



**International Dairy Foods Association**  
Milk Industry Foundation  
National Cheese Institute  
International Ice Cream Association

December 31, 2009

FDA Desk Officer  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Sent via email to: [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov)

**RE: OMB 0910-NEW: Experimental Studies of Nutrition Symbols on Food Packages"**  
**Docket No. FDA-2009-N-0220**

To Whom It May Concern:

We appreciate the opportunity to provide comments on the Food and Drug Administration's (FDA) planned consumer study on front-of-pack nutrition symbols. This topic is important to study and understand prior to setting criteria for either mandatory labeling or voluntary guidelines. As noted in IDFA's previous comments, any system of nutrition symbols for labeling purposes should be voluntary and present information on both nutrients and foods to encourage.<sup>1</sup> These symbols should be presented to consumers in a format that is understandable and flexible enough to be used in different ways on different labels. Symbols should not lump all foods or all nutrients together, but instead the criteria should vary based on the food that is being labeled.

The International Dairy Foods Association (IDFA), Washington, DC, represents the nation's dairy manufacturing and marketing industries and their suppliers, with a membership of 550 companies representing a \$110-billion a year industry. IDFA is composed of three constituent organizations: the Milk Industry Foundation (MIF), the National Cheese Institute (NCI) and the International Ice Cream Association (IICA). IDFA's 220 dairy processing members run more than 600 plant operations, and range from large multi-national organizations to single-plant companies. Together they represent more than 85% of the milk, cultured products, cheese and frozen desserts produced and marketed in the United States. IDFA can be found online at [www.idfa.org](http://www.idfa.org).

We applaud FDA for undertaking a consumer study to explore how consumers understand and use front-of-package nutrition symbols. It is important to know the effect of labeling on consumer's knowledge and purchase decisions before any labeling changes are recommended or mandated. It is particularly important to understand how consumers understand and use nutrition symbols in light of conflicting information on the United Kingdom's traffic light system. Recently, a study indicated that the traffic light labeling system did not result in consumers choosing more nutritious products.(ref)

Based on the Federal Register notice, we would like to provide the following comments to assist in planning consumer research.

### **Studies Should Investigate Purchase Intent in Addition to Consumer Understanding**

We believe that studies should include questions regarding purchase intent in addition to those on consumer understanding. The main focus of FDA's study appears to be the impact of the nutrition symbols on consumer's perception of the nutrition and taste of the labeled food. While consumer education is an important function of labeling and the study should examine how nutrition symbols help consumers understand the nutrition provided by the foods available to them in a grocery store, it is imperative to understand whether a consumer's decision to purchase a product varies based on nutrition symbols on the front of a package or on the information found in the Nutrition Facts.

Understanding how nutrition symbols factor into a consumer's purchase decision is useful both for planning nutrition symbol systems and also for evaluation following any implementation. It is vital to know how a nutrition symbol or other factors, including price, taste, convenience and availability, factor into consumers' purchase decisions.

If consumers understand the nutrition provided by a food, but still decline to purchase a product, both FDA and food manufacturers should understand why consumers make this decision. This will help design labels that are as informative and helpful as possible to consumers.

### **FDA's Position Seems Pre-decided**

Response five in the Federal Register notice includes the following phrase: "we hope to reject the hypothesis that there is no difference between different systems...." This phrase appears to indicate that FDA assumes that the results of the consumer survey will show that one system is vastly superior to other systems. Our concern is that such an assumption could inadvertently skew the survey and therefore, the results of the study. When developing the questions and examples for the survey, care must be taken to assure the best quality results.

### **Shelf Tag Symbols Should be Studied**

We believe that nutrition symbols displayed on shelf tags should be studied, just as front of package nutrition symbols will be. FDA regulations define labeling as all written, printed or graphic matter accompanying an article at the time of while such article is in interstate commerce or held for sale after shipment of delivery in interstate commerce. (Ref 21 CFR §1.3) Therefore since "labeling" includes both information printed on the

food package as well as information accompanying the article at the time of sale such as point-of-purchase or shelf tags, both should be studied. Different retail chains use different nutrition rating systems, resulting in consumers being exposed to multiple systems as they shop at different stores. Additionally, the criteria for these systems vary widely and the reasoning for a particular product's score is not clear to consumers who are purchasing the product.

Shelf tag nutrition scoring programs are becoming more widespread, so they affect more and more consumers. The NuVal system is currently in use at Price Chopper in 6 northeastern states, in HyVee stores in seven midwestern states and Meijer stores in five states in the midwest.<sup>2</sup> Guiding Stars is in use in 1450 individual grocery stores, including the Hannaford, Food Lion, Bloom and Sweetbay chains.<sup>3</sup>

### **Survey Respondents Should Reflect the US Population**

The respondents to the survey should reflect the population of the United States, with particular attention to the portions of the population that do grocery shopping for their households. The results of the study will be useless unless the results are generalizable to the American population. If the symbols are understood and useful to the study population, but not by the general population or by primary grocery shoppers, then the time and resources spent conducting the research, plus development of guidance and new labeling would have been wasted.

### **Nutrients-to-Encourage Should be Included in Study Design**

We applaud FDA's intention to include nutrients-to-encourage as well as nutrients-to-discourage in the study design. In keeping with the 2005 Dietary Guidelines, there are certain food groups, such as low fat dairy products, fruits and vegetables and whole grains and nutrients like vitamins A, C, and E, calcium, magnesium, potassium, and fiber that Americans should consume more of. The overall quality of a diet depends on making choices that result in higher levels of certain foods that include needed nutrients and more moderate levels of other foods or nutrients.

In making decisions of foods to include in a healthful diet, nutrients and foods to encourage must be considered. Therefore any comprehensive nutrition labeling symbol should include a measurement of nutrients to encourage. It is therefore logical to include evaluation of symbols with such a message.

We appreciate FDA's plan to conduct consumer testing before releasing guidance on nutrition symbols. These need to be carefully studied before FDA moves forward so that the messages and implications of these labeling symbols is understood.

Sincerely,



Cary Frye  
Vice President, Regulatory and Scientific Affairs



Michelle Albee Matto  
Assistant Director, Nutrition and Regulatory Affairs

---

<sup>1</sup> IDFA Comments filed to Docket No. 2007N-0277: Food Labeling: Use of Symbols to Communicate Nutrition Information, Consideration of Consumer Studies and Nutritional Criteria; Public Hearing; Request for Comments, November 9, 2007

<sup>2</sup> NuVal website, <http://www.nuval.com/Location>, accessed December 22, 2009

<sup>3</sup> Guiding Stars website, <http://www.guidingstars.com/partners/our-partners/>, accessed December 22, 2009