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April 5, 2017

VIA Electronic Mail

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

RE: FDA's Guidance on Nutrition Labeling Reform (NLR) final rules

Dear Secretary Price:

As one of our nation's largest food companies, we write regarding the Food and Drug Administration's Nutrition Facts and Serving Size rules. Mars, Incorporated was one of the first food manufacturers to support FDA's final rule updating the Nutrition Facts Panel (NFP), which included added sugars labeling. Our commitment to help limit intake of added sugars and sodium builds on the steps we have taken over time to help consumers achieve their nutritional goals. We are actively working to meet the July 26, 2018 implementation deadline.

In preparation for the labeling update, and to meet this deadline, we have requested that FDA release additional guidance on small pack labeling so we can move forward in updating our labels for gum, mints, and roll candy products sold in the United States. We have come across multiple areas where we need additional clarity in interpreting the regulation for our packages. While the FDA FAQ list, on the webpage "Industry Resources on the Changes to the Nutrition Facts Label," addressed the inadvertent omission of important regulations related to small packages, we are still awaiting additional clarity on the final rule, which we have requested via submitted comments to FDA including:

- Examples of Bilingual panels
- Examples of simplified, small package panels
- Mints serving size flexibility clarification
- Sugar-free claim clarifications around "Not a significant source of..." statement
- Guidance for nutrient content claims for voluntary dual column NFP

Where we have clarity, Mars has already designed and in some cases is producing packaging with the new NFP and, assuming we can get the final requested guidance, are committed to meeting the original implementation deadline. We understand that there have been requests to extend the

implementation date of the NFP for up to three years. We believe such a long delay will only add to consumer confusion and undermine the consumer transparency the NFP update sought to achieve. Our preferred course of action is for FDA to release the final set of guidance soon (i.e. before July 2017), and if you are not able to do so, agree to a one year extension of the NFP implementation date.

Sincerely,

A handwritten signature in black ink, appearing to read "B Figel". The signature is fluid and cursive, with the first letter "B" being large and prominent.

Brad Figel
Vice President Public Affairs North America
Mars, Incorporated
6885 Elm Street
McLean, VA 22101

Cc:

The Honorable Stephen Ostroff, MD, Acting Commissioner, Food and Drug Administration
The Honorable Michael L. Young, Acting Deputy Secretary, U.S. Department of Agriculture