November 1, 2017

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

Re: Docket No. FDA-2012-N-1210
Food Labeling: Revision of the Nutrition and Supplement Facts Labels and Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments; Proposed Extension of Compliance Dates

The Center for Science in the Public Interest strongly opposes any delay of the updated Nutrition Facts label regulations and requests that the FDA rescind the proposed 1½-year delay of the compliance dates.

CSPI is a non-profit consumer education and advocacy organization that since 1971 has been working to improve the public’s health through better nutrition and food safety policies. CSPI’s work is supported primarily by the 500,000 subscribers to its Nutrition Action Healthletter, the nation’s largest-circulation health newsletter. CSPI is an independent organization that does not accept any government or corporate funding.

In May 2016, the FDA announced that it had finalized its long-awaited rule for the updated labels. This revision represents the first comprehensive overhaul of the Nutrition Facts label since its appearance on packaged foods in 1994. The updated Nutrition Facts labels are easier for consumers to understand and use, and also provide critical information that consumers need to make healthy food choices, including a line for added sugars, more-prominent disclosure of calorie content, more-accurate serving sizes, updated percent Daily Values (DV's), and new, required disclosures of nutrients of public health concern. The proposed delay would mean that the label would go 27 years without a major update for all the affected products. Consumers should not have to wait an additional 1½ years to have access to this important information.

This delay is not needed to assist the food industry—indeed, the delay creates uncertainty, disruption, and competitive hurdles for many companies. In fact, major food companies welcomed the updated Nutrition Facts label. Mars, Inc., announced its “full support for the inclusion of an 'added sugars' declaration and the daily value for added sugar,” noting its commitment to “[help] progress transparency and consumer understanding of critical nutrition information.” Nestlé USA president of corporate affairs Paul Bakus stated, “Nestlé applauds the FDA for taking these bold steps that will help consumers make more informed choices in the grocery aisle.” Since the announcement of the updated label, several large companies—including Mars, Inc., Panera Bread, Campbell's, the Hershey Co., and KIND—have publicly committed to meeting the original compliance date of July 2018. And an estimated 8,000 updated labels are already on products in stores.
This is consistent with the history of industry compliance the last time such a change was required: the food industry was able to meet the FDA's deadline for implementing the first Nutrition Facts labeling regulations in 1994, even though the compliance date was less than 18 months after the final rules were published. And those rules were the first ever to require the label.\(^5\)

Finally, the public health urgency of keeping to the original compliance dates is underlined by the recent release of new national obesity data from the Centers for Disease Control and Prevention (CDC) showing unacceptably high and rising obesity prevalence. The CDC reported all-time highs for these rates, with almost 40 percent of adult Americans having obesity. What's more, almost 19 percent of youth have obesity.\(^6\) These new data also underscore the health inequity of the obesity epidemic, with CDC reporting that the “overall prevalence of obesity was higher among non-Hispanic black and Hispanic adults than among non-Hispanic white and non-Hispanic Asian adults.”\(^7\) The obesity epidemic is only worsening, as seen by the trend data from the CDC:

![Figure 1. Trends in obesity prevalence among adults aged 20 and over (age adjusted) and youth aged 2–19 years, United States, 1999–2000 through 2015–2016.](image-url)

Note that this obesity data does not include the additional one out of three adults and one out of six children and teens who are overweight,\(^8,9\) a condition that is also associated with a higher risk of disease. According to the CDC, 70.7 percent of adults and 33.4 percent of children and teens were overweight or obese in 2014.\(^10,11\) Clearly, this is not the time to delay implementing a critical public health intervention that could help stanch the obesity epidemic.

Therefore, CSPI urges FDA to rescind the proposed delay to the Nutrition Facts label compliance dates, and instead to move forward by implementing the regulations with the original timeline. In May, more than 40 scientists and researchers wrote to then-Secretary Price and
Commissioner Gottlieb, urging that the compliance date not be delayed (see Appendix 1). Also, in May, 11 health departments from the Big Cities Health Coalition wrote the Secretary and Commissioner opposing a delay, indicating that the updated labels were critical tools in helping them protect the health of their communities (see Appendix 1). In June, 29 public health organizations made the same request, citing the public health importance of the updated label (see Appendix 1).

