

1250 H Street NW, Suite 900  
Washington, DC 20005  
P: 202.737.4332 | F: 202.331.7820  
[WWW.IDFA.ORG](http://WWW.IDFA.ORG)



January 31, 2019

Dr. Oxiris Barbot  
Acting Commissioner  
New York City Department of Health and Mental Hygiene  
Submitted via email to: [sugar@health.nyc.gov](mailto:sugar@health.nyc.gov)

**RE: Preliminary Voluntary Sugar Reduction Targets from the National Salt and Sugar Reduction Initiative**

Dear Dr. Barbot:

The International Dairy Foods Association appreciates the opportunity to provide comments on the proposed sugar target levels for New York City's National Salt and Sugar Reduction Initiative (NSSRI). We agree that consumers in New York City and across the country should have access to healthy food options that are convenient, affordable and enjoyable. However, we have serious questions and concerns about this initiative.

The International Dairy Foods Association (IDFA), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports nearly 3 million jobs that generate more than \$161 billion in wages and has an overall economic impact of more than \$628 billion. IDFA members range from multinational organizations to single-plant companies. Together they represent approximately 90 percent of the milk, cultured products, cheese, ice cream and frozen desserts produced and marketed in the United States and sold throughout the world. The diverse membership includes numerous food retailers, suppliers and companies that offer infant formula and a wide variety of milk-derived ingredients.

We understand that the City of New York's goal is to reduce intake of added or total sugar, but we feel that there are different approaches that could make the initiative more practical for companies, thereby more accessible for consumers and more impactful on public health.

**Executive Summary**

- Dairy foods should be excluded from the sugar reduction initiative because they are nutrient dense, deliver three of the four Dietary Guidelines for Americans' nutrients of public health concern and do not contribute significant amounts of added sugar to the American diet.

- Dairy products are already widely available in a variety of sugar content levels.
- Initiative must provide flexibility to products that are lowering sugar content while staying within the requirements of an FDA standard of identity.
- NSSRI targets should be based on added sugars, to align with FDA's new Nutrition Facts label requirements for declaring added sugar.
- Alternative methods for reducing sugar intake should be considered in addition to product reformulation. These include portion control and consumer education. Effective education that empowers consumers to make changes to their overall dietary pattern is necessary.
- Non-nutritive sweeteners should be permitted in the voluntary initiative as a tool to help lower sugar levels.
- Targets should consider the critical technical and functional purposes of sugar. Sugar is a highly functional ingredient, with many benefits and attributes beyond flavor and sweetness, including product texture and consistency, product identity, color and browning, water activity, shelf life and standard of identity requirements.
- Sales weighted means and product categories should be reconsidered to allow for more appropriate targets. Some product categories are ambiguous and arbitrary, making it difficult to determine where products fall within categories. Additionally, it is unclear if private label sales are included, which will impact the sales weighted mean.
- The timeline for sugar reduction must take into account consumer taste and recent reductions. Reformulation efforts to remove ingredients, such as salt and sugar, have demonstrated that over time consumers will accept gradual reductions where the change in taste and texture is not discernible. Companies have already made progress in voluntary sugar reduction on products.
- Setting maximum level targets for sugar content causes undue restrictions so these should be removed.

