



February 16, 2018

Scott Gottlieb, M.D.
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Gottlieb:

On behalf of the Center for Science in the Public Interest,¹ we write to share with you and your staff results from our January 2018 national poll, showing that a bipartisan supermajority of Americans value transparency through both menu labeling and the update of the Nutrition Facts panel.

More than 80 percent of Americans, regardless of political party, support menu labeling and nearly 90 percent are supportive of the updated Nutrition Facts label.

The support for strong labeling is also reflected in the response to FDA labeling rules: nearly 130,000 Americans filed comments opposing the one-year delay and any weakening of menu labeling, and more than 40,000 opposed the proposal to delay the Nutrition Facts label update (until 2020 for large companies and 2021 for small companies).

Transparency is an enduring and shared consumer value. Both menu labeling and the updated Nutrition Facts label will provide consumers with the ability to make more informed choices and thereby improve public health, reducing unnecessary suffering and medical costs. A Harvard study found that restaurant menu labeling could prevent up to 41,000 cases of childhood obesity and could save over \$4.6 billion in healthcare costs over ten years.² The FDA estimates that menu labeling would generate \$9.2 billion in benefits to consumers over 20 years, according to its regulatory impact analysis for the 2014 final rule.³ The FDA also estimates that the updated Nutrition Facts label would generate \$78 billion in benefits to consumers over 20 years, according to its regulatory impact analysis for the 2016 final rule.⁴ The marketplace concurs that

¹ CSPI is a nonprofit organization supported by approximately 500,000 members and subscribers to its *Nutrition Action Healthletter* in the United States.

² Gortmaker SL, Wang YC, Long MW, et al. Three Interventions that Reduce Childhood Obesity Are Projected to Save More Than They Cost to Implement. *Health Aff.* 2015;34:1932-9. doi:10.1377/hlthaff.2015.0631

³ Food and Drug Administration. Final Regulatory Impact Analysis: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishment, November 2014. Accessed at: <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/UCM423985.pdf>.

⁴ Food and Drug Administration. Final Regulatory Impact Analysis: Revision of the Nutrition and Supplement Facts Labels (Final Rule) and Food Labeling: 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 (Final Rule), May 2016. Accessed at: <https://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/UCM506797.pdf>.

the changes are positive: a vast majority of top restaurant, supermarket, and convenience store chains are already labeling their prepared foods,⁵ and more than 8,000 products already carry the updated Nutrition Facts label.⁶

With such robust and broad support for these policies, we are encouraged to learn that the Commissioner's Nutrition Action Plan, laid out in the FDA's roadmap, includes issuance of guidance and launch of a new public education campaign for both menu labeling and the updated Nutrition Facts label. We look forward to working with you to raise consumer awareness of menu labeling and to ensure strong implementation beginning May. And we encourage you to reconsider the delay for the updated Nutrition Facts label, as the large number of products already carrying the updated format demonstrate it is unnecessary.

In brief, our poll (conducted by Caravan, ORC International, with a sample of 1,007 adults on January 18-21, 2018) found that:

More than 80 percent of Americans support menu labeling and the guidance:

- 83 percent agree that chain restaurants should provide calorie information on menus and menu boards (86 percent of Democrats, 79 percent of Republicans, 83 percent of Independents)
- 82 percent agree that chain supermarkets should provide calorie information for their prepared foods, such as salad bars, bakery items, rotisserie chicken, deli sandwiches, and soups (86 percent of Democrats, 79 percent of Republicans, 83 percent of Independents)
- 81 percent agree that pizza chains should provide calorie information on menus and menu boards as all other restaurant chains will soon be required to (85 percent of Democrats, 78 percent of Republicans, 82 percent of Independents)

There is overwhelming public support for the updated Nutrition Facts panel:

- 87 percent think the updated Nutrition Facts label will be useful (90 percent of Democrats, 85 percent of Republicans, 86 percent of Independents)

We hope these results will reaffirm for FDA the need to move forward with these labeling policies in a timely fashion and to include a strong consumer awareness and education effort to help people maximize the positive benefits from them. We would be delighted to answer any questions you may have. We also will submit this letter to the relevant dockets.

⁵ Center for Science in the Public Interest. Supplemental Comment on Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Compliance Date; Request for Comments; Docket No. FDA-2011-F-0172. August 2, 2017.

⁶ Xavier D. Exponential growth in new label adoption a win for the industry and consumers. Label Insight. July 28, 2017. Available at: <https://blog.labelinsight.com/exponential-growth-in-new-label-adoption-a-win-for-the-industry-and-consumers>.

If you have any questions, please do not hesitate to contact me at lmacleery@cspinet.org or 202-777-8343.

Sincerely,

A handwritten signature in black ink that reads "Laura MacCleery". The signature is written in a cursive style with a long, sweeping underline.

Laura MacCleery
Policy Director
Center for Science in the Public Interest

A handwritten signature in black ink that reads "Colin Schwartz". The signature is written in a cursive style with a long, sweeping underline.

Colin Schwartz
Deputy Director, Legislative Affairs
Center for Science in the Public Interest