Specifically, CSPI opposes the proposed delay for the following reasons:

1) **Updating the Nutrition Facts label is already long overdue.**

In November 2005, then-FDA Deputy Commissioner for Medical and Scientific Affairs Scott Gottlieb, MD, spoke to the Grocery Manufacturers of America about labeling steps the FDA was taking at that time, including the general need for updating the Nutrition Facts label to reflect advances in scientific understanding of the role of nutrition in health. In his remarks, Gottlieb said:

> Taken together, all of these efforts represent a significant update to the food label based on science that has been developed in recent years, and it represents a major opportunity to re-educate consumers about the food label, and the impact of diet on their health.

> This kind of guidance for individual food shoppers is increasingly important, and we need to take advantage of the opportunity to engage consumers in the health impact of their diets and the choices they make in the grocery store.

As noted in the preamble to the 2016 final rule for the Nutrition Facts update, the FDA issued three advance notices of proposed rulemaking related to the label between 2003 and 2007. But it was not until 2014 that the FDA actually issued a proposed rule to update the Nutrition Facts label. In short, the need for updating the label has been evident for well over a decade. The issuance of the proposed rule, the supplemental provision on added sugars, and publication of the final rule in May 2016 has been quite expeditious, and that sense of urgency should continue to pervade the FDA’s approach to compliance, especially given the emerging public health need cited above with the new CDC data above, as well as the 2015 *Dietary Guidelines for Americans*.

2) **An example of public health harm from delaying compliance: Consumers cannot follow the 2015 *Dietary Guidelines for Americans*’ advice on added sugars or potassium without the updated Nutrition Facts label’s mandatory disclosures.**

The current Nutrition Facts label does not disclose the amount of added sugars in foods, yet that information is crucial to help consumers comply with the *Dietary Guidelines for Americans*’ recommendation to limit daily added-sugars consumption to less than 10 percent of calories (e.g., 50 grams in a 2,000-calorie diet). Even if consumers could recognize all the forms of added sugar listed in the ingredient label—such as fructose, maltose, sucrose, honey, evaporated cane juice, and concentrated fruit juice—they could not possibly estimate the added sugars in a food.

Declaration of added sugars on the Nutrition Facts label is of great public health importance, especially given that two out of three adults and one out of three children have overweight or
obesity, one out of three adults have prediabetes, and as many as one out of three adults could have diabetes by 2050. It is particularly important to differentiate naturally occurring from added sugars—as the updated Nutrition Facts label will do—because people should be consuming more foods that contain naturally occurring sugars, such as fruit and low-fat dairy products, which are part of a healthy eating pattern.

But until the updated Nutrition Facts label is used consistently across the marketplace, consumers cannot follow advice from federal or other public health authorities to limit consumption of added sugars.

Current consumption levels of added sugars can lead to serious health problems. Strong evidence shows that consuming sugar-sweetened beverages—the largest source of added sugars in Americans’ diets—leads to weight gain. A systematic review commissioned by the World Health Organization (WHO) concluded that “intake of free sugars or sugar sweetened beverages is a determinant of body weight.” The 2015 Dietary Guidelines Advisory Committee found “strong” evidence that added sugars from foods and/or beverages are associated with “excess body weight in children and adults” and with the “risk of type 2 diabetes among adults.” Furthermore, added sugars are associated with an increased risk of dying of CVD and an increased risk of high blood pressure, high LDL cholesterol, and high triglyceride levels, and sugar-sweetened beverages are associated with an increased risk of CVD, metabolic syndrome, gout, and dental caries.

Additionally, the mandatory declaration of potassium on Nutrition Facts labels is a critical public health need that will go unmet until the updated label is in the marketplace. The 2010 DGA, the then-Institute of Medicine, and the 2015 Dietary Guidelines Advisory Committee have highlighted the role of potassium in lowering blood pressure by blunting the adverse effects of sodium. According to NHANES 2003–2006, only about 2 percent of the general population has potassium intakes above the Adequate Intake of 4,700 mg from foods or from foods plus supplements. However, some people with certain medical conditions, such as diabetes, or those taking medications that can impair potassium excretion, such as ACE inhibitors, angiotensin receptor blockers, and potassium-sparing diuretics, may need to avoid consuming too much potassium because of potential adverse cardiac effects (arrhythmias).