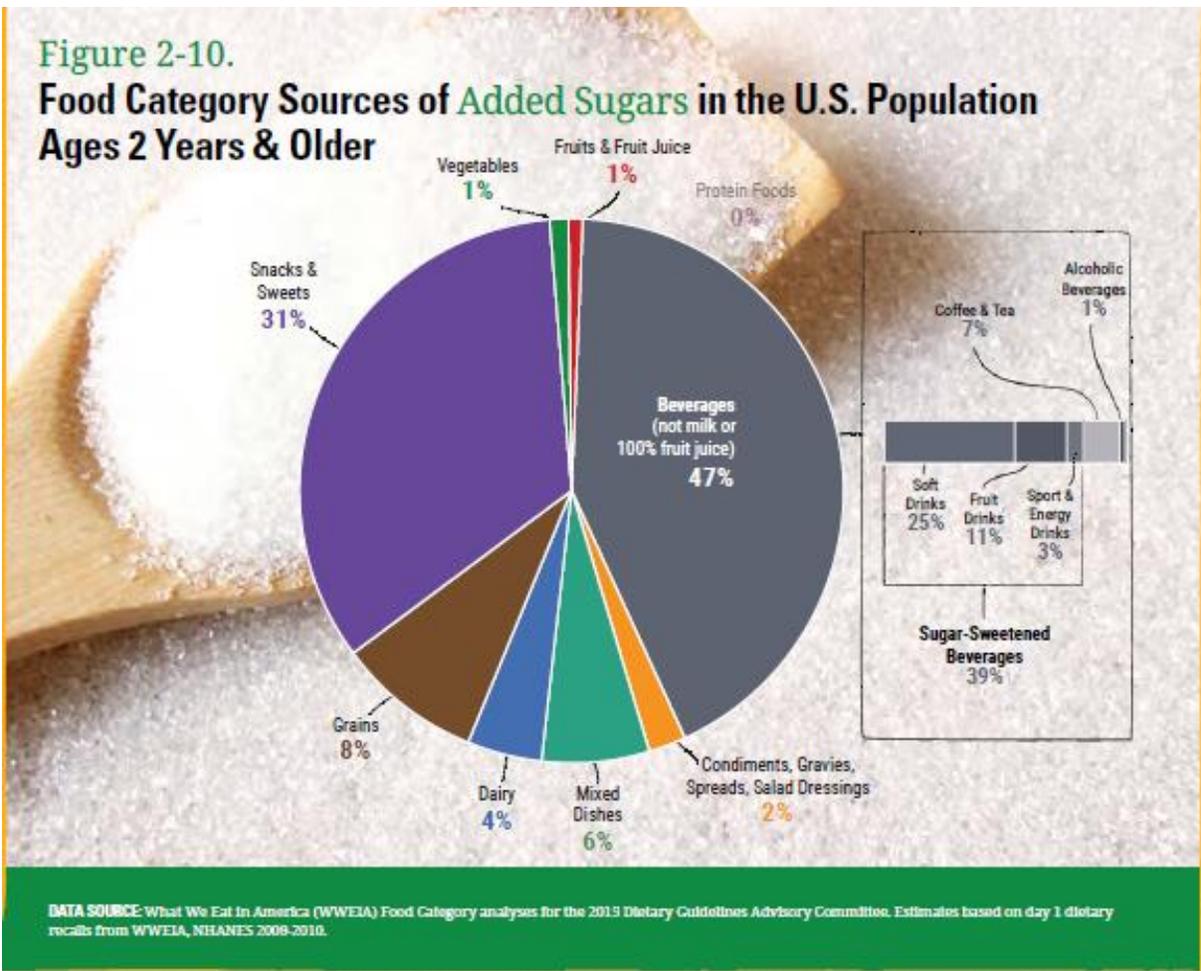
### **Nutritive Value of Dairy Products**

#### Dairy Foods Should be Excluded from This Initiative Because They Are Nutrient Dense and Do Not Contribute Significant Amounts of Added Sugar to the Diet

According to the 2015-2020 Dietary Guidelines for Americans<sup>1</sup> (DGA), dairy foods provide just 4% of the added sugar in the American diet. Dairy is not a major source of added sugars for Americans and does not need to have sugar restrictions, particularly when considering the natural sugar present in milk and the other nutrients provided by dairy products.

---

<sup>1</sup> U.S Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*. 8<sup>th</sup> Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.



Source: U.S Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

### Dairy Products are Nutrient Dense

Flavored and sweetened dairy products, such as flavored milk or yogurt, are an important part of encouraging adequate intake of dairy products, which are underconsumed by most Americans. Flavored milk and yogurt are nutrient dense and provide significant nutritional benefits. The moderate levels of added sugars in these products increase palatability, thereby encouraging Americans to eat more of these nutrient-dense foods. Flavored dairy products contain the same nutrients of their unsweetened counterparts, but with some added sweetener ingredients that can provide a flavor that some consumers prefer, or that provide other functional purposes. Flavored milks, like all cow’s milk, are a source of 11 essential nutrients, including calcium, vitamin D and potassium.

