October 15, 2008

Mr. Robert M. Eadie
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service
Department of Agriculture
3101 Park Center Drive, Room 640
Alexandria, Virginia 22302-1594

RE: Request for Public Comments for Use in Preparing for 2009 Reauthorization of the Child Nutrition Programs and the Special Supplemental Nutrition Program for Women, Infants and Children

Dear Mr. Eadie:

The International Dairy Foods Association is pleased to have the opportunity to provide input on the 2009 Reauthorization of the Child Nutrition Programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). We believe that these programs provide an important dual purpose of providing nutritious food to children and families while teaching lifelong good nutritional habits. Our recommendations intend to improve the ability of USDA programs to meet these goals through both legislative and regulatory changes under the Child Nutrition Act.

The International Dairy Foods Association (IDFA), Washington, DC, represents the nation's dairy manufacturing and marketing industries and their suppliers, with a membership of 530 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.

Milk and dairy products have long been an integral part of the school meal programs, WIC and the Child and Adult Care Food Program (CACFP). They have traditionally been included because of their important nutritional contribution and the wide range of essential nutrients provided by dairy products support their continued inclusion in all of these programs.

The Child Nutrition and WIC Programs Should be Based on the Dietary Guidelines for Americans

The Dietary Guidelines for Americans are the official recommendations of the federal government to all Americans about how they should choose the foods and beverages they consume. Therefore, the federal nutrition programs should support these recommendations and provide foods and beverages in line with the Dietary Guidelines. In fact, the National School Lunch Program and School Breakfast Program are required to use the Dietary Guidelines for Americans as the foundation of the programs. The recent changes to the WIC food packages made that program compatible with the most recent Dietary Guidelines. Any changes to the other child nutrition programs should ensure that these programs also encourage dietary patterns consistent with the Dietary Guidelines by stressing nutrient-dense lowfat and fat free dairy products, fruits and vegetables, and whole grains while excluding foods of minimal nutritional value.

Following an extensive review of scientific literature by health and nutrition experts, the latest Dietary Guidelines, released in 2005, recommended that all Americans over the age of 8 consume 3 servings of lowfat and fat free dairy per day. Children 8 and younger should consume 2 servings. These recommendations are based on the committee's recognition of the diverse nutritional contributions of milk and other dairy products to the American diet. Since the child nutrition programs and WIC provide significant portions of a participant's diet, the foods supplied should reflect the recommended 2-3 servings of dairy.

The Dietary Guidelines for Americans encourage individuals to base their diets on nutrient-dense foods, which are defined as foods that provide substantial amounts of vitamins and minerals and relatively few calories. Foods and beverages should be considered based on the nutrients they provide for good health, not solely on the fat or sugar present in these foods and beverages. In many cases, an arbitrary limit for any particular nutrient, such as fats or sugars, inadvertently bans many nutrient-dense foods because they also contain some fat or have added sugars. The Dietary Guidelines allowed that "in some cases, small amounts of sugars added to nutrient-dense foods, such as breakfast cereals and reduced-fat milk products, may increase a person's intake of such foods by increasing the palatability of these products, thus improving nutrient intake without contributing excessive calories." If the Reauthorization disallows foods and beverages with any added sugars, these strict standards could make sweetened, but nutrient-dense flavored milk and yogurt unavailable. This could have the unintended effect of lowering children's dairy consumption, leading to a decrease in their intake of calcium, potassium, magnesium and other essential nutrients.

In keeping with the Dietary Guidelines recommendations, the child nutrition programs should retain the requirements to provide fluid milk and dairy products to ensure that children are receiving the adequate amounts of dairy. The programs should also include flavored dairy products to further encourage students to choose these nutrient-rich products. In addition to school meals that follow the Dietary Guidelines, we believe that

the Secretary should also have the authority to regulate a la carte and competitive foods sold in schools.

Milk

Milk is an excellent source of calcium, vitamin D, riboflavin and phosphorus, providing 20% or more of the Daily Value for these nutrients per cup. It is also a good source of protein, potassium, vitamin A, vitamin B-12 and niacin, providing between 10% and19% of the Daily Value per cup of milk.