Without a declaration of potassium on the Nutrition Facts label, individuals cannot comply with medical advice on potassium.

A delay keeps consumers from benefiting from the updated Nutrition Facts label’s refreshed design, including the larger and bolder type size for key information and clearer labeling of the nutrient content of a single-serving container.

Prominent labeling of calories and serving sizes is critical for the two-thirds of adults and one-third of youth who have overweight or obesity, and for millions of normal-weight Americans who want to avoid weight gain. While calorie information has been included on the Nutrition Facts label since its inception, it has not been sufficiently prominent. Instead, calorie content is shown in the same type size as the levels of cholesterol, sodium, and several other nutrients. Information on calories is particularly important considering the prevalence of obesity and the resulting diseases, disabilities, and costs.

Delaying the updated Nutrition Facts label will also deny consumers timely access to nutrient information based on the container size for items that could reasonably be consumed in one
sitting. For those products containing less than 200 percent of the Reference Amount Customarily Consumed (RACC), the updated Nutrition Facts label will disclose calorie and other nutrient content per container.

For instance, some large beverage companies already voluntarily label 20-ounce bottled drinks as one serving, but many soft drinks, sports drinks, microwaveable soup bowls, single-serving bags of chips, and other foods label each container as containing multiple servings. The proposed delay will also postpone implementation of dual-column labeling, which will also present calorie and nutrient disclosures per container for packages that contain 200 to 300 percent of the RACC. Critically, this update would allow consumers who are monitoring their sodium intake, for example, to see the sodium content of an entire 19 oz. can of soup.

![Campbell's soup and Bolthouse Farms fruit smoothie labels with new Nutrition Facts](image)

**Figure 2–5. Examples of packages that contain less than 200% of the RACC: While the 15.4-ounce Campbell's soup on the left could be consumed in one sitting, its current label (not the updated label) includes nutrition information for two servings per container. Similarly, the Bolthouse Farms fruit smoothie includes nutrition information for two servings per container. With the updated Nutrition Facts label, both of these products will feature nutrition facts for the entire container.**

4) The evidence that the original compliance date was fair and adequate is clear. Many major food companies have already begun using the updated label or have committed to meeting the original July 2018 compliance date.

According to Label Insight, a firm that tracks food labeling, an estimated 8,000 products already carry the new label. CSP has also informally tracked the updated Nutrition Facts label and has

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1 Both of the brands shown are owned by Campbell, which has committed to implementing the updated Nutrition Facts label by the original 2018 compliance date regardless of agency delay.
found that dozens of companies are already using the updated label (see Appendix 2). Major companies have publicly committed to meet the original July 2018 compliance date, including:

- **Campbell:** “Campbell also plans to comply with the Food and Drug Administration’s new nutrition facts panel by the original July 2018 deadline, even though the timetable was recently delayed by the agency.”

- **The Hershey Company:** “Hershey will be moving ahead with rolling it out on its products during the rest of this year and in 2018...The company plans to start the process in the autumn with products such as Hershey’s Kisses milk chocolates among the first to hit the shelves with the new packaging. All new products will also launch with the new labelling.”

- **KIND:** “KIND believes it’s important to provide consumers with the information they need to make the most informed food choices. That is why last year we began updating our labels...,” Justin Mervis, the senior vice president and general counsel, said in a written statement. ‘We anticipate completing our label updates by Spring 2018 despite any delays to the compliance date for the Nutrition Facts Label Final Rules.”

- **Mars, Inc.:** “The Nutrition Facts panel, which is much more consumer friendly in terms of pointing towards the overall calories consumed and having...added sugar labeling,” should be rapidly implemented, [Matthais Berninger, corporate staff officer, public affairs at Mars, Inc.,] said. ‘We shouldn’t postpone it.”

- **Panera Bread:** “We've spent time and money calculating nutrition profiles, redesigning artwork and printing new labels based on FDA guidance. And although we have a complex supply chain in which we manage more than 300 suppliers at a time, we found the original, multi-year compliance timeframe to be achievable.”

PepsiCo's Naked Juice is one of the brands that is already carrying the updated label. As part of a settlement to end litigation brought by CPSI on behalf of plaintiffs over alleged deceptive advertising, PepsiCo transitioned to the new label over a five-month period (between February and July 2017).

