

June 20, 2005

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

**Re: Docket No. 2004N-0463
Food Labeling; Prominence of Calories**

Dear Sir or Madam:

The International Dairy Foods Association (IDFA) appreciates the opportunity to comment on the declaration of calories on food labels. We recognize the problem of overweight and obesity in this country and stand ready to do our part in helping solve the obesity crisis.

IDFA, which represents the nation's dairy processing and manufacturing industries and their suppliers, is composed of three constituent organizations: the Milk Industry Foundation (MIF), the National Cheese Institute (NCI), and the International Ice Cream Association (IICA). Its 500-plus members range from large multinational corporations to single-plant operations, representing more than 85% of the volume of milk, cultured products, cheese, ice cream and frozen desserts produced and marketed in the United States.

While IDFA appreciates the attempts of FDA to address the obesity crisis in every possible way, we don't believe that changing the way calories are declared on food labels will have an impact on obesity rates. We are unaware of any studies that indicate that the current method of declaring calories on the food label contributes to obesity or that a change in the method of declaration would help reduce the number of Americans who are overweight and obese.

In light of the desire to provide consumers with information in the most helpful format, IDFA offers the following responses to the questions posed by FDA.

Would consumer awareness of the caloric content of packaged foods be increased by amending nutrition labeling regulations to give more prominence to the declaration of calories per serving? Why or why not?

While there may be methods to increase consumers' knowledge of the calorie content of foods, it should not come at the expense of providing a full and accurate picture of the nutrition provided by that food. One single value, such as calories, cannot explain the presence or absence of a variety of nutrients. There are foods that may have higher calorie contents than others, yet are nutrient-dense, providing a wide range of beneficial nutrients. The current method of displaying calorie content along with the full range of nutrition information together in the Nutrition Facts panel allows a consumer to make an informed decision based on all available information. IDFA believes that no changes are needed to increase the prominence of calories in the Nutrition Facts panel.

As the Obesity Working Group heard in their public meetings, highlighting one nutritional component at the expense of others can backfire and cause unintended consequences. When a change as major as a label change is proposed, every effort should be made to anticipate and avoid negative consequences.

Would providing for a %DV disclosure for total calories assist consumers in understanding the caloric content of the packaged food in the context of a 2,000 calorie diet? Why or why not?

We believe that declaring %DV for calories on food labeling would not be helpful because it would not be applicable to many individuals nor give a full picture of the nutrient profile of the food. In setting a Daily Value for nutrients, most of the population has similar needs in regard to macro- and micro-nutrients. Compared to this similarity in nutrient requirements, the caloric needs of the American population are quite diverse, ranging from 1,000 calories per day for children under 4 to 3,200 calories per day for males between 14 and 16 years of age. This would make setting any single Daily Value for calories both difficult and inappropriate for the majority of the population that does not need to consume that level of calories. A more appropriate vehicle for discussing calorie intake in terms of a whole diet is a tool that can be personalized to individuals, such as the interactive MyPyramid.gov.

Declaring a Daily Value for calories also would not give a complete representation of the nutrition provided by the food. Consumers might automatically choose the food with the lowest %DV for calories, regardless of the nutrient profile of the food or their specific nutrient or caloric needs. A consumer focusing on calorie content or %DV for calories might choose a diet soda with 0 calories over a low fat or skim milk with 90 or 100 calories, but many more beneficial nutrients.

What are the advantages or disadvantages of eliminating the listing for "Calories from fat" from the nutrition label?

We feel that consumers do make use of the "calories from fat" listing in the Nutrition Facts panel. IDFA member companies have heard from consumers that they refer to this declaration on the label. This listing should be maintained on labels for the use of consumers who still feel it is important and useful to them in making nutrition decisions.

If the calorie content per package were required to be prominently displayed on the PDP, would it encourage more competition based on the calorie content of the food? Would the result be repackaging of products into smaller units, for example repackaging cookies into 100 calorie packages? Would there be any incentive to reformulate under this option? How would this option change the kinds of products offered?

The food industry has a track record of developing healthier foods as consumers demand them. In the dairy industry, there are fat free, lowfat, reduced sugar, no sugar added and low sodium versions of milk, ice cream, yogurt and cheese. People are able to select the type of dairy foods they want, based on their preferences for taste and nutrient content.

Food industry reformulation is based on consumer feedback and demands, not on labeling regulations. As consumers have demanded products with unique nutrient profiles, such as lower fat, lower sugar and lower carbohydrate, the dairy industry has responded by developing and marketing products that meet these requirements. If consumers demand reduced calorie products, the dairy industry will develop and promote such products, whether or not there is a requirement to declare calories more prominently on the PDP or Nutrition Facts panel.

Food technology has progressed to a point where companies can make foods healthier in a variety of ways that will be helpful to a consumer concerned about calories, fat, carbohydrates or sugar. However, in some instances, regulations or standards do not allow for these modifications to be made unless the product name is changed. Some standards only allow for nutritive carbohydrate sweeteners, meaning that artificial sweeteners cannot be used unless a reduction in calories or sugar content is significant enough to meet the requirements of a nutrient content claim. We urge FDA to not just focus on labeling changes but also consider acting expeditiously on petitions that would provide more flexibility for standardized dairy foods.

Making smaller sized packages should remain optional as alterations in packaging size can be quite costly to make, including major capital investments, such as changing equipment in order to handle smaller packages. Many companies, especially smaller companies, cannot make the investments necessary to provide different and/or multiple sized packages.

In addition to the above comments, we have concerns about the economic cost of these potential label changes to the industry. If the requirements on how to declare calorie content on food labels were changed, every food label in the country would have to be redesigned. As we found when implementing the final rule on trans fat labeling, a seemingly simple label change can actually be quite costly, particularly for small companies. Rather than being a relatively inexpensive one plate change, the entire Information Panel is affected as the size of the Nutrition Facts panel is altered, usually requiring multiple plate changes. If calorie information were to be declared on the PDP, multiple plate changes would again be required, incurring additional costs. New labels must be printed and old labels must be discarded, which disproportionately affects small

businesses because their smaller production levels result in more obsolete packaging and larger relative costs for minimum packaging orders. For the upcoming trans fat label change, companies estimated a per-product cost of up to \$3,000 to change labels. This cost took into account the costs of design changes, printing new labels and employee time to review updated labels. Requiring food companies to make label changes without knowing what the impact will be on consumer behavior will have a negative economic impact on food companies, especially small companies who do not have the financial flexibility to absorb these costs.

In summary, IDFA is proud of the variety of reduced fat, reduced sugar and reduced calorie products that the dairy industry provides to consumers. We feel that providing the information consumers want in order to control their weight is important, but feel that it must be in a format that is proven to be the most helpful to them. Please feel free to contact me if anyone at IDFA can help during this rulemaking process.

Sincerely,

Constance E. Tipton
President and CEO

cc: Michelle Matto, MPH, RD