

December 12, 2003

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1060
Rockville, MD 20952

Re: Docket 2003N-0338, "Exploring the Link between Food Labeling and Weight Management"

Dear Dr. Crawford:

The International Dairy Foods Association (IDFA) appreciates the opportunity to offer comments to the FDA Obesity Working Group regarding food labeling and the ways labeling can impact weight management. We are glad that the dairy industry can work with FDA to help find solutions to 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-- an estimated \$70 billion a year industry.

IDFA urges extreme caution as FDA considers changes to the food label. Labels should not be used to categorize foods as "bad foods" or "good foods" since all foods can be part of an overall healthy diet. Labels are a tool to provide information, not to judge or stigmatize foods. Actions taken to combat obesity should focus on the total diet and on physical activity, and labels already provide information to consumers looking to maintain a complete, healthy diet.

In fact, IDFA believes that no changes to the food label are needed. Serving size and calorie content are already available on every food label, giving consumers information on the calories they take in. Nutrient content claims are available to assist consumers in identifying low fat and low calorie foods, if consumers are interested in such foods. For individuals interested in weight control, all the information they need is already clearly stated on the package.

The meeting on November 20, 2003 provided many ideas regarding changes to the food label as a possible means to impact the trend of obesity in this country. Our comments on some of these specific proposals follow.

As the Obesity Working Group considers using food labels as part of a campaign to reduce the number of Americans that are overweight and obese, it is important to note that despite the messages delivered via the food label, the label cannot be the only source of weight management education. Although lower calorie food options are available to consumers now, they need to understand the importance of their personal choices on their health. This understanding cannot come solely from food labels. Labels are only a tool to inform people's choices. Changes, if any, to the food label must be coordinated with enhanced public health education campaigns. When compared to a single faceted change, a campaign that entails labeling along with media coverage, community interventions and peer support will have a much higher chance of success.

While obesity is an important issue, many Americans are dealing with other health concerns that impact their food choices, such as heart or kidney disease. If food labels are changed in order to assist people with their weight control, these changes must not come at the expense of nutrition information that is important for other health concerns. Label information on sodium, fat, protein, vitamins and minerals should not be removed or minimized in order to target the food label toward weight management. Research has shown that some nutrients, such as calcium, can assist with weight loss, so removal of calcium content from the label could, in fact, hinder people's attempts at weight loss. There are also millions of Americans who maintain a healthy weight. If food labels were altered to reflect only information for people interested in losing weight, these labels may not be appropriate for the large number of Americans not seeking weight loss.

IDFA has concerns regarding the proposed food label change to add a drawing of an activity that burns the same number of calories as found in the food. People already understand the connection between calories consumed, calories expended and the effects on weight. The vast majority of people's calorie needs are for basic maintenance of life--keeping the heart pumping, lungs breathing and cells functioning. Therefore, if an individual consumed 100 calories of food, he or she would not necessarily have to burn off those 100 calories through activity. Basal energy needs of the body may use up all or some of the calories consumed. Those calories only become a weight issue if the person is consistently consuming more calories than are expended.

Labeling packages of food with the total number of calories in the entire package is not effective or rational for many foods. People often share containers or eat the contents of one container over two or more eating occasions. For example, a gallon of lowfat milk labeled "1600 calories" would not be helpful to consumers, because it is rare that a person would drink an entire gallon of milk at one time. For this type of labeling to have meaning, each food container so labeled would have to be viewed as a single serving container by all consumers. This would be very difficult, as people have different ideas of what is one portion of food or beverage. While a 20 ounce beverage may be one

serving to one person, that same container may be two or three servings to another person.

Labeling changes that provide information on weight control or healthy weight should be **voluntary** and should not stigmatize foods or the people who select these foods. People choose foods for a variety of reasons, including taste, comfort and nutrition. The information provided by food labels should help inform consumers, not make them feel guilty about their food choices. Voluntary changes will allow companies to provide the type of information that is most important to their customers in a format they best understand.

One type of voluntary labeling that the dairy industry would find useful in communicating with consumers is dietary guidance statements. These statements should be straightforward, easy to put on small labels and applicable to a variety of foods. These statements should allow for flexibility in how a company makes the statement, based on the label space available and the statement made. Depending on the target population of the product and that population's health concerns, different dietary guidance statements may be more effective. A variety of statements should be available for these varied products and populations.

If changes in the food label were to be implemented, the label should be rigorously tested with consumers to ensure that the desired effect is met with the targeted consumers, but without creating confusion for other consumers. This testing must address the label as a whole in order to insure this result. If a part of the label is overemphasized or is overshadowed by another part of the label, the entire label may become ineffective. A great deal of effort and expense would go into developing and changing labels; such a change should only be implemented if research proves its effectiveness with consumers.

In addition to considering changes in labeling, FDA should also consider modernizing standards to allow for formulation of healthier food from filtered milk, which has a lower sugar and higher protein content. For example, current cheese standards do not allow for ultrafiltered milk to be used as a dairy ingredient for cheesemaking. However, this high quality product results in a cheese that has higher levels of valuable nutrients, such as whey proteins, than cheese made by the traditional process. Whey proteins are high quality proteins that provide essential amino acids and are actually of higher nutritive value than casein or soy protein. As such, one immediate step that the FDA could take would be to move forward on the standards of identity petitions on cheese and ice cream currently pending.

IDFA commends FDA and the Obesity Working Group in their comprehensive approach to helping Americans reduce obesity. We are proud to be working with FDA, consumer groups and the rest of the food industry toward educating Americans about foods and food choices.

Sincerely,

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