5) **Delaying the compliance date for the updated Nutrition Facts label creates a confusing and unfair hodgepodge of different labels in the marketplace.**

As described above, many food and beverage companies are already using the updated Nutrition Facts label on their products, and more will do so. However, an inconsistent application of the updated Nutrition Facts label in the marketplace—which will be exacerbated by the proposed delay in the compliance date—makes it difficult to compare products that feature the updated label with products that do not.

For instance, while two products may contain comparable levels of added sugars, a product without the updated label may appear to contain no added sugars when compared to a product with the updated label that includes a line for added sugars (see Figure 6). Similarly, the updated label features new DVs for total fat, total carbohydrate, dietary fiber, sodium, potassium, calcium, and vitamin D. Therefore, when comparing the DVs between products with the current label and products with the updated label, the percentages are different despite the same absolute amount (see Figure 7). This is further complicated by the lack of absolute amounts of vitamins and minerals on the previous label. The updated label also includes updated serving sizes that are more reflective of what people actually eat today. Therefore,
products with the updated label may feature different serving sizes than products with the current label, making it very difficult to compare products (see Figure 8).

**Figure 6. Example of inconsistent use of the line for added sugars: two different brands of Peaches in Extra Light Syrup. The Nutrition Facts label on the left does not disclose added sugars, while the updated Nutrition Facts label on the right does. Both list ingredients as ‘peaches, water, sugar.’**

**Figure 7. Example of inconsistent DVs: two different brands of thin wheat crackers. The Nutrition Facts label on the left indicates that a 31-gram serving of crackers contains 5 grams of total fat, or 8 percent of the DV, while the updated Nutrition Facts label on the right indicates that a 31-gram serving of crackers contains 5 grams of total fat, or 6 percent of the DV.**

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**Nutrition Facts**

**Serving Size 1/2 cup (124g) Servings Per Container 24**

<table>
<thead>
<tr>
<th>Amount Per Serving</th>
<th>Calories 60</th>
<th>Calories from Fat 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fat 0g</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Saturated Fat 0g</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Trans Fat 0g</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Cholesterol 0mg</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Sodium 10mg</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Total Carbohydrate 15g</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Dietary Fiber 1g</td>
<td>4%</td>
<td>4%</td>
</tr>
<tr>
<td>Sugars 14g</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Protein 0g</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Vitamin A 0% • Vitamin C 0% • Calcium 0% • Iron 0%**

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

<table>
<thead>
<tr>
<th>Calories</th>
<th>Total Fat</th>
<th>Saturated Fat</th>
<th>Trans Fat</th>
<th>Cholesterol</th>
<th>Sodium</th>
<th>Total Carbohydrate</th>
<th>Dietary Fiber</th>
<th>Sugars</th>
<th>Protein</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Less than 16g</td>
<td>Less than 8g</td>
<td>Less than 2g</td>
<td>Less than 1mg</td>
<td>Less than 240mg</td>
<td>3,500mg</td>
<td>35g</td>
<td>30g</td>
<td></td>
</tr>
<tr>
<td>Less than 2,400mg</td>
<td>3,500mg</td>
<td>3,500mg</td>
<td>3,500mg</td>
<td>3,500mg</td>
<td>3,500mg</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total Carbohydrate</td>
<td>15g</td>
<td>15g</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dietary Fiber</td>
<td>1g</td>
<td>1g</td>
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<tr>
<td>Sugars</td>
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<td></td>
</tr>
</tbody>
</table>

**Vitamin D 0% • Calcium 0% • Iron 0% • Potassium 0%**

*In a daily diet of 2,000 calories, foods provide food contribute to a daily diet of 2,000 calories a day is used for general nutrition advice.*

**Nutrition Facts**

**Serving Size 1/2 cup (124g)**

<table>
<thead>
<tr>
<th>Amount per serving</th>
<th>Calories 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fat 0g</td>
<td>0%</td>
</tr>
<tr>
<td>Saturated Fat 0g</td>
<td>0%</td>
</tr>
<tr>
<td>Trans Fat 0g</td>
<td>0%</td>
</tr>
<tr>
<td>Cholesterol 0mg</td>
<td>0%</td>
</tr>
<tr>
<td>Sodium 0mg</td>
<td>0%</td>
</tr>
<tr>
<td>Total Carbohydrate 16g</td>
<td>6%</td>
</tr>
<tr>
<td>Dietary Fiber 1g</td>
<td>4%</td>
</tr>
<tr>
<td>Sugars 15g</td>
<td>0%</td>
</tr>
<tr>
<td>Protein 1g</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Vitamin D 0mg • Calcium 0mg • Iron 0mg • Potassium 0mg**