Milk provides nine essential nutrients, including three of the five nutrients identified as "nutrients of concern" for children in the *2005 Dietary Guidelines for Americans* – calcium, magnesium and potassium.[1] Milk is the number one source of calcium, magnesium, potassium and phosphorus in children's diets.[2] According to the 2005 Dietary Guidelines for Americans, milk is a major source of vitamin A, and is also the top source of calcium and potassium in American's diets. Cheese is a major source of vitamin A, calcium and magnesium for Americans. Some observational studies suggest adequate milk consumption is associated with healthier weights in children. [3-5] Almost 90% of girls don't meet their recommended intake of calcium, while about 70% of boys fall short of the calcium recommendation.[6] The 2005 Dietary Guidelines for Americans showed that more than one-third of school aged children aren't getting enough magnesium compared to the recommended intakes. The Dietary Guidelines also indicated that calcium intake is considerably less than the Adequate Intake level for Americans of many ages, beginning at nine years old.

Children and adolescents are drinking less milk and more soft drinks and other sweetened beverages – a troubling trend that's been identified as one potential reason for chronic calcium shortages and the rising rates of obesity among America's youth.[7-9] Researchers studied the diets of more than 3,000 children ages 2 to 18 years using food consumption data from the government's National Health and Nutrition Examination Survey.[2] They found that consumption of soft drinks and fruit flavored drinks tends to increase gradually as a child gets older, while milk intake declines in a similar way. This finding is consistent with other recent studies.[10-11]

Recent research has shown that milk and dairy intake are associated with a healthier body weight in both adults and children. Low intakes of milk during childhood may contribute to acquiring more body fat and higher body weight during adolescence. A study of 99 children followed over 12 years from ages 2-3 found that children who consumed more dairy products had lower gains in body fat and body mass index than children who consumed less dairy.[3] The study suggests that low intakes of dairy products during childhood may be associated with greater acquisition of body fat by adolescence. In a further analysis of this same group of children, researchers found that diets moderate in dietary fat and high in dairy products, fruits and vegetables were associated with lower risk of adolescent obesity.[12]

In a study of Asian and Caucasian adolescent girls (ages 9-14), those who drank milk instead of soft drinks weighed less and had less body fat, particularly around the middle.[4]

One extra serving of milk a day was associated with lower body fat, while soda intake was associated with greater body weight. The girls who drank an extra can of a soft drink a day were nearly four pounds heavier. The researchers concluded that decreasing soda and increasing dairy consumption among girls may help maintain body fat and weight during adolescence.

Milk, cheese, yogurt and other dairy products should be available to all ages of students at a variety of times through the school day and in a variety of settings. They provide a wide range of beneficial nutrients, including protein, calcium, potassium, vitamin D and other vitamins and minerals. Many of these nutrients are deficient in the diets of school age children. Studies have shown that consumption of dairy is associated with healthier eating patterns and healthier body weights.

Flavored Milk

Flavored milk provides the same nine essential nutrients as unflavored milk, including three of the five nutrients identified as "nutrients of concern" for children in the *2005 Dietary Guidelines for Americans* – calcium, magnesium and potassium.[1] Children who consume 6 to 8 ounces per day of sweetened dairy products (including flavored milks) get more calcium, consume less added sugars and saturated fat and have better quality diets compared to those who consume 16 to 24 ounces per day of sugar-sweetened beverages such as sodas and fruit drinks.[13]

There are many types of flavored milks available today – ranging from lowfat and fat free varieties to products that are more similar to milk shakes. An 8-ounce serving of lowfat flavored milk contains only 2.5 grams of fat, the same amount as in lowfat unflavored milk. The main difference between flavored and unflavored milk are the added sugars, which adds about 60 to 70 calories per 8-ounce serving. According to the *2005 Dietary Guidelines for Americans*, small amounts of sugar added to nutrient-dense foods, such as reduced-fat milk products, may help enhance the palatability and intake of these products without contributing excessive calories.[1] A clinical report from the American Academy of Pediatrics suggests flavored milks (reduced fat or fat-free) with modest amounts of added sweeteners are "generally recommended" to help optimize the bone health and calcium intakes of children and adolescents.[14]

Research indicates that children who consume flavored milk tend to drink more milk and have higher calcium intakes than those who don't.[13,15] Considering that most children are not meeting current calcium recommendations, flavored milk is an effective strategy to help children get the calcium their growing bodies need. Researchers at the University of Vermont evaluated data from the USDA Continuing Survey of Food Intakes of Individuals (CSFII) to determine the nutritional consequences of flavored milk consumption among 3,888 U.S. children ages 5 to 17.[15] Children who were offered flavored milk drank more milk and got more calcium, without increasing their total fat and added sugars intake. The flavored milk drinkers also consumed fewer nutrient-poor soft drinks and fruit drinks than children who did not drink flavored milk. The study indicates that allowing children to choose flavored milk adds to their nutrient intake without increasing added sugars and total fat.

