

September 22, 2017

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

Dear Commissioner Gottlieb:

Based on your clarification tweet on September 14, 2019—"Apologies, I misspoke today @politico event, actual delay on Nutrition Facts Label isn't out yet but we will propose closer to 18 months"—we assume that the interim final rule currently under review at the Office of Management and Budget will provide for a compliance date of January 2020 for large food manufacturers and January 2021 for small companies, defined by the Food and Drug Administration as those with annual sales of less than \$10 million.

From a public health and consumer transparency perspective, we find this unacceptable.

As we wrote to Secretary Price in February 2017:

The public health importance of this measure [updated Nutrition Facts] and the need to maintain this date [July 26, 2018] 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."¹ 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.

The proposed delays that extend to January 2020 and January 2021 mean that an entire cycle of the *Dietary Guidelines for Americans* will have passed without the federal government's premier public-health regulatory agency taking final action to implement a major recommendation of the *Guidelines*.

In practical terms, this proposed delay means significant consumer confusion in the marketplace. Dozens of companies are already placing updated labels on products (see attached), and more will do so in the coming months. Major companies such as Campbell's, Hershey, Panera, KIND, and Mars have publicly stated their commitment to meet the original July 2018 compliance date. In fact, these companies will be put at a competitive disadvantage for doing the right thing by their customers.

Because the interim final rule is still under review, you and the administration still have time to act. We ask that you do so for the public's health and to give consumers information in a timely manner that they deserve and need to make healthy choices.

Sincerely,

Academy of Nutrition and Dietetics
American Heart Association
American Medical Student Association
American Public Health Association
Center for Communications, Health & the Environment
Center for Science in the Public Interest
Consumer Federation of America
Consumers Union
Eat Smart, Move More South Carolina
Healthy Food America
Health Resources in Action
Laurie M. Tisch Center for Food, Education & Policy, Teachers College Columbia University
League of United Latin American Citizens
National Association of County and City Health Officials
National Consumers League
Obesity Action Coalition
Oldways
Public Health Advocates
Public Health Institute
Real Food for Kids
Society for Nutrition Education and Behavior
The Praxis Project
Trust for America's Health
UConn Rudd Center for Food Policy & Obesity
Union of Concerned Scientists

ⁱ U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 *Dietary Guidelines for Americans*. 8th Edition. December 2015. Available at <https://health.gov/dietaryguidelines/2015/guidelines/chapter-2/a-closer-look-at-current-intakes-and-recommended-shifts/>.

