

3/11/04 j/b

MEMORANDUM OF MEETING

Date: December 15, 2003

Participants: *Kraft Foods/Hogan & Hartson:* Ann Boeckman, Mary Sue Harnett, Gary J. Kushner, Sherry Marcouiller, Katy Raneri, Dan Steffen, J. Edward Thompson, and Brian Folkerts

FDA: Chris Taylor, Virginia Wilkening, Shellee Anderson, Paula Trumbo, Geraldine June, and Ritu Nalubola from ONPLDS; Gloria Overholser and Heather Bañuelos from OCC

USDA/FSIS: Robert Post, Rosalyn Murphy-Jenkins, William Jones, and Sally Jones

Venue: FDA, Center for Food Safety and Applied Nutrition
5100 Paint Branch Parkway
Room 3B-047
College Park, MD 20740

Re: Kraft petition on nutrient content claims for carbohydrate content of foods

Background:

On December 2, 2003, Kraft Foods North America, Inc. submitted to ONPLDS a petition to seek approval of nutrient content claims characterizing the level of carbohydrate in food, including "carbohydrate free," "low carbohydrate," "reduced carbohydrate," "less carbohydrate," "excellent source of carbohydrate," and "good source of carbohydrate." FDA has not yet issued a final decision to deny the petition or file it for further consideration.

Summary of discussions:

Kraft provided an overview of their petition, including 1) examples of carbohydrate claims on food labels in the marketplace; 2) Kraft's consumer research, which suggests that while consumers are interested in limiting carbohydrate intake, they lack knowledge about appropriate carbohydrate consumption in the context of the total daily diet; and 3) a summary of the scientific and regulatory bases for the proposed definitions of "free," "low," "reduced," "less," "excellent source," and "good source" claims for carbohydrate content of foods.

FDA stated that the petition is currently under review within the agency. FDA requested more information about Kraft's consumer survey that is referenced in the petition. In response to a question from Kraft, FDA indicated that it is possible that FDA would conduct its own consumer research during its review of the petition.

In light of the current inconsistent uses of carbohydrate claims in the marketplace, Kraft expressed an urgent need for FDA guidance on this issue. Kraft requested that the agency

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consider publishing an interim final rule rather than a proposed rule to expedite the rulemaking process. FDA responded that it will consider Kraft's request, but recognized that public comment prior to issuing a regulation may be more beneficial for the requested claims.