



The Association of Food, Beverage
and Consumer Products Companies

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

**RE: Docket No. 2004N-0463; Advanced Notice of Proposed
Rulemaking Food Labeling; Prominence of Calories**

The Grocery Manufacturers Association (GMA)¹ appreciates this opportunity to offer comments concerning the Food and Drug Administration's (FDA) advance notice of proposed rulemaking on prominence of calories on the food label.

General Comments

Today, obesity is the number one public health problem in America. GMA commends the agency for exploring adjustments to the food label to better address this issue. GMA supports the agency's plan to better understand how consumers currently use nutrition information on the Nutrition Facts Panel (NFP), and then assess whether the NFP requires modification to be effective in facilitating positive dietary changes.

GMA plans to participate through our comments that will examine the issue as it relates to the food label in its totality. GMA strongly believes that the role of the NFP is to provide factual nutrition information about a product and that it can be an essential tool in promoting healthy eating behaviors among Americans. The NFP should reflect federal nutrition recommendations/guidelines.

GMA respectfully points out to the agency that consumers are eating out more often (including purchasing "take out" food). In fact, take-out at full service restaurants has increased 8% annually for the past three years (Technomic, 2005a). Restaurant orders from cars grew from 17% of all restaurant meals in 1990 to 20% in 2004 (NPD, 2005a). Additionally, ERS data from USDA show that expenditures on food eaten away from

¹ The Grocery Manufacturers of America (GMA) represents more than 140 brand name food, beverage and consumer products companies. Since 1908, GMA has been an advocate for its members on public policy issues and has championed initiatives to increase industrywide productivity and growth. The association, which is led by a board of member company chief executives, represents an industry with annual U.S. sales of \$500 billion and 2.5 million employees in all 50 states. For more information, visit the GMA Web site at www.gmabrands.com.

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home have increased steadily since 1962 and now account for over 45% of the total expended food dollars.

A. Questions Concerning Prominence of Calorie Information on Food Labels

GMA supports the agency's interest in giving more prominence to calories on the food label. GMA and its members believe new regulations should be confined to the NFP as consumers have been educated to utilize the NFP as the source for nutrition information. GMA does not want to undermine the value of the NFP and the information it contains as a whole.

GMA supports graphic enhancements such as increased font size and bolding of both Serving Size and Calories declarations within the NFP that make it easier for consumers to understand and use the information. GMA took the opportunity provided by this ANPR to be creative and think outside the box to provide suggestions to the agency on changes to the format of the NFP to enhance consumer understanding of the NFP. A description of the NFP is provided in Appendices A and B.

GMA encourages FDA to examine how simple changes to the NFP graphics could more closely tie Serving Size and Calories together. This could dramatically increase visual attention to the importance of Serving Size. The current NFP requires manufacturers to put a 7 point rule line between the Serving Size information and the nutrition information. An unintended consequence of the current NFP format design is the uncoupling of Calories from the Serving Size. Today, many consumers do look at the nutrition information but they do not always link it to the Serving Size, which is based on the Recommended Amount Commonly Consumed (RACC). Bolding and increased font size of serving information may increase consumer attention to the importance of serving size. However, FDA needs to conduct consumer research on any potential changes to the serving size declaration or other aspects of the NFP format to evaluate whether such enhancements will meaningfully impact consumer choices and dietary behavior.

GMA and its members do not support a mandatory calorie flag on the front of the package as it would focus too much on calories at the expense of the rest of the nutrition information for the food product. It may actually lead a consumer to skip reading the NFP. We do not want consumers to lose sight of the nutritional value or the nutrient density of the food. Calories are only one element of a products nutritional value, albeit, an important one. However, nutrient density is a very important focus in the new federal dietary recommendations outlined in the 2005 Dietary Guidelines and MyPyramid.gov.

However, GMA does support the continued allowance for factual statement information to include calorie information on the Principal Display Panel (PDP) if a manufacturer chooses. GMA examined the way manufacturers currently in the marketplace provide calorie information on the PDP. We found that manufacturers are displaying calorie information on the PDP to get consumers to choose lower calorie options or control their caloric intake of fun foods (Appendix C). Calorie information on the PDP includes:

- highlighting reformulation of a product to reduce calorie levels,

- comparing calories within a product category; and
- highlighting repackaging of a snack food product to provide a 100 calorie serving.

The 1990 NLEA required that the nutrition information be conveyed in a manner that enables the public to understand the relative significance of the nutrition information in the context of the total daily diet. As stated in the final rule for NLEA, “expressing the level of a nutrient in the food as a percent of a reference amount (the DV) was intended to be a simple and straightforward way of permitting the consumer to understand the amount of a nutrient in the context of the total daily diet.” However, it is not entirely clear that consumers find the DV to be as useful as originally intended, and FDA should conduct further consumer research before extending application of the DV to calories.