*In a daily diet of 2,000 calories, foods provide food contribute to a daily diet of 2,000 calories a day is used for general nutrition advice.*

**Nutrition Facts**

**Serving Size 16 crackers (31g) Servings Per Container about 9**

<table>
<thead>
<tr>
<th>Amount Per Serving</th>
<th>Calories 140</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fat 5g</td>
<td>6%</td>
</tr>
<tr>
<td>Saturated Fat 1g</td>
<td>5%</td>
</tr>
<tr>
<td>Trans Fat 0g</td>
<td>0%</td>
</tr>
<tr>
<td>Cholesterol 0mg</td>
<td>0%</td>
</tr>
<tr>
<td>Sodium 230mg</td>
<td>10%</td>
</tr>
<tr>
<td>Total Carbohydrate 22g</td>
<td>7%</td>
</tr>
<tr>
<td>Dietary Fiber 2g</td>
<td>8%</td>
</tr>
<tr>
<td>Sugars 4g</td>
<td>8%</td>
</tr>
<tr>
<td>Protein 2g</td>
<td>2%</td>
</tr>
</tbody>
</table>

**Vitamin A 0% • Vitamin C 0% • Calcium 0% • Iron 0%**

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

<table>
<thead>
<tr>
<th>Calories</th>
<th>Total Fat</th>
<th>Saturated Fat</th>
<th>Trans Fat</th>
<th>Cholesterol</th>
<th>Sodium</th>
<th>Total Carbohydrate</th>
<th>Dietary Fiber</th>
<th>Sugars</th>
<th>Protein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 65g</td>
<td>Less than 16g</td>
<td>Less than 8g</td>
<td>Less than 2g</td>
<td>Less than 1mg</td>
<td>Less than 240mg</td>
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<td>Less than 2,400mg</td>
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<td>Total Carbohydrate</td>
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<td>Dietary Fiber</td>
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<td>Sugars</td>
<td>14g</td>
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</tbody>
</table>

**Vitamin D 0mg • Calcium 0mg • Iron 0mg • Potassium 0mg**

*In a daily diet of 2,000 calories, foods provide food contribute to a daily diet of 2,000 calories a day is used for general nutrition advice.*
Figure 8. Example of inconsistent serving sizes: two different brands of chocolate ice cream. The Nutrition Facts label on the left lists the serving size as ½ cup, while the updated Nutrition Facts label on the right lists the serving size as ⅔ cup. While the ice cream on the left contains 340 calories per cup and the ice cream on the right contains 320 calories per cup, some consumers may mistakenly assume that the ice cream on the left has fewer calories.

The updated Nutrition Facts label will provide information consumers need to select healthier foods for themselves and their families. Indeed, the delay provides a counterproductive incentive for laggards to remain non-compliant until the deadline, as they reap benefits from consumer confusion and damage public health and transparency objectives.

6) The FDA should issue guidance expeditiously and can provide enforcement discretion to provide flexibility for compliance while maintaining the original timeline.

A primary reason offered by the FDA for the delay is the lack of final guidance that the agency needs to provide industry on issues such as added sugars and dietary fiber. Therefore, the most appropriate course of action is for the agency to commit to a timely and expeditious completion of this guidance. To accommodate industry, the agency can elect to exercise enforcement discretion in those instances where awaiting the guidance prevents companies from a timely compliance with the original deadlines.

In summary, we strongly urge the FDA not to delay the Nutrition Facts label original compliance dates of July 2018 for large companies and July 2019 for smaller companies, and to move forward with a timely implementation.
Sincerely,

Jim O’Hara  
Director of Health Promotion Policy

Angela Amico, MPH  
Policy Associate


5 58 FR 467 at 2070.


10 Centers for Disease Control and Prevention, 2014, op. cit.

11 Fryar et al, 2006, op. cit.


13 81 FR 103 at 33746.


