



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

September 21, 2009

Katharine Haxall, MPH  
Cardiovascular Disease Prevention and Control Program  
NYC Department of Health and Mental Hygiene  
2 Lafayette Street, 14th Floor  
New York, NY 10007

Dear Ms. Haxall:

The International Dairy Foods Association appreciates the opportunity to provide comments to the New York City Department of Health and Mental Hygiene (DOHMH) on the initiative to reduce sodium in foods.

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).

Dairy processors, including cheesemakers, are proud of the wholesome and nutrient rich products that we make available to Americans. As such, IDFA would like to comment on the New York City (NYC) initiative as well as the possibilities and challenges of reducing sodium in cheeses.

#### Concerns about NYC Initiative to Reduce Sodium in Foods

##### **Data Used to Calculate the Current Sodium Content May Not Reflect the Actual Marketplace or Consumption**

Cheese sales at retail locations include a significant percentage of private label products. During the second quarter of 2009, sales of private label cheese were 44.9% of the sales volume and 37.9% of the retail sales dollars.<sup>1</sup> In fact, for most categories of cheese, there is more private label cheese sold than any single brand, both by volume and dollar sales. Natural cheese, in chunks, shreds, and slices, was the top seller in both unit sales and dollar sales in 2008.<sup>2</sup>

While in some cases private label products may be formulated to be as close to a leading branded product as possible, this is not necessarily the case in cheese or dairy. With such a significant portion of the sales being private label, retailers strive to produce cheeses that consumers will continue to choose. Therefore, in developing these cheeses, the nutrient values, including the sodium level, may be significantly different from the leading brand or brands.

As with many consumer products, Wal-Mart is a significant retailer for foods, including cheese. However, the data used to set the current average sodium level does not account for the cheese sold in Wal-Mart.

Based on these facts, the information that was used to calculate the current average sodium content for cheeses may not accurately reflect the actual nutritional profile of products available in the marketplace. Since Wal-Mart sales and private label products were not considered when setting the current sodium level for the initiative, this number may not be the actual level of sodium in the cheeses that most Americans consume. Different cheeses may tend to be purchased at Wal-Mart or the sodium content of private label cheeses may be significantly different from branded products.

We would recommend using information available from Information Resources Incorporated, which does bring in the sales of private label products. Wal-Mart sales information is also available and should be considered in setting the current national average for sodium content of foods.

### **Focus Should be on Electrolyte Balance and Overall Diet to Prevent Hypertension**

As with many health conditions that develop over a long period of time, there are a number of factors that can influence whether or not a person develops hypertension. One of these factors is diet, specifically the amount and balance of electrolytes in the diet. While the focus is usually on sodium, there continues to be evidence that hypertension may be linked to overall electrolyte intake, not simply sodium intake. As with so many other conditions influenced by diet, the best recommendation may be to simply eat a healthful, well-rounded diet in order to have the best health outcome.

The blood pressure-lowering effect of an overall healthy eating plan is best exemplified by the Dietary Approaches to Stop Hypertension (DASH) clinical trial. This study demonstrated that a low-fat dietary pattern high in fruits and vegetables (8-9 servings/day) and dairy products (~3 servings/day) produced greater reductions in blood pressure than either a diet high in only fruits and vegetables or the control diet.

### **Not Enough Time to Provide Substantive Comments**

The levels of sodium reduction recommended by New York City were made available to the cheese industry on July 23, 2009. Verbal comments were accepted at that time and written comments are due September 21, 2009. Companies must sign on to the program by December 2009.

Unfortunately, this timeline does not give companies time to provide substantive comments or to knowingly sign on to participate in the initiative. In order to provide comments about whether the reductions are feasible or to decide whether to participate in the initiative, companies must know whether the recommended levels produce a cheese that has acceptable taste, mouthfeel and cost to their consumers while still resulting in a product in compliance with regulations. For most companies, this would involve months of product development and testing, followed by the development of new labels. The timeframe set by the NYC initiative does not allow for this.

This means that the only companies that may feel comfortable signing on to the initiative are those whose products already meet the sodium goals or those that are very close. This would not significantly change the level of sodium in food products overall.

### **Concerns about Sharing Sales Data**

One concern about the implementation of the initiative is that participating companies would be required to share their sales data with the City of New York. While the sodium content of food is public knowledge, and can be viewed on every retail food label, sales data is not typically public information. In fact, it is some of the most sensitive information that a company has.