Accordingly, GMA supports the FDA exploring the concept of a % Daily Value for calories through consumer research to better understand how consumers would interpret a % DV for calories. GMA believes that consumer research is warranted to see whether consumers utilize this information correctly. If the research determines that consumers understand the concept of %DV for calories and that they find the information to be useful, then GMA would support a %DV for calories in the NFP.

As we found in the International Food Information Council (IFIC)/GMA qualitative consumer research on calories, those individuals in the focus group setting who were already interested in calories liked having a listing for the % Daily Value for calories. However, many people had trouble interpreting % DV for calories and most felt there was still a lot of math to do.

GMA recommends that FDA drop the table on 2,000 and 2,500 calorie diets in the NFP. The Dietary Guidelines contain recommendations for 12 different calorie levels, and so singling out only two levels is out of date and could be misleading. Instead, GMA believes that this very limited space on the label would be much better utilized by an appropriate reference to the new MyPyramid website and by voluntarily providing intake recommendations, as appropriate. Specifically, GMA encourages the agency to retain the footnote describing the basis of the Percent Daily values and the fact that an individual’s Daily Values may vary, and expand on it as follows:

- For foods included in MyPyramid, the NFP could have an additional footnote prior to the current footnote:

* For a 2,000 calorie diet, you’ve consumed 1 cup of the suggested 3 cup equivalents from the Dairy group. For more personalized nutrition information go to www.MyPyramid.gov.

** Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.

- For foods not included in MyPyramid, add to the current footnote a statement informing consumers that more detailed information is available at MyPyramid:

* Percent Daily Values are based on a 2,000 calorie diet. Your Daily values may be higher or lower depending on your calorie needs. For more personalized nutrition information go to www.MyPyramid.gov

These types of footnotes would improve the current situation by relating the intake recommendations from the Dietary Guidelines to the contents of a particular food in a way that consumers can easily understand. To be successful, the Dietary Guidelines, MyPyramid and the NFP need to be seen by consumers as conveying a consistent and coherent message. This is currently not possible because sometimes the units of measure used for the dietary intake recommendations in the Dietary Guidelines and MyPyramid (e.g., cups) are not the same units of measure as used on the NFP (e.g., grams).

Indeed, while GMA supports the direction and goals of the “Calories Count” Report, the subsequent publication of the Dietary Guidelines and MyPyramid make this change the single most important improvement that FDA could make to the NFP to improve ability of reasonable consumers to make dietary choices.

B. Questions Concerning “Calories From Fat”

GMA recommends that FDA drop the requirement to list the calories from fat in the NFP. As the 2005 Dietary Guidelines emphasized, “when it comes to weight control, calories do count—not the proportions of carbohydrate, fat, and protein in the diet.”

C. Questions About the Use of Calorie Information on Food Labels

The IFIC/GMA conducted qualitative consumer research to explore consumer understanding of calorie information. We tested alternative NFP formats. The consumer research found that the focus group participants noticed the NFP and they looked for information directly related to their concerns. Overall, consumers liked having the larger font size and bolding for calories, but their responses to the formats varied. Some of their comments included:

- “I appreciate the information being there—but if I want cookies, I want cookies.”
- “I almost always look at the label, but it doesn’t always stop me from eating this.”
- “I quit buying some products because of what I read on the label.”

D. Questions About Reformulation of Foods or Redesign of Packaging

GMA members are enhancing product packaging in a variety of ways to help consumers manage their food intake. Manufacturers are introducing 100 calorie snack packs, children’s sizes, and changing the food label on single serving packaging to ensure consumers understand the calorie information. GMA supports manufacturers having the flexibility to provide nutrition information for single serving packages in a variety of ways such as a dual column format or adding an extra line to provide calories per container information (Appendix D). Example A is in no way intended to discount or eliminate current flexible options allowed today.

FDA should develop labeling incentives to spur continued industry efforts to reduce calorie levels in foods. Two areas for consideration include calorie nutrient content claims and food standards.

For years, GMA members have quietly and consistently reduced the level of certain nutrients such as fats and sodium in their brand name products. This includes finding ways to make incremental reductions of calories in foods. In many cases, these reductions are not significant enough to warrant nutrient content claims such as “reduced calories,” because they do not meet the 25% reduction requirement.

