July 27, 2014

TO: FDA

FROM: Marion Nestle, Professor of Nutrition, Food Studies and Public Health, New York University

RE: Comments: food label Docket No. FDA-2012-N-1210

I have already commented separately on Added Sugars and on Vitamin D. Here, I comment on the other requests for comments.

In addition to those specific FDA requests, I would like to suggest:

1. Stop allowing euphemisms for sugars in ingredient lists. All added sugars, regardless of source, should be listed as “Sugars.”

2. However the new label comes out, it should be accompanied by a major public education campaign focused on calories, serving sizes, and relating food label information to recommendations.

3. FDA should immediately develop guidelines for front-of-package labels based on the new label and on the reports of the Institute of Medicine.

**(1) We invite comment on our use of the most recent consensus reports and whether the information and data on which FDA relies from such reports for proposed changes is consistent with current scientific information, the factors for considering mandatory and voluntary declaration of non-statutory nutrients, and whether there is an appropriate alternative analysis to application of these factors regarding (a) no longer permitting mandatory declaration (i.e., vitamins A and C);**

Mandatory labeling of specific vitamins is unnecessary and encourages overfortification.

**(b) requiring the declaration of a nutrient that is currently voluntary (e.g., vitamin D),**

I filed a separate comment in opposition to this proposal.

**and; (c) continuing the voluntary labeling of macronutrients (e.g., monounsaturated and polyunsaturated fats);**

Labeling of saturated fat should be continued. Others are unnecessary.

**(2) We invite comment on the tentative conclusion to no longer permit the declaration of “Calories from fat” on the Nutrition Facts label and on the tentative conclusion not to establish a DRV for calories and include a percent DV for the declaration of calories, which are discussed in section II.A;**

Disagree. FDA should most definitely establish a DRV for calories and include a percent DV. This is an important step in public education about the relation of portion size to calorie intake.

**(3) In section II.B., we addressed various issues related to the declaration of total fat and related nutrients. We invite comment on the proposed definition of fatty acids, as well as on our tentative conclusion that acetic, propionic, and butyric acids should not be excluded from the definition of total fat;**

OK

**(4) We invite comment on various issues related to the declaration of carbohydrates and related nutrients, which are discussed in section II.D.: (a) With respect to added sugars, we request comments on our tentative conclusions and proposed provisions for mandatory declaration of added sugars, the placement of this information as double indented line below total sugars, and means to verify compliance. We also invite comment, including the submission of available research, on whether calories from added sugars should be declared on the Nutrition Facts label in lieu of a gram declaration of added sugars to aid consumers in maintaining healthy dietary practices**.

I addressed these issues in a separate submission. I favor including Added Sugars and a DV of 10 percent of calories.

**We also invite comment on products that are subjected to non-enzymatic browning reactions and fermentation, and the amount of variability that occurs among various types of products where added sugars are transformed into other compounds as a result of chemical reactions during food processing;**

Food companies know how much sugar they add to products so labeling Added Sugars raises no logistical problems. It is not necessary to deal with the effects of browning reactions on food labels.

**(b) with respect to dietary fiber, we invite comment on the proposed definition of dietary fiber and retaining the term “dietary fiber.” We invite comment, including the submission of information on consumer understanding of the term “dietary fiber” relative to other relevant terms;**

“Dietary fiber” is acceptable.

**and (c) we are proposing to eliminate the provision for voluntary declaration of “Other carbohydrate” on the Nutrition Facts label, and tentatively conclude that the proposed amendment is unlikely to have a significant impact on industry or consumers. We invite comment on this issue, including the submission of any other data or factual information that we should consider in making a final determination.**

Agree with proposal. “Other carbohydrate” is unnecessary.

**(5) We invite comment on our tentative conclusions related to sodium discussed in section II.G., including the proposed DRV. In particular, we invite comment on: (a) The rationale for the proposed DRV of 2,300 for sodium; (b) whether a RDI of 1,500j mg would be more appropriate and why, and; (c) alternative approaches for selecting a DV for sodium and their public health basis for these approaches. We are also interested in comment, including data and factual information on consumer understanding, interpretation, and use of the percent DV of sodium declared on food labels, and the understanding and potential influences of a DV that reflects an RDI based on an AI (an intake level to not consume less of), instead of a DRV based on a UL (an intake level not to exceed);**

The 2,300 mg standard is appropriate for sodium. It represents a substantial decrease from average intake levels.