In addition to the basic concern about sharing sales data, there is an additional concern that sales data varies from region to region. Some products are sold only in certain regions or sell at different levels in certain regions. Others have different salt levels to adapt to local tastes and preferences. These variations in sales and sodium content should be addressed in the information used to identify whether or not a company's products meet the initiative's goals.

### **Uncertainty Regarding Program Implementation**

Despite the DOHMH conference call with cheese companies and other interested organizations, there is still some confusion about how this initiative will be implemented and communicated to consumers. When companies sign on to agree to reduce the sodium in their food, what will happen if they meet the 2012 and 2014 goals? What will happen if, despite their best efforts, they cannot meet the goals? And, what will happen if a company chooses not to participate in the initiative?

However the initiative is implemented, it should not be used to penalize companies or products for not participating or for failing to meet the goals. Companies may find that they are not able to produce products that would meet the initiative's recommendations, and so do not sign on. Or other companies, who have signed on in good faith, may find that they are not able to develop a product with significantly lower sodium that still has acceptable levels of consumer acceptance, functions the same as the original version and meets appropriate state and federal regulations.

Whatever messages are provided to the public through this initiative, they should be positive about small changes that consumers can make to reduce their risk of hypertension, such as choosing more fruits, vegetables and lowfat dairy products, or

losing weight. Consumers have consistently indicated that they prefer positive messages that tell them what they can do to improve their nutrition and health, rather than negative messages about what activities and foods to avoid.

### Concerns Regarding Recommended Sodium Reductions

#### **Federal Regulations Could Interfere with Reductions**

Many food products have federal, or state, standards of identity. This is especially common in dairy products; there are 72 standards of identity for cheeses and cheese products in 21 Code of Federal Regulations (CFR) Part 133. These standardized cheeses include many of the cheeses targeted in the NYC Initiative, including cheddar cheese, American pasteurized processed cheese, parmesan cheese, cottage cheese and cream cheese. In order to use these names that are allowed in the standard of identity and are commonly used and understood by consumers, the product as sold to consumers must adhere to requirements of the standard, including ingredients that are allowed or banned, and compositional requirements, such as moisture or fat levels.

There is some allowance for a standardized product to deviate from the standard's requirements, but only if an approved nutrient content claim is made.<sup>3</sup> If the product makes an approved claim, such as "reduced fat cheddar cheese," that product may contain other ingredients that are not normally allowed for in the standard, such as an ingredient that simulates the mouthfeel of full-fat cheddar, or it may contain moisture levels that are higher than usually allowed to offset the removal of fat. Currently, there are four nutrient content claims related to sodium or salt: "sodium free," "low sodium," "reduced sodium" and "no salt added."<sup>4</sup> The claim that would allow for the smallest reduction is "reduced sodium" which would mandate 25% less sodium than the regular cheese.<sup>5</sup> As noted above cheeses with a federal standard of identity, such as mozzarella, cheddar or processed American cheese, are not permitted to be manufactured using a salt substitute, such as potassium chloride, unless the sodium reduction is sufficient to meet one of the permitted nutrient content claims.

In the July meeting, the staff of DOHMH indicated that they would prefer that products undergo a silent reduction in sodium. For many products, the recommended levels of sodium would require an initial 5% to 10% reduction in sodium. This level of reduction may not be possible in a standardized cheese because some level of deviation from the standard would most likely be required to make the sodium reduction. The only option would be to use a non-standardized term, such as "sandwich cheese" which may not be familiar or attractive to consumers. Based on this unfamiliar term, consumers could choose not to purchase or eat the product, therefore negating the purpose of reducing the sodium in this cheese product.

#### **Reducing Salt Content in Foods is not Always Feasible**

Since salt can function in many different ways, salt substitutes may be capable of replacing salt in some ways, but not in every way needed in a particular product. Commonly available salt substitutes, including potassium chloride, may be useful in some foods for replacing the flavor of salt. However, salt that is added as part of

cheesemaking is not added solely for flavoring. Salt also acts as a preservative and is a critical functional component of the brine which is used to cool cheese. These purposes cannot be achieved through the use of salt substitute. Therefore, the use of a salt substitute and subsequent reduction of salt is not feasible in cheesemaking.