GMA believes it is important for FDA to consider ways to encourage companies to continue to make incremental reductions in calories that, when adopted broadly, could have a significant impact on consumer health. For example, a 10% or 15% reduction in calories in widely consumed food products would have a far greater impact on public health than a 25% or even 75% reduction in calories in a “niche” product. This is because it is far better for public health for a very large number of consumers to have an incremental reduction in calories than for a very small number of consumers to have an admittedly larger reduction in calories. This is a different approach than FDA has taken historically, but one which warrants careful consideration. Accordingly, GMA recommends that FDA regulations allow a claim of “10% (or 15% up to 24%) fewer calories” than in the reference food.

FDA should also take the opportunity to reassess the definition for the nutrient content claim “low calorie.” The current definition requires a food to contain no more than 40 calories per RACC. This represents only 2% of calories based on a 2,000 calorie diet. FDA has always considered a nutrient that provides 5-7% of the DV is “low” and 20% of the DV or more is “high” (“low” for sodium and cholesterol are 6% and 7% of the DV, respectively). Establishing a new definition for “low calorie” but not the current rule potentially would encourage product formulations that would meet a new definition.

GMA, under a separate set of comments to FDA on proposed rulemaking on food standards², will address in detail the potential of revising food standards to spur industry innovations in the development of healthier food products. GMA encourages the agency to leverage this opportunity to allow changes in the standards of identity of foods that will potentially reduce the calorie levels in a significant number of foods. For example, the new ingredient, enzyme modified egg yolk, is much more stable and is a better emulsifier than traditional egg yolk. This new ingredient would enable a food manufacturer to use less egg yolk and less vegetable oil in the formulation of “mayonnaise.” The product would contain less cholesterol and fewer calories than traditional mayonnaise yet meet consumer expectations for mayonnaise.

GMA looks forward to working with the agency on this very important issue in the months ahead.

² 70 FR 29214 Proposed Rule. Food Standards; General Principles and Food Standards Modernization

Sincerely yours,

A handwritten signature in black ink that reads "Alison Kretser". The signature is written in a cursive, flowing style.

Alison Kretser, MS, RD

APPENDIX A

Example (Multiple Serving Container)

Shifted "Servings Per Container" and "Calories Per Container" to the right to separate container information from serving size information

"Servings Per Container", "Calories Per Container", "Serving Size", and "Calories" bolded and 10 point font size

Moved Serving Size and Calories together

Footnote linking to MyPyramid.gov

Nutrition Facts	
Servings Per Container 14	
<hr/>	
Serving Size 1 cup (32 g)*	
Amount Per Serving	%Daily Value**
Calories 120	
Total Fat 1.5 g	2%
Saturated Fat 0g	0%
<i>Trans Fat 0 g</i>	
Cholesterol 0mg	0%
Sodium 200 mg	8%
Total Carbohydrate 24g	8%
Dietary Fiber 4 g	15%
Sugars 5 g	
Protein 5 g	
Vitamin A 0%	Vitamin C 8%
Calcium <2%	Iron 4%

*For a 2,000 calorie diet, you've consumed 1 oz-equivalent (oz-eq) of the suggested 6.5 oz-eq from the Grains group. Make half your grains whole. For more personalized nutrition information go to www.MyPyramid.gov.

**Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.

2 Point Line Rule

APPENDIX B

Example A

Current Label

Nutrition Facts	
Serving Size 1 cup (228g)	
Servings Per Container 2	
Amount Per Serving	
Calories 280	Calories from Fat 120
	% Daily Value*
Total Fat 13g	20%
Saturated Fat 5g	25%
Trans Fat 2g	
Cholesterol 30mg	10%
Sodium 680mg	28%
Total Carbohydrate 31g	10%
Dietary Fiber 0g	0%
Sugars 5g	
Protein 5g	
Vitamin A 4%	• Vitamin C 2%
Calcium 15%	• Iron 4%
*Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs:	
	Calories: 2,000 2,500
Total Fat	Less than 65g 80g
Sat Fat	Less than 20g 25g
Cholesterol	Less than 300mg 300mg
Sodium	Less than 2,400mg 2,400mg
Total Carbohydrate	300g 375g
Dietary Fiber	25g 35g
Calories per gram:	
Fat 9	Carbohydrate 4 Protein 4

Example B

NFP for Multiple Serving Container

Nutrition Facts	
Servings Per Container 14	
Serving Size 1 cup (32 g)*	
Amount Per Serving	
Calories 120	%Daily Value**
Total Fat 1.5 g	2%
Saturated Fat 0g	0%
Trans Fat 0 g	
Cholesterol 0mg	0%
Sodium 200 mg	8%
Total Carbohydrate 24g	8%
Dietary Fiber 4 g	15%
Sugars 5 g	
Protein 5 g	
Vitamin A 0%	• Vitamin C 8%
Calcium <2%	• Iron 4%
*For a 2,000 calorie diet, you've consumed 1 oz-equivalent (oz-eq) of the suggested 6.5 oz-eq from the Grains group. Make half your grains whole. For more personalized nutrition information go to www.MyPyramid.gov .	
**Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.	