(6) In section II.H., we are proposing to: (a) Retain mandatory declaration of calcium and iron; (b) provide for voluntary declaration of vitamins A and C; (c) require the declaration of potassium and vitamin D; and (d) retain voluntary declaration of several other vitamins and minerals….

I am opposed to any declaration of specific vitamins or minerals on food labels, with the exception of sodium and potassium. All vitamins and minerals are required in the diet. Singling out a few encourages unnecessary fortification and overconsumption. Labeling potassium, however, would encourage food manufacturers to reduce sodium addition to achieve a better balance.

**(7) In section II.I., we are proposing to use population-coverage RDAs, when available, or AIs as the basis for establishing RDIs. We invite comment on our analysis and rationale, including available data and information related to our analysis, and any available data on what role, if any, the basis of the DV (EAR or RDA) has on consumption of nutrients above the UL and in discretionary fortification of foods; we request comment on lowering the RDI of B 12 to 2.4 μg.**

Agree with FDA analysis and rationale.

**(8) In section II.I.6, whether quantitative amounts for nutrients with RDI values that contain three or four digits should be rounded, what the rounding increments should be, and data to support suggested rounding increments for such vitamins and minerals.**

Most definitely use round numbers. They are easier to understand.

**(9) We invite comment on issues related to units of measure, nomenclature, and analytical methods, which are discussed in section II.J.;**

Whether units are given in IU or mcg doesn’t matter—nobody understands them anyway--as long as the percent DV makes the proportion clear.

**(10) We invite comment on issues related to nutrition labeling for foods represented or purported to be specifically for infants 7 through 12 months of age, children 1 through 3 years of age, and pregnant and lactating women, which are addressed in section II.K….**

This seems unnecessarily complicated.

**(c) our tentative conclusion that declaration of added sugars should be mandatory on foods represented or purported to be specifically for infants 7 through 12 months of age, children 1 through 3 years of age,**

I strongly favor this proposal. Sugar is used as a means to attract children to eat foods and this practice should be discouraged.

**and pregnant and lactating women;**

No special labeling is required for pregnant women.

**and (d) adequacy of the proposed RDIs for vitamins and minerals for older infants and children 1 through 3 years of age.**

No comment

**(11) We invite comment, including available data and other information on the reformulation of dietary supplement products that may result from proposed changes to the DVs, as well as information on the potential consequences of such reformulations;**

No comment

**(12) We invite comment on whether we should consider changes to the footnote statement “Percent Daily Values are based on a 2,000 calorie diet” used on dietary supplement labels to be consistent with any changes to the footnote statement in the Nutrition Facts label.**

It’s fine as is. Calorie intakes vary widely in the population and this is a reasonable ballpark figure based on dietary intake surveys. These, of course, underestimate actual calorie intake but it’s difficult to know whether changing the standard to the more accurate 2,300 for women and 3,000 for men (based on doubly-labeled water studies) would do more good than harm

**(13) We invite comment on (a) including the use of an alternative format design or requiring the use of a specific font;**

I strongly favor the alternative design. It clarifies which Daily Values are floors (“eat more”) and which are meant as upper limits (“eat less”). Otherwise, these are easily confused.



**(b) our tentative conclusion that emphasizing both the number of calories per serving and the number of servings per container will serve as an anchor to highlight this information and grab the reader's attention, and therefore will assist consumers to effectively use this information in the Nutrition Facts label;**

Agreed

**(c) whether any of the changes that are being proposed to the Nutrition Facts label should also be required for certain products with Supplement Facts labels that list calories and/or other macronutrients, and if so, under what conditions and for which dietary supplement products should such labeling be required;**

Agreed

**(d) our tentative view that there is no need to propose changing the order of how serving size and servings per container are listed on the Supplement Facts label…**

Agreed or no comment