15 Centers for Disease Control and Prevention, 2014, op. cit.


79 FR 11880 at 11925.


Centers for Disease Control and Prevention, 2014, op. cit.


February 24, 2017

The Honorable Thomas E. Price, MD
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Price:

As you are aware, the compliance date for the U.S. Food and Drug Administration’s rule for revising the Nutrition Facts Label is July 26, 2018. The public health importance of this measure and the need to maintain this date cannot be overstated. For the first time, Nutrition Facts will include a line— and a percent Daily Value—for added sugars. The 2015-2020 Dietary Guidelines for Americans concluded: “Added sugars account on average for almost 270 calories, or more than 13 percent of calories, per day in the U.S. population.” The Guidelines recommends that Americans limit their added-sugars consumption to less than 10 percent of calories. Critical to making this shift is giving consumers the information they need. Any delay in the compliance deadline deals a blow to the health of our nation, especially to vulnerable populations that disproportionately suffer from obesity, type 2 diabetes, cardiovascular disease, and tooth decay—chronic diseases associated with the overconsumption of added sugars.

Moreover, the food industry has had ample notice of this change and opportunity to be prepared. The proposed rule was published in March 2014, and the supplemental proposed rule to include the added-sugars line was published in July 2015. The final Nutrition Facts rule was announced May 20, 2016, and published in the Federal Register on May 27, 2016. In addition, manufacturers with annual food sales of less than $10 million have an additional year to make these changes. Finally, FDA coordinated its nutrition initiatives—the elimination of partially hydrogenated oils and the updates to the Nutrition Facts label—to all become effective in the summer of 2018 to lessen the burden on industry.

For all of these reasons, the undersigned groups and individuals ask for a commitment from the Department to maintain the compliance date of July 26, 2018, for the Nutrition Facts label.

Sincerely,

Academy of Nutrition and Dietetics
American Academy of Pediatrics
American Cancer Society Cancer Action Network
American Diabetes Association
American Heart Association
American Institute for Cancer Research
American Public Health Association
Association of State Public Health Nutritionists (ASPHN)
B. Komplete
Barbara J. Moore, PhD, FTOS
Center for Communications, Health and the Environment (CECHE)
Center for Science in the Public Interest
Consumers Union
Eat Smart, Move More South Carolina
Food Policy Action
Healthy Food America
Healthy School Food Maryland
Laurie M. Tisch Center for Food, Education & Policy, Teachers College Columbia University
National Association of County and City Health Officials (NACCHO)
Oldways
Public Health Advocates
Public Health Institute
Real Food for Kids
Real Food for Kids – Montgomery
Society for Nutrition Education and Behavior (SNEB) Board of Directors
The Praxis Project
Trust for America's Health
UConn Rudd Center for Food Policy & Obesity
Union of Concerned Scientists

CC:

The Honorable Stephen Ostroff, MD
Acting Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

The Honorable Michael L. Young
Acting Deputy Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Please address your response to:

Jim O'Hara
Director, Health Promotion Policy
Center for Science in the Public Interest
1220 L Street NW, Suite 300
Washington, D.C. 20005
johara@cspinet.org

May 18, 2017

The Honorable Tom Price, MD
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Scott Gottlieb, MD
Commissioner
Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Secretary Price and Commissioner Gottlieb:

We, the undersigned scientists and researchers, urge you not to delay the updated Nutrition Facts labels that would tell Americans how much added sugars are in their foods. Americans consume added sugars, especially sugar-sweetened beverages, in amounts that are linked to a higher risk of heart disease, type 2 diabetes, obesity, tooth decay, and nutrient-poor diets. The new Nutrition Facts labels would also tell consumers how much of a day’s worth of added sugars a serving of food contains. Without those labels, consumers cannot follow advice from the government’s own Dietary Guidelines for Americans, American Heart Association, World Health Organization, and other health authorities to cut back on added sugars. To protect the public’s health, we ask for your commitment to maintain the July 2018 compliance deadline for major food companies and the July 2019 deadline for smaller ones.