APPENDIX C

Parent Company	Brand	Information on the Principal Display Panel
Campbell Soup Company	V8	Calories per serving on all sizes
Campbell Soup Company	Diet V8 Splash	3g carbs, only 10 calories per serving
Coca-Cola Company	Minute Maid Light Fruit Drinks	5 calories per serving
Coca-Cola Company	Minute Maid Light Orange Juice	50% less calories & sugar than orange juice
ConAgra	Chef Boy-ardee	Calorie information on PDP
ConAgra	Healthy Choice	Fat & calorie information
ConAgra	Orville Redenbacher's Butter Light	50% less fat & 25% fewer calories than regular butter microwave popcorn
Dannon Company, Inc.	Dannon Light n' Fit	90 Calories per cup (6 oz serving)
Dannon Company, Inc.	Dannon Light n' Fit Smoothies	80 Calories 45% less calories than other dairy based smoothies
Del Monte	Lite Chunky Mixed Fruit	1/3 less calories than chunky mixed fruit in heavy syrup
The Dial Corporation	Armour Lite	50% less fat & 40% fewer calories than regular vienna sausage
Dreyer's Grand Ice Cream, Inc	Edy's Slow Churned-Light	1/2 the fat, 1/3 fewer calories than regular ice cream
Dreyer's Grand Ice Cream, Inc	Edy's Grand- Light	1/2 the fat, 30% less calories than regular ice cream
General Mills	Betty Crocker Fruit Shapes	80 calories/pouch
General Mills	Betty Crocker Fruit Roll Ups	50 calories/roll
General Mills	Betty Crocker Light Butter Popcorn	20% fewer calories than regular microwave popcorn
General Mills	Betty Crocker Pop Secret Popcorn	100 calorie popcorn
General Mills	Fiber One	60 calories per serving
General Mills	Green Giant	Most Boil in the Bag and Big Sauce Bag vegetables have calories/serving on PDP
General Mills	Haagen-Dazs- Light	50% less fat and 16% fewer calories than regular ice cream
General Mills	Pillsbury Flaky Layer Biscuit	55 calories per biscuit
General Mills	Pillsbury Sugar-free cookies	25% fewer calories
General Mills	Progresso Soup	22 soups have calories per serving claim on PDP
General Mills	Whole Grain Total	100 calories per serving
General Mills	Yoplait Lite	1/3 fewer calories than regular low fat yogurt
H.J. Heinz Company	Smart Ones	Fat & calorie information

Parent Company	Brand	Information on the Principal Display Panel
Hormel Foods Company	Spam Lite	50% less fat, 33% fewer calories, and 25% less sodium than spam classic
The J.M. Smucker Company	Smuckers Low Sugar	50% less carbs, sugar & calories than regular jelly
Johnson & Johnson	Benecol Light	1/3 the fat & calories
Johnson & Johnson	Splenda	The no calorie sweetener
Kellogg's	Right Bites	100 calorie packs
Kraft Foods	Crystal Light	Only 5 calories per serving ,Sugar Free, 90% Fewer Calories Than Leading Soft Drinks
Kraft Foods	Jello Sugar Free Gelatin Cups	Low Calorie, 10 Calories Per Snack
Kraft Foods	Jello Sugar Free Pudding Cups	Reduced Calorie, 45% Fewer Calories Than Regular Pudding, 60 Calories Per Snack
Kraft Foods	Jello Sundae Toppers Pudding Cups	110 Calories Per Snack
Kraft Foods	Kool-Aid Jammers 10	Only 10 Calories
Kraft Foods	Kraft 2% Singles	45% less Fat and Double the Calcium of Process Cheese Food
Kraft Foods	Knudsen Light Sour Cream	45% Fewer Calories than Sour Cream
Kraft Foods	Light Done Right!	50% Less Fat, 33% Fewer Calories Than Regular Dressing
Kraft Foods	Light n' Lively Cottage Cheese	30% fewer calories than regular cottage cheese
Kraft Foods	Miracle Whip Light	50% less fat & 30% fewer calories than Miracle Whip Dressing
Kraft Foods	Nabisco 100 Calories Packs	100 Calorie Pack
Kraft Foods	Oscar Mayer Light Bologna	50% less fat & 1/3 fewer calories than the leading Bologna
Kraft Foods	Philadelphia Light Cream Cheese	50% less fat & 33% fewer calories than regular cream cheese
Kraft Foods	SBD Light Pasteurized Spreadable Cheese Wedges	60% less fat and 30% fewer calories than regular pasteurized spreadable cheese
Kraft Foods	South Beach Diet Bars	110 Calories, 10g Protein
Kraft Foods	South Beach Diet Cereal	210 Calories, 8g Fiber
Kraft Foods	Sugar Free Kool-Aid	5 calories per serving, Low Calorie
Kraft Foods	Tombstone Light Veggie Pizza	25% Fewer Calories than frozen pizza without meat toppings; 220 Calories per Serving
Kraft Foods	Velveeta Light	50% Less Fat and 25% Fewer Calories than Velveeta Cheese Product
Merisant Company	Equal Sugar Lite	1/2 the carbs and calories of sugar
Nestle	Lean Pockets	Calories per serving
Nestle	Stouffers Lean Cuisine	Fat & calorie information
Ocean-Spray Cranberries, Inc	Diet Juice & Tea	3g carbs 10 calories per serving