The 2015-2020 DGA recognize the role that sweetened and flavored dairy foods and beverages can play in increasing consumption of nutrient dense options and improve nutrient intakes, particularly of underconsumed food groups and nutrients. Dairy products are specifically mentioned by the DGA, “Healthy eating patterns can accommodate other nutrient-dense foods with small amounts of added sugars, such as... fat-free yogurt, as long as calories from added sugars do not exceed 10 percent per

day, total carbohydrate intake remains within the Acceptable Macronutrient Distribution Range, and total calories intake remains within limits.”<sup>2</sup> The DGA also states, “Some sweetened milk and yogurt products may be included in a healthy eating pattern as long as the total amount of added sugars consumed does not exceed the limit for added sugars, and the eating pattern does not exceed calories limits.”<sup>3</sup>

Despite the nutritional benefits, fluid milk product consumption has been declining steadily over the past three decades with per capita consumption dropping by 74 pounds from the level of 223 pounds in 1987 to its lowest level of 149 pounds in 2017.<sup>4</sup> Americans should be encouraged to consume more milk and dairy products, including flavored milk, to meet their nutrient needs. Any steps that could further reduce consumer options for dairy products should be carefully considered.

USDA’s school meal programs provide a recent example of how changes that are meant to improve food choices and nutrient intakes can have unfortunate unintended consequences. Studies have been conducted to assess the impact of the withdrawal of flavored, low fat milk from schools. One study found that removing flavored milk on one or all days of the week resulted in a 26% reduction in sales of milk, a 37% reduction in consumption, and an 11% increase in milk discarded as waste.<sup>5</sup> The waste of milk was confirmed in a more recent study (2017) that found reduced consumption of milk also resulted in increased food waste for some school food service programs.<sup>6</sup> In summary, flavored low-fat milk is a nutrient dense choice that can help children meet food groups and nutrients of public health concern in the school meal programs. More broadly, strategies that help consumers increase intakes of nutrient dense foods, such as low-fat dairy foods, should be encouraged.

Yogurt is another nutrient-dense source of high-quality protein, calcium, potassium, riboflavin, vitamin B12, and phosphorous. Some yogurts have vitamin D added. For many people, added flavors and sweeteners make yogurt more palatable, meaning that they are more likely to increase their consumption of calcium, protein, potassium, vitamins A and D and other important nutrients present in each serving of yogurt.

In summary, flavored dairy products are an important way that many people prefer and choose (over non-flavored dairy products). If flavored dairy products become less available and/or have significant changes in their flavor profiles, consumers may decrease consumption of these products or switch to other non-dairy foods or beverages. The unintended consequence may further decrease consumption of already underconsumed nutrients and food groups.

---

<sup>2</sup> U.S Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

<sup>3</sup> Ibid.

<sup>4</sup> U.S. Department of Agriculture. ERS. 2017. Dairy products: Per capita consumption, United States (Annual data through 2017). Accessed Jan 14, 2019 <https://www.ers.usda.gov/data-products/dairy-data>.

<sup>5</sup> Quann EE, D Adams. Impact on Milk Consumption and Nutrient Intakes from Eliminating Flavored Milk in Elementary Schools. *Nutrition Today*: May/June 2013. 48(3):127-134.

<sup>6</sup> Blondin SA, Cash SB, Goldberg JP, Griffin TS and Economos CD. Nutritional, economic, and environmental costs of milk waste in a classroom school breakfast program. *American Journal of Public Health*. 2017. 107(4):590-592.

## **Dairy Foods Have Unique Challenges Related to Sugar Reduction**

In many categories, including dairy, consumers already have a choice of products representing a wide range of sugar levels. Differences in sugar content between brands, or within brands, are generally available, meaning that customers can select the product that best meets their needs, including the sugar content of interest to them. Additionally, for most dairy products, there is the option of unflavored or products sweetened with non-nutritive sweeteners. Reducing sugar in these products, especially without the use of non-nutritive sweeteners, will cause unnecessary duplication.

As the 2015-2020 DGA acknowledge, there is a place in healthy dietary patterns for nutrient dense foods that contain added sugars. These foods play an important role in the diet, helping consumers meet food group and nutrient needs, in contrast to other foods with added sugars that contribute few to no nutrients or food groups to encourage. Any recommendation to lower the sugar content of products should consider the overall nutrient package provided by that product, rather than being broadly applied to any and all sources of added sugars.

