates, and protein in the diet." [2] The report goes on to state that "diets that provide very low or very high amounts of protein, carbohydrates, or fat are likely to provide low amounts of some nutrients and are not advisable for long-term use."[3]

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[1] The Association agrees with suggestions that calories per serving should be listed on the PDP followed by the serving size in easily understood measures such as teaspoons and cups. The prominent display of calories in conjunction with serving size will assist consumers in understanding the actual serving size of a food item or beverage. For example: a cereal would have prominently displayed on the front of the box (1 cup serving dry is 120 calories), on a muffin mix box (1- 4oz. blueberry muffin is 200 calories) or ½ candy bar is 200 calories.)

It is important to consider, however, that this information cannot inform consumers about the caloric effect of a product modification that results in a claim of "less sugars" but in a product that has more calories than the reference product. In the absence of specific information about the effect of the ingredient modification on caloric content (based on the caloric content of the reference product), the consumer may assume that the number of calories presented on the PDP in conjunction with a "less sugar" represents a corresponding reduction in calories from the reference product.

[2] USDA, HHS, Nutrition for Your Health: Dietary Guidelines for Americans: 2005 Dietary Guidelines Advisory Committee Report, 15, *available at* http://www.health.gov/dietaryguidelines/dga2005/report/HTML/D5_Carbs.htm.

[3] Id.

Comments Regarding the NFP

In addressing the issue of labeling of calorie content, FDA should amend its nutrition labeling regulations to remove the category of "sugars" from the NFP.

The Association agrees that caloric information should receive greater emphasis in the NFP, and agrees with suggestions that the prominence, the type size of calories per serving should be increased in the NFP. The Association is concerned, however, that consumer attention is being directed to a specific subcategory of caloric ingredients, sugars, that are of no special significance with regard to weight control. To emphasize sugars, which present no significant health issue other than caries and are primarily associated with caloric contribution, is to suggest that sugars are more significant than other sources of calories with regard to weight control. This, by definition, deemphasizes information on calories and is contrary to the goals of the agency's proposal.

For the same reasons, the Association agrees with the concern of the OWG that the listing of calories from fat may take the emphasis away from the important listing of calories. Although fats present special health concerns that are not presented by other caloric ingredients, consumers may address these concerns with information provided in labeling on fat content. A focus on caloric contribution of a specific type of macronutrient is inherently misleading because it detracts from the more important information on total caloric content. Information in the NFP related to specific types of macronutrients should be avoided in the absence of a significant health issue (other than caloric contribution to obesity).

The Association's Petition

In addition to these comments, the Sugar Association will be filing a citizen petition requesting the agency to amend its food labeling regulations in certain respects described above. The petition provides scientific support and a fuller discussion of the legal and policy issues surrounding these proposals, and the Association respectfully requests that it be made a part of the record of this ANPRM.

Sincerely,

Andrew C. Briscoe III