Parent Company	Brand	Information on the Principal Display Panel
Ocean-Spray Cranberries, Inc	Light varieties	3/4 less calories and carbs
PepsiCo, Inc	Aunt Jemima Lite	50% fewer calories
PepsiCo, Inc	Doritos Light	1/3 fewer calories than regular tortilla chips
PepsiCo, Inc	Lays Light	1/2 the calories of regular potato chips
PepsiCo, Inc	Lays BBQ Light	1/2 the calories of regular potato chips
PepsiCo, Inc	Pepsi One	1 Calorie
PepsiCo, Inc	Ruffles Light	1/2 the calories of regular potato chips
PepsiCo, Inc	Tostitos Light	1/3 fewer calories than regular tortilla chips
PepsiCo, Inc	Tropicana Essentials- Light n' Healthy	1/2 less sugar and calories
Procter & Gamble	Pringles	100 Calorie Pack
Procter & Gamble	Pringles Fat Free	50% less calories than regular potato chips
Sara Lee	Ball Park Lite Franks	50% less fat 1/3 less calories than USDA data for a regular frank
Unilever	Breyers Light	Half the fat & 25% less calories than regular ice cream
Unilever	Breyers Sugar Smart	Fat & calories per serving
Unilever	Breyers Heart Smart	Fat & calories per serving
Unilever	Ben & Jerry's-Body & Soul	25% less fat, sugar & calories
Unilever	Country Crock Light	50% less fat and calories than margarine
Unilever	Hellmann's Light	1/2 the calories & fat of mayonnaise
Unilever	I Can't Believe It's Not Butter Light	50% less fat & calories than margarine
Unilever	Wish-Bone Ranch Light	33% fewer calories & 50% less fat than regular dressing
Welch's	Light Grape Juice Cocktail	1/2 the calories of grape juice

APPENDIX D

Example A

NFP for Single Serving Container

Nutrition Facts	
Servings Per Container 2	
Calories Per Container 400	
Serving Size 1 cup (240 mL)*	
Amount Per Serving	%Daily Value**
Calories 200	
Total Fat 5 g	8%
Saturated Fat 3g	15%
<i>Trans Fat 0 g</i>	
Cholesterol 15mg	6%
Sodium 150 mg	6%
Total Carbohydrate 32g	11%
Dietary Fiber <1g	3%
Sugars 30 g	
Protein 8 g	
Vitamin A 10% • Vitamin C 2%	
Calcium 40% • Iron 2%	
<small>*For a 2,000 calorie diet, you've consumed 1 cup of the suggested 3 cup equivalents from the Dairy group. For more personalized nutrition information go to www.MyPyramid.gov.</small>	
<small>**Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.</small>	

Example B

NFP for Single Serving Container Dual Column format

Nutrition Facts		
Serving Size 8 fl oz (240mL)		
Servings Per Container about 2		
Amount Per Serving	8 fl oz	1 bottle
Calories	110	230
	% Daily Value**	
Total Fat 0g*	0%	0%
Sodium 20mg	1%	2%
Total Carb. 30g	10%	20%
Sugars 30g		
Protein 0g		
<small>* Amount and % Daily Values are based on a diet providing other nutrients. Daily Values are: Total Fat, 40mg Sodium, 65g Total Carbohydrate, 30g Sugars, 0g Protein.</small>		
<small>**Percent Daily Values are based on a diet providing other nutrients.</small>		