### Variety of Dairy Products Must be Considered

There are many approaches that may help consumers lower their overall sugar intake. Lowering the added sugar content is one approach, but so would assisting consumers to select existing non-sweetened options or options sweetened with non-nutritive sweeteners. There are already a wide range of dairy products that are available at a variety of sugar levels, meaning that education to help consumers choose dairy products that are lower in sugar should also be considered. This variety in options could make it more likely that consumers will find a choice that they enjoy and will consume, an important point for dairy products as they are underconsumed by most Americans.

While there may not be as much variation in sugar content in products in other foods categories, there are often other approaches that may work to help lower sugar intake rather than relying solely on product reformulation. These varieties of approaches need consideration in this initiative.

### Standards of Identity May Interfere with Sugar Reductions

Many dairy foods fall under a federal standard of identity, including milk, yogurt, ice cream, sherbet, and other products. These standards set requirements on what ingredients may or must be used in the product and the composition of the product. If a dairy food or beverage deviates from the standard, it may need to use a nutrient content claim, if one applies, or change the name of the product. In some cases, the standard of identity requirements may make sugar reductions more challenging or impossible within the standard.

California has a standard of identity for milk that differs from the national standard. California standards for reduced fat milk and lowfat milk require a significantly higher level of milk solids nonfat than the federal milk standard, so more lactose is present.<sup>7</sup> Nationally distributed products must meet California

---

<sup>7</sup> Food and Agricultural Code. Division 15, Milk and Milk Products Act of 1947. Part 3, Manufactured Products, Chapter 2 Market Milk and Cream, Article 2 Market Milk Standards and Grades, 35784.1; Food and Agricultural Code. Division 15, Milk and Milk Products Act of 1947. Part 3, Manufactured Products, Chapter 5. Miscellaneous Dairy Products, Article 2 Skim Milk, Nonfat Milk, or Fat-free Milk, 38181; Food and Agricultural Code. Division 15, Milk and Milk Products Act of 1947, Part 3. Manufactured Products, Chapter 5. Miscellaneous Dairy Products,

standards for a consistent product nationwide. If total sugars are used as the basis for the targeted reduction, it would be difficult or impossible to make this product meet the Initiative reduction goals due to the higher lactose level.

The federal standard of identity for sherbet<sup>8</sup> requires specific levels of fruit to be included, which contribute naturally occurring sugars that are included in the total sugar targets. Citrus flavored sherbets must contain at least 2% fruit, berry sherbets must contain at least 6% fruit and sherbets flavored with other fruits must contain at least 10% fruit by weight. These levels of fruit ingredients would contribute significant levels of total sugars to the product. Lowering these levels of sugar would be impossible to reduce without lowering the fruit content in the sherbet and possibly becoming out of compliance with the standard of identity.

As the sugar that occurs naturally in milk and dairy, lactose is present in nearly all dairy products. Although lactose can be hydrolyzed into glucose and galactose for lactose free products, this does not change the sugar content. The only way of removing lactose from milk and therefore lowering the natural sugar in milk is through ultrafiltration. However, since this process changes the composition of the milk, FDA considers ultrafiltered milk as different from milk and not meeting the standard of identity for milk. Fluid products that have been ultrafiltered to reduce lactose content and therefore total sugar content cannot be labeled as “milk” and must be labeled as “ultrafiltered milk,” “dairy beverage,” or “milk beverage.”

### **Concerns about Design of Initiative**

As explained in the reasons above, IDFA does not feel that the NSSRI should include dairy products. However, we would like to offer the following comments on the specific information available about the initiative.

#### Targets Should Align with FDA’s New Nutrition Facts Panel Requirements

The stated objective of the initiative is to “promote...reductions in **sugar content** in packaged foods and beverages” because “**intake of added sugars** is associated with increased risk of excess weight, type 2 diabetes, hypertension, stroke, heart disease and cavities.” (emphasis added) The concern of the program appears to be limiting added sugars in foods and beverages. However, the sugar reduction targets proposed are based on the total sugar content, rather than added sugar content. This total sugar approach will capture not only added sugar, but also the naturally occurring sugars present in dairy and fruits. This makes the sugar targets even more difficult to achieve for products that contain these naturally-occurring sugars, such as flavored milk, fruit flavored yogurt and fruit flavored frozen desserts.