Seventy percent of milk sold in schools is flavored milk. One study indicated that fewer choices of milk mean fewer children will consume milk.[16] Because flavored milk provides all the nutritional benefits of regular milk, reducing flavored milk and overall milk consumption could mean that children and teens are more likely to be at risk for low intakes of the nutrients provided by milk.

Conversely, offering flavored milk encourages increased milk consumption and adequate calcium intake. Some observational studies suggest adequate milk consumption is associated with healthier weights in children.[3-5] While flavored milk provides more calories compared to unflavored milk, the extra calories can easily fit into a child's "discretionary calorie allowance" as identified in the Dietary Guidelines for Americans.[1,17]

Yogurt

Similar to flavored milk, yogurt is a nutrient-dense product that contains some added sugar. Yogurt is a good source of calcium, protein, riboflavin, vitamin B12 and phosphorous. Some yogurts also have vitamin D added. In addition, yogurt is naturally low in lactose as a result of the culturing process. Many individuals who have trouble consuming large amounts of fluid milk can often tolerate yogurt comfortably, making this a snack or meal component that is healthy and appropriate for many students.

As a part of breakfast, lunch, or as an afterschool snack, fat free or lowfat yogurt provides a great deal of nutrients. As indicated earlier, the Dietary Guidelines stated that some added sugars were appropriate, particularly when added to nutrient-dense foods to increase consumption of those foods and the nutrients they provide.

Like other dairy foods, yogurt and flavored milk are nutrient-dense foods. Additionally, sweetened dairy has been specifically shown to have the potential to improve the overall quality of children's diets. Researchers evaluated the diets of U.S. children ages 6-17 years, using data from the USDA Continuing Survey of Food Intakes of Individuals.[13] On average, consumption of sweetened dairy products (such as flavored milk or yogurt) had a positive impact on children and adolescents' diet quality and were more likely to meet recommendations for calcium, folate and iron. Most importantly, the study found that only children who consumed milk and flavored milk, but no sodas or sweetened drinks got the recommended amount of calcium each day.

Under any nutrition standards set for food and beverages in schools, the dietary importance of maintaining yogurt should be enhanced. These foods are liked by children and good for them. IDFA has proposed nutrition standards that restrict sugar and calorie content while still allowing palatability. If the standards set by legislation or regulation are unrealistic, children would lose out on the nutritional benefits that these dairy products provide.

Cheese
Cheeses are another important dairy food that was recommended for consumption by the Dietary Guidelines for Americans. Cheeses are available in many varieties, including reduced fat and low fat versions. Many are also available as single serving units, such as part-skim mozzarella cheese ("string cheese"). Cheese is a nutrient-dense food providing a good source of protein, calcium and phosphorous, like fluid milk and yogurt. In addition to being a nutritious and healthy snack, cheese is also naturally low in lactose. Cheese is an excellent way of providing the nutrition of dairy foods to students who may not regularly consume fluid milk products because of their lactose content.

Ice Cream/Frozen Desserts
While ice cream and other frozen desserts are traditionally thought of as indulgent treats, there are still occasions where frozen desserts can be appropriate in schools. For many years, ice cream and other frozen desserts have been part of the a la carte line in many school cafeterias. A variety of ice creams have been formulated to be lower in fat and sugar than traditional ice cream products, some specifically for schools. Some light ice creams are good sources of calcium. In regard to other frozen desserts, many fruit juice bars are made from 100% fruit juice and meet USDA's requirements for fruit in the National School Lunch Program. Frozen desserts such as sherbet and frozen yogurt can be formulated to be lower in fat and calories. Some frozen yogurt products also have added nutrients for additional nutrition. Another benefit of frozen desserts novelties in schools is their portion control. When these products are packaged as single serving units, this makes it easy for students to consume one lowfat ice cream sandwich as an afterschool snack. In addition to lower fat and lower sugar versions, full fat ice cream products should still be allowed in schools when appropriate, such as during special school events, such as school concerts.