Sincerely,

Sharon R. Akabas, PhD, MS
Director
Associate Director for Educational Initiatives
Columbia University
Institute of Human Nutrition

Adam B. Becker, PhD, MPH
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Associate Professor, Pediatrics and Preventive Medicine, Northwestern University Feinberg School of Medicine

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Please reply via Abby Dilk, Center for Science in the Public Interest, adilk@cspinet.org
May 31, 2017

The Honorable Thomas E. Price, MD
Secretary U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

The Honorable Scott Gottlieb, MD
Commissioner Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

To whom it may concern,

We, the undersigned local health departments, write to urge the United States Food and Drug Administration (FDA) to maintain the current July 2018 compliance date for the updated Nutrition Facts label for packaged foods. The FDA should not delay implementation as changes to the Nutrition Fact label are both feasible and necessary. Offering an extension to comply with this federal change denies the American people information to act in the interests of their health.

For the first time, the Nutrition Facts label will require disclosure of the amount of added sugars contained in a product serving and include a percent Daily Value (DV) for added sugars. The 2015-2020 Dietary Guidelines for Americans recommends less than 10% of total calories come from added sugars, but many Americans exceed this limit. The average daily intake of added sugars of American adults is approximately 13% of total calories consumed.¹ Children’s consumption is even greater, with approximately 16% of total calories consumed coming from added sugars.² Providing a DV for added sugars informs consumers whether they are nearing their daily limit and equips consumers with the information necessary to choose products to support their health and the health of their families.

Some food industry members have asked the Department of Health and Human Services to delay implementation of the updated Nutrition Facts label for an additional three years, until 2021. However, companies like Nestlé and Mars Incorporated support the updated Nutrition Facts label. Several food companies have already updated their labels to reflect the new requirements, which demonstrates the feasibility of these changes.
As local health departments, we are charged with protecting and promoting the health of our local populations. Reducing consumption of added sugars is important to helping consumers achieve healthy eating patterns and meet nutrient needs within calorie limits. We implore the Food and Drug Administration to maintain the current compliance date for the updated Nutrition Facts label. Doing otherwise stands in conflict with public health interests.

Sincerely,

Baltimore City Health Department
Boston Public Health Commission
Chicago Department of Public Health
Houston Health Department
Kansas City, Missouri Health Department
Los Angeles County Department of Public Health
Maricopa County Department of Public Health
Minneapolis Health Department
Multnomah County Health Department
New York City Department of Health and Mental Hygiene
Public Health – Seattle & King County

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Updated Nutrition Facts label

FDA set a compliance date of July 26, 2018, for the updated Nutrition Facts label for major companies. Commissioner Gottlieb announced September 14, 2017, that the updated label will be delayed 18 months. Food industry trade groups have launched a fierce campaign to delay it until May 2021. This board features packaged food products that are already displaying the new label. FDA had estimated $78 billion in consumer benefits over 20 years from the new label with the 2018 compliance date.

<table>
<thead>
<tr>
<th>Label</th>
<th>Nutrition</th>
<th>Serving size</th>
<th>Blackberry</th>
<th>Butter pie</th>
<th>Columns</th>
<th>Label for</th>
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</thead>
<tbody>
<tr>
<td>Bolthouse Farms Watermelon Mint Lemonade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The added sugars line on Bolthouse Farms Watermelon Mint Lemonade lets consumers know...</td>
</tr>
<tr>
<td>Lakewood Organic Pure Unfiltered Apple Juice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The added sugars line on Lakewood Organic Pure Unfiltered Apple Juice lets consumers know...</td>
</tr>
<tr>
<td>Green Giant Carrot Noodles</td>
<td></td>
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<td></td>
<td>The updated Nutrition Facts label, as seen on Green Giant Carrot Noodles. Image courtesy of Label for Green Giant Carrot Noodles.</td>
</tr>
<tr>
<td>Triscuit Thin Crisps Wasabi &amp; Soy Sauce Crackers</td>
<td></td>
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<td></td>
<td>The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Wasabi &amp; Soy Sauce Crackers.</td>
</tr>
<tr>
<td>Triscuit Thin Crisps Original Crackers</td>
<td></td>
<td></td>
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<td></td>
<td>The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Original Crackers. Image courtesy of Label for Triscuit Thin Crisps Original Crackers.</td>
</tr>
<tr>
<td>Triscuit Thin Crisps Parmesan Garlic Crackers</td>
<td></td>
<td></td>
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<td></td>
<td>The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Parmesan Garlic Crackers. Image courtesy of Label for Triscuit Thin Crisps Parmesan Garlic Crackers.</td>
</tr>
<tr>
<td>Triscuit Sweet Potato &amp; Roasted Onion Crackers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The updated Nutrition Facts label, as seen on Triscuit Sweet Potato &amp; Roasted Onion Crackers.</td>
</tr>
</tbody>
</table>

The updated Nutrition Facts label, as seen on Wegmans Mini Uncured Pepperoni Pizza Bagels. Image courtesy of Label for Wegmans Mini Uncured Pepperoni Pizza Bagels. 