The only salt substitute currently available in significant amounts is potassium chloride and its derivatives. However, if salt reductions are enforced and therefore, higher amounts of salt substitutes, specifically potassium chloride, are needed, there may not be adequate amounts of potassium chloride to meet the demand. Additional research is needed on other salt substitutes in order to be able to reduce the amount of salt in foods.

In order for potassium chloride to achieve functional levels in cheese brine, it would have to be used at amounts that would produce amounts higher than 0.5% in the finished cheese. Such levels of potassium chloride would produce a bitter flavor that would be negatively perceived by consumers. Despite the nutrient or health profile of a food, if the product is not perceived as tasteful, it will not be consumed and the health benefits won't matter.

Cheese has proven to be an overwhelmingly safe food over centuries of consumption. One factor in the safety of cheese is the addition of salt to the cheese. Forcing a change in the salt content of cheeses would impact their safety and would require additional approaches, either different processes or new ingredients, to replace this food safety affect.

The shelf life of cottage cheese particularly is sensitive to the salt level. If salt is reduced, chemical preservatives may need to be added to ensure a reasonable shelf life. This addition of preservatives may or may not be acceptable to consumers. While preservatives are allowed as a functional ingredient in cottage cheese, they might not be an option in other standardized cheeses if a claim is not made.

Other products that may have special issues in reducing levels of sodium include natural and organic products. For example, these types of products may not be able to develop products with a lower sodium level that are still able to meet consumer demands for shelf life. While many cheeses rely on salt to provide adequate shelf life, this function is especially important to organic and "all natural" cheeses where the addition of chemical preservatives is often not allowable.

### **Cheese Makers Continue to Work toward Lower Sodium Levels**

While there are not currently a significant number of lower sodium cheeses on the market, this is not because cheesemakers are not working to develop such products. Cheesemakers have already been exploring new and existing salt substitutes and have been experimenting with different technologies that could be useful in reducing sodium levels. Product development has been ongoing and will continue in order to identify lower sodium products that are acceptable to consumers.

Many companies report that they manufacture a low sodium or no salt added cottage cheese. This is often a product that is targeted toward consumers who are drastically lowering their sodium intake based on medical advice. There doesn't appear to be a significant market for this product beyond this small group because of the undesirable flavor profile.

### **Shelf Stable Cheese and Sour Cream Dips**

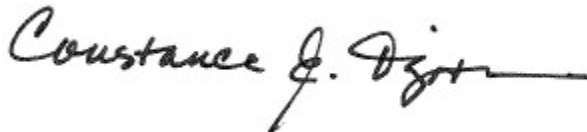
In addition to cheese, some IDFA members also make sour cream and cheese-based dips. While these would not be included in the cheese category, they would still be targeted for sodium reductions under the NYC initiative in the spreads, dips and salsa category.

For shelf-stable cheese dips, in particular, the recommended levels of sodium pose significant food safety challenges. These shelf-stable products fall under FDA's Low Acid Canned Food (LACF) regulations. In order to make foods in line with LACF, the process that the food undergoes must be evaluated to prove that the final product is safe. The safety is based on the pH, moisture content and electrolyte, including sodium, content of the product. If the sodium content of the product must be reduced by such a significant amount, the safety of the product will be significantly changed and will require reformulation, re-evaluation by a process authority, re-filing and approval by FDA's LACF group, and finally extensive taste panel testing to determine whether the new cheese has any appeal to the consumer. All of this would require considerable time and cost, without any certainty of success.

### Conclusion

Dairy processors, including cheesemakers, are proud of providing nutrient-rich dairy products to American consumers. We want to provide healthy products that consumers will choose to eat. While the cheese industry and its suppliers continue to work to develop lower sodium options, an across-the-board reduction as mandated by the New York City Department of Health and Mental Hygiene may not be feasible at this time, due to technological and regulatory issues. Please contact us if we can provide additional information.

Sincerely,



Connie Tipton  
President & CEO



Michelle Albee Matto, MPH, RD  
Assistant Director, Nutrition and Labeling

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<sup>1</sup> Source: Information Resources Incorporated

<sup>2</sup> "Cheese is Convenient, Naturally" <http://www.dairyfoods.com/> Posted November 1, 2008. Accessed September 14, 2009.

<sup>3</sup> 21 CFR 130.10

<sup>4</sup> 21 CFR 101.61

<sup>5</sup> 21 CFR 101.61(b)(6)