Milk, cheese, yogurt and other dairy products should be available to all ages of students at a variety of times through the school day and in a variety of settings. They provide a wide range of beneficial nutrients, including protein, calcium, potassium, vitamin D and other vitamins and minerals. Many of these nutrients are deficient in the diets of school age children. Studies have shown that consumption of dairy is associated with healthier eating patterns and healthier body weights.

IDFA and its members believe that dairy products provide a unique nutrient profile and give children nutrients that they otherwise might not consume. One good way of encouraging children to consume more dairy foods is to provide appealing choices, especially a variety of products and flavors. Any changes to the nutritional requirements for child nutrition programs and WIC should allow for reduced fat versions of cheese, lowfat and fat free white and flavored milk and yogurt to be available to all participants and for these products to maintain their strong central role in school meals and the WIC food packages.

Specific Recommendations Regarding Reauthorization

In addition to our broad comments that milk and dairy products should continue to be included and encouraged in the child nutrition programs, we have specific recommendations to enhance the nutritional benefits of the programs. These are outlined below.

School Meals

IDFA supports allowing only nutritional beverages that positively contribute to a healthy diet such as lowfat and fat free milk, water, and 100% juices in school cafeterias.

IDFA supports gradually reducing the amounts of sugars in meal line lowfat and fat free flavored milk to a level of not more than 28 grams of total sugar, the equivalent of 170 calories, per 8 fluid ounces.

All school meals should continue to include 8 fluid ounces of fluid milk.

If non-nutritive sweeteners are allowed in any beverage available in schools, these sweeteners should also be allowed in flavored milk.

School meals should be averaged over the course of a week to comply with the requirements of the Dietary Guidelines, regarding nutrients and foods to encourage.

Nationally consistent nutrition standards would make delivering a consistent and economical product easier.

Competitive School Foods

IDFA supports giving USDA authority to regulate all food and beverages offered for sale in schools, in addition to meals served under the school lunch and breakfast programs, this would include a la carte foods and beverages, and foods and beverages made available in vending machines consistent with the Dietary Guidelines for Americans.

Milk consumption in schools can be improved by eliminating access and promotion of beverages with no nutritional value. Competitive beverages that should be eliminated from the school a la carte offerings include: sports drinks, diet soft drinks, traditional soft drinks, and flavored waters. These beverages are highly marketed and have contributed to the reduction of milk intake particularly among children in middle school and high school.

IDFA supports allowing only nutritional beverages that positively contribute to a healthy diet such as lowfat and fat free milk, water, and 100% juices in school cafeterias and on school grounds during school and after school hours.

A la carte competitive beverages bring in additional revenue to offset the costs of the entire school food service operation. Because of the higher cost of milk and the revenue that a la carte beverages generate, schools have a financial incentive to offer a la carte beverages other than milk. A milk reimbursement, such as an expansion of the Special Milk Program, would reduce the cost difference between milk and many competitive beverages and give schools the purchasing power to offer milk in larger single serving containers that kids will be attracted to purchase. IDFA supports reinstating direct milk reimbursement in all schools and either pegging milk reimbursements to the Producer Price Index for milk or giving all schools the same reimbursement rate that a select few schools now receive under the Special Milk Program.

Milk competes with other foods not only in the lunch line, but also in vending machines. According to a 2007 USDA report[18], Milk is offered a la carte in 70.2% of schools and 52.3% of schools have vending machines on campus. Only 5.7% of the schools surveyed offer milk products in their vending machines. The size of competitive beverages offered in both the a la carte lines and vending machines often range from 12 to 20 ounces in size. Market research indicates that middle school and high school students prefer large container sizes when available. If USDA considers limiting the container sizes in vending or the a la carte line, the same standard should apply to all beverages. Otherwise, milk will be at a competitive disadvantage.

For a la carte and competitive beverages, milk and flavored milk should be allowed in containers up to 10 fl oz for elementary and middle schools and up to 16 fl oz for high schools.

IDFA supports gradually reducing the amounts of sugars in a la carte lowfat and fat free flavored milk to a level of not more than 28 grams of total sugar, the equivalent of 170 calories, per 8 fluid ounces. Formulating flavored milks can be complex, taking into account the nutritional content as well as the fat level of the original milk, the type of flavoring used and the type and amount of sweetener used. In addition to actually formulating the flavored milk, the final flavored milk must be acceptable to students. For competitive beverages, this is even more important as milk will need to be equally desirable in taste to other beverages that are available to children and teens in schools. Milk processors need the flexibility to formulate products that are both feasible for the company and desirable to the consumers. If the nutrient profile of flavored milk is restricted too low in calories or sugar to a point where students do not like the taste of the flavored milk available in schools, they will choose other beverages that may not be as nutritious as milk.