The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Original Crackers. Image courtesy of Label for Triscuit Thin Crisps Original Crackers. 

The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Parmesan Garlic Crackers. Image courtesy of Label for Triscuit Thin Crisps Parmesan Garlic Crackers. 

The updated Nutrition Facts label, as seen on Green Giant Carrot Noodles. Image courtesy of Label for Green Giant Carrot Noodles. 

The updated Nutrition Facts label, as seen on Green Giant Bee Noodles. Image courtesy of Label for Green Giant Bee Noodles. 

The updated Nutrition Facts label, as seen on Triscuit Thin Crisps Parmesan Garlic Crackers. Image courtesy of Label for Triscuit Thin Crisps Parmesan Garlic Crackers.
The updated Nutrition Facts label provides the serving size and calories in bold to emphasize this...
The updated Nutrition Facts label provides the serving size and calories in bold to emphasize this information.

The added sugars line on the updated Nutrition Facts label indicates that all 4 grams of sugar are added sugar.

The added sugars line on the updated Nutrition Facts label indicates that while a Larabar serving contains 3 grams of total sugar, 2 grams are added sugar and 1 gram is naturally occurring sugar.

The added sugars line on the updated Nutrition Facts label indicates that one serving of Positively Partake S'mores Bites includes 3 grams of total sugar, including 2 grams of added sugar.

The Daily Value for added sugar on the updated Nutrition Facts label indicates that one serving of Swiss Miss Cocoa Gourmet includes 0 grams of added sugar.

The Daily Value for added sugar on the updated Nutrition Facts label indicates that one serving of White Chocolate Mocha Starbucks includes 0 grams of added sugar.

The Daily Value for added sugar on the updated Nutrition Facts label indicates that one serving of Nature's Path Organic Sunrries Blueberry Biscuits includes 0 grams of added sugar.

The Daily Value for added sugar on the updated Nutrition Facts label indicates that one serving of Hunt's Diced Tomato includes 3 grams of total sugar, including 2 grams of added sugar.

The updated Nutrition Facts label for International Delight One Touch Latte Vanilla Frothing Coffee includes 0 grams of added sugar.

The updated Nutrition Facts label for Simply Organic Donuts includes 0 grams of added sugar.

The updated Nutrition Facts label for White Cheddar Tortilla Chips includes 2 grams of added sugar.
Chips are easy to overeat, but the serving size chips in this case is easier to recognize now that the added sugars line on the updated Nutrition Facts label shows that all of the sugar in the snack is added. The updated Nutrition Facts label for Whole Foods Organics V Creme Sandwich Cookies indicates that 1 serving cookies) is 120 calories.

The updated Nutrition Facts label for La Choy Fortune Cookies indicates that one serving is 50 calories.

The updated Nutrition Facts label for Bob’s Red Mill Flaxseed provides the serving size in bold, which makes consumers more aware of the serving size. The added sugars line on the updated Nutrition Facts label shows that 6 grams of sugar is added to the Bobs Red Mill Flaxseed.

The updated Nutrition Facts label for Dean’s Peanut Butter indicates that one of Dean’s Peanut Butter servings contains 5 grams of added sugars.

The updated Nutrition Facts label for Ice Cream Sandwiches indicates how much of the total sugars is added, as seen on the updated Nutrition Facts label for Ice Cream Sandwiches.

The Daily Value for added sugars on the updated Nutrition Facts label indicates that one of Dean’s Peanut Butter servings contains 5 grams of added sugars.

The updated Nutrition Facts label now indicates how much of the total sugars is added, as seen on the updated Nutrition Facts label for Ice Cream Sandwiches.

The bold type used in the updated Nutrition Facts label makes the serving size of Bob’s Red Mill Flaxseed easier to recognize.