



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

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, MD 20852

July 28, 2010

RE: Docket No. FDA-2010-N-0210: Front-of-Pack and Shelf Tag Nutrition Symbols; Establishment of Docket; Request for Comments and Information

To Whom It May Concern:

The International Dairy Foods Association (IDFA) appreciates the opportunity to provide comments to the Food and Drug Administration on front-of-pack (FOP) nutrition labeling. There is significant interest in these icons from food retailers, food manufacturers, and public health officials. However, depending on the information that is shown and the method of presenting the information, these symbols may or may not be helpful to consumers and, in some cases, could end up being detrimental. We feel that it is important to carefully consider these symbols, and we appreciate the ability to share information with the Agency.

IDFA 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.

Front-of-pack labeling is an area where IDFA's members have significant interest; we feel that front-of-pack nutrition symbols should encourage nutrient-rich foods like dairy products. Past IDFA comments were filed in 2007 following FDA's public meeting on the topic as well as another set of comments in 2009 to the Office of Management and

Budget regarding the announcement of consumer research planned regarding front-of-pack symbols.

As noted in IDFA's previous comments, any system of nutrition symbols for labeling purposes should: (a) be voluntary; and (b) present information on both nutrients to encourage and foods to discourage.¹ Mandatory labeling which places undue emphasis on nutrients to discourage, such as the traffic light symbols used in the United Kingdom, does not provide a complete picture of the nutrition provided by an individual food or beverage.

A. Any Nutrition Symbols Should Be Voluntary

As explained in IDFA's 2007 comments, any system of nutrition symbols for labeling should be voluntary. Companies should be able to choose to use these labeling symbols as appropriate for their products, their labels, and their customers. A mandatory system would separate foods into "good foods" and "bad foods," when instead; there should be a focus on how a wide variety of foods can fit into a healthful diet.

A mandatory label change would be costly for food companies without any additional benefit to consumers if new, changed labels simply repeat information that is already presented on the label in the Nutrition Facts Panel. Based on information collected from members of the International Ice Cream Association at the time of the required change for trans fat labeling, for instance, label changes have a particularly significant financial impact on companies with many different SKUs, including costs for redesigning labels, reprinting labels, and disposing of obsolete packaging.

The costs associated with disposal of obsolete packaging alone could be in the hundreds of thousands of dollars per company and would have a greater impact on smaller companies because they are more likely to have a larger inventory of packaging.

Further, when developing its labeling program, the United Kingdom's (UK) Food Safety Agency (FSA) allowed front-of-pack symbols on all products on a voluntary basis, but specifically recommended the symbols for several specific classes of food products: sandwiches, prepared meals, burgers, sausages, pies, quiches, breaded meats, pizza and breakfast cereal. The FSA indicated that it did this because these were complex foods with multiple ingredients that consumers did not easily recognize or understand.² Because consumers understand the principal ingredient (milk) and nutrients in dairy products, use of front-of-pack symbols should be voluntary.

Using a voluntary system to speed up the use of icons could be hampered by an overly strict system that discourages food manufacturers from using the front-of-pack symbols. If the system is not flexible or stigmatizes foods, companies may choose not to use them.

An additional benefit to a voluntary labeling system would be that it could be available to consumers more quickly. The White House Task Force on Childhood Obesity encouraged front-of-pack symbols to help consumers understand the products that are

available to them in grocery stores.³ Setting mandatory standards for front-of-pack nutrition symbols would, at the very least require formal rulemaking, with public comments. This process would take a significant amount of time, which would delay the use of symbols. In contrast, a voluntary program could be implemented much more quickly.

The front-of-pack symbol system can also incentivize product reformulation to make foods and beverages healthier. If the voluntary system is not attractive for use on products, then there will be no benefit for food manufacturers to reduce the fat, sodium or calories in their products.

B. Color-Coded Symbols that Focus on Negative Nutrients, Such as Traffic Lights, Would Not be Useful

Healthy eating includes not just avoidance of nutrients, but overall good nutrition. Healthy diets and healthy foods take into account both nutrients that people should consume more of and also those that people should consume less of. If a nutrition symbol labeling system were to place undue emphasis on nutrients to avoid, the symbols could make the ideal food appear to be a diet drink, with zero calories, zero fat, low sodium, and no added sugar. However, there are also no nutritional benefits to this product, other than water for hydration purposes.