Entrees and individual food items that meet the requirements of the School Breakfast Program or the National School Lunch Program should be allowed to be sold as competitive foods.

Competitive foods that are not normally sold as part of a school meal shall meet the following requirements per labeled serving:

- No more than 35% calories from fat

- No more than 10% calories from saturated fat or 1 gram of saturated fat
- Less than 0.5 g trans fat
- No more than 35% sugars by weight, except sugars from whole fruit
- No more than 230 mg of sodium per serving in snacks
- Snack products must have no more than 200 calories per packaged serving.
- If the food provides more than 100 calories per package, it must also contain one or more of the following: 10% Daily Value of vitamin A, E, C, calcium, magnesium, potassium or fiber; 1/4 cup fruit or vegetable; 51% or more by weight of whole grain, or whole grain as the first ingredient
- Reduced fat cheese varieties and low fat and fat free dairy products packaged individually should be exempted from the fat, saturated fat, trans fat, sugar and sodium requirements because of dairy's nutrient density.
- Non-nutritive sweeteners should be allowed in flavored yogurt and related products.

USDA Commodity Purchases

USDA is changing how they procure commodities for the child nutrition programs to emphasize lower fat commodities, such as lean beef. USDA commodity procurement should also stress cheese varieties which contain less fat than standardized versions. If these products are specially formulated, these lower fat cheeses may cost more than the standardized varieties because they contain less fat and more protein. USDA commodity purchases of cheese, which generally go into prepared foods such as pizza and other entrees, should be limited to reduced fat cheese varieties to encourage food processors to use the lower fat cheese in foods that are prepared for school meals. This recommendation would apply only to USDA cheese purchases, giving schools the option to use full fat versions of cheese through direct school purchases in compliance with Dietary Guidelines.

WIC Program

The cost containment approach adopted by USDA in the 2007 update of the WIC food packages resulted in a trade off between optimal nutritional value of the supplemental food packages and maximizing participating levels.

Congress authorized the WIC program to reach all eligible participants and to include food packages that reflect nutrition science, public health concerns, and cultural eating patterns.

The new WIC regulation was meant to align the food packages with the 2005 Dietary Guidelines for Americans and the recommendations of the Institute of Medicine's report, "WIC Food Packages: Time for a Change." However, in order to achieve cost neutral changes, the IOM recommendations were not accepted in certain areas, most notably the availability of yogurt in the food packages.

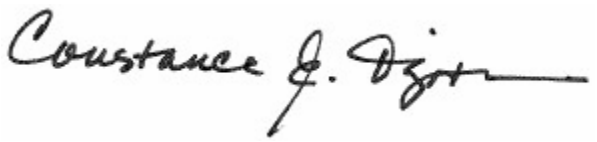
Milk and dairy products were reduced from the WIC packages to allow additional funding to go into fruits and vegetables - an unnecessary trade off that resulted in a less optimal nutritional package for certain targeted nutrients. In addition, the flexibility to substitute other dairy products for milk was curtailed. Yogurt was not allowed as a substitute, and rather than requiring reduced fat cheeses, the regulation reduced the overall level of cheese substitutions.

These changes do not make sense relative to the nutrient density of many dairy products and the mandate from Congress to consider eating patterns.

IDFA proposes that Child Nutrition Reauthorization and subsequent USDA regulations require three servings of dairy per day for postpartum women and allow a new category of dairy products (including yogurt and reduced fat versions of cheese) that would be allowed as substitutes for fluid milk. Increasing the allowable level of dairy products that can be substituted for fluid milk will make dairy products more attractive to WIC participants, therefore increasing the likelihood of those women and children consuming the nutrients provided through dairy foods.

In conclusion, IDFA and its member companies are proud of the fluid milk, cheese, yogurt and all dairy products that provide delicious nutrition to children and families through the federal nutrition programs. The wide range of nutritional benefits offered by dairy foods supports the continued important role of dairy in the child nutrition and WIC programs. If IDFA can be of further assistance, please contact me at 202-220-4332.

Sincerely,



Constance E. Tipton
President and CEO

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