Nutrition symbols should incorporate positive nutrients to be encouraged, not just negative nutrients that should be limited. Foods should be highlighted for the benefits they can provide, not penalized because they also contain some fat, sugar or sodium. For example, fluid milk contains nine essential nutrients, including three of the four shortfall nutrients of concern recommended for increased consumption by the 2010 Dietary Guidelines Advisory Committee.⁴ Low-fat and fat-free dairy products are among those foods that Americans should increase their consumption of, according to the Advisory Committee report.⁵ These are attributes that should be highlighted in any front-of-pack labeling scheme. Consumers are increasingly choosing foods for the benefits the food and its components can provide. Research from the International Food Information Council found that 40% of consumers have begun consuming more of a specific type of food or beverage to improve the healthfulness of their diets, while 36% have started eating more of a certain food component to improve their diet quality.⁶ Nutrition labeling symbols could help consumers choose foods for their nutritional benefits by highlighting the food components and nutrients that consumers want to include in their healthy diets.

Recent research in Europe on consumer interpretation of traffic light-type nutrition symbols casts doubt on the effectiveness of this method of front-of-pack labeling. The research showed that many consumers misunderstood the red symbol to indicate that they should try not to eat the labeled food. This interpretation was reported by 73% of the survey respondents from the UK, where this type of labeling is widely used. The consumers' understanding is clearly different from the intent of the UK's FSA which indicates that a red symbol for a nutrient should indicate that the food is OK as an occasional treat.⁷ The consumers surveyed also misunderstood the amber color indicator

as well. More than half felt that an amber symbol meant that the food was “fine to have this product occasionally as a treat,” rather than the official position that amber indicates a food that is “an OK choice most of the time.”⁸ This same study asked consumers living in the UK about the most helpful aspect of the traffic light front-of-pack system. Less than 15% of the consumers indicated that the color-coding or the “high, medium, low” labels were the most helpful element.⁹

Based on the concerns regarding the misleading nature of the traffic light labeling system, the European Parliament voted not to require mandatory color-coded nutrition symbols on the front of packages.

C. A Front-of-Pack Nutrition Labeling System Should Be Implemented With Care

Food labels are complex, with a variety of nutrition information presented in multiple locations and formats. In our 2009 comments, we applauded FDA for undertaking a consumer study to explore how consumers understand and use front-of-pack nutrition symbols. It is important to know the effect of labeling on consumers’ knowledge and purchase decisions before any labeling changes are recommended or mandated. 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. Front-of-pack labeling and nutrition symbols must be carefully studied before FDA moves forward so that the messages and implications of these labeling symbols are understood.

As implementation moves forward, the program should be evaluated periodically so that the effectiveness of the program can be ascertained. The labeling approach should also be flexible enough that it can be updated to allow for new knowledge in nutrition science.

Any food labeling, including symbols indicating better food choices, cannot be effective alone. The symbols must be accompanied by an educational or communication campaign to explain to consumers what they mean, how they were devised and how consumers should use them. Similar to the educational campaign supporting MyPyramid, this is an area where public/private partnerships and food manufacturers may be helpful in reaching their customers.

Conclusion

In conclusion, any system of nutrition symbols for labeling purposes should be voluntary and present information on both nutrients to encourage and foods to encourage. These symbols should be presented to consumers in a format that is understandable. Traffic light-type labeling is not an appropriate front-of-pack system. Finally, we believe that any labeling should be monitored for its effectiveness and should be supported by consumer education.

Sincerely,



Cary Frye
Vice President, Scientific and Regulatory Affairs

¹ IDFA, Comments on Food Labeling: Use of Symbols to Communicate Nutrition Information, Docket No. 2007N-0277, November 9, 2007; IDFA, Comments on OMB 0910-NEW: Experimental Studies of Nutrition Symbols on Food Packages, Docket No. FDA-2009-N-0220, December 31, 2009.

² Food Standards Agency. "Front-of-pack Traffic light signpost labeling Technical Guidance, Issue 2." November 2007. Accessed at: <http://www.food.gov.uk/multimedia/pdfs/frontofpackguidance2.pdf> on July 21, 2010.

³ White House Task Force on Childhood Obesity. "Solving the Problem of Childhood Obesity Within a Generation." May 2010. Accessed online on July 22, 2010 at: <http://www.letsmove.gov/obesitytaskforce.php>

⁴ Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans, 2010.

⁵ Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans, 2010.

⁶ International Food Information Council, "Consumer Attitudes Toward Functional Foods/Foods for Health," October 2007.

⁷ Pan-European consumer research on in-store observation, understanding & use of nutrition information on food labels combined with assessing nutrition knowledge. EUFIC Forum. February 2009. Accessed July 21, 2010 <http://www.eufic.org/upl/1/en/doc/PanEU%20executive%20summary%20FINAL.pdf>

⁸ Ibid.

⁹ Ibid.