If the goal of the program is to reduce added sugars, then the targets should be based on added sugar levels, not total sugar. This will align with FDA’s update to the Nutrition Facts Label which includes the mandatory added sugars declaration, effective January 1, 2020. Our understanding is that the City of New York plans to begin company partnerships in 2020, so this would align well with the Nutrition Facts

---

Article 2.5 Lowfat Milk or Light Milk, 38191; Food and Agricultural Code. Division 15, Milk and Milk Products Act of 1947, Part 3. Manufactured Products, Chapter 5. Miscellaneous Dairy Products, Article 3 Reduced-fat Milk, 38211.

<sup>8</sup> 21 Code of Federal Regulations 135.140 Sherbet.

timeline. Even now, prior to the mandatory compliance date for added sugars declaration, many packages already provide information on added sugars content.

Setting targets on sweetened, flavored milk does not reflect the nutritional contributions of flavored milk or the reality that these products contain both natural and added sugar. Based on 12 grams of lactose per cup of milk, the proposed targets of 17.28 grams and 15.26 grams would be practically impossible to meet without the use of non-nutritive sweeteners.

In order to correct this obstacle for dairy and other products that contain naturally occurring sugar, we urge the City of New York to include only added sugar in the targets, or to exempt products with both naturally occurring and added sugars.

#### Initiative Should Consider Alternative Approaches to Reducing Sugar Intake

Alternative methods for sugar reduction exist, including portion control, calorie declaration, and encouraging consumers to choose plain or low sugar options. These should also be considered together with encouraging food manufacturers to reformulate products.

Effective education programs that empower consumers to make changes to their overall dietary patterns, such as choosing dairy products with lower sugar levels, could assist consumers in making choices that result in lower sugar intake. Many dairy products are available in a variety of serving sizes, so that consumers can select the option that best helps them meet their sugar and calorie intake goals. Smaller single serving containers can help limit intake and therefore limit sugar intake.

#### Non-nutritive Sweeteners Should be Permitted in Initiative as a Tool to Help Lower Sugar Levels

In the “Preliminary Voluntary Sugar Reduction Targets from the National Salt and Sugar Reduction Initiative” document, the City of New York explicitly stated that the “targets were drafted with the expectation that companies will meet the proposed targets without increasing non-nutritive sweeteners...” This expectation hampers efforts to reduce sugar content while still meeting the taste expectations of consumers.

While some consumers may want lower sugar content without the use of non-nutritive sweeteners, there are already dairy products that meet this interest. Non-nutritive sweeteners have been proven safe by FDA and are popular with many consumers that are looking for products with a lower sugar content. As with all other ingredients, non-nutritive sweeteners must be specifically identified in the ingredient list of the product in which they are used. Therefore, it is clear to consumers whether or not a product contains any sweetener, including non-nutritive sweeteners. Limiting this approach to lowering sugar levels will work against companies who are trying to meet the NSSRI’s targets.

#### Targets Should Consider the Critical Technical and Functional Purposes of Sugar

Sugar is a highly functional ingredient, with many benefits and attributes beyond flavor and sweetness. The functionality of sugar includes product texture and consistency, color and browning, dough conditioning, water activity, shelf life, standard of identity requirements and palatability of nutrient dense foods. As acknowledged in the 2015-2020 DGA, “Added sugars provide sweetness that can help improve the palatability of foods, help with preservation, and/or contribute to functional attributes such

as viscosity, texture, body, color, and browning capability.”<sup>9</sup> Reducing added sugar may be difficult when it is used as a sweetener, particularly without the use of non-nutritive sweeteners. But when it is used, either directly or indirectly for purposes other than sweetening, reducing sugar while maintaining other aspects of a food or beverage product may be even more difficult.

While added sugar can play a functional role beyond sweetening, in other dairy products, sugar provides a number of functional purposes in frozen desserts. It plays a role in the freezing point and texture, both of which are critical to ice cream and other frozen desserts. Reducing sugar means changing formulations or adding other food ingredient substances that can replicate these functions. These other ingredients that can replicate the function of sugar may not be as acceptable to consumers because they are less familiar with them or may not meet their expectations of ‘clean’ or simple ingredients. If alternative food ingredient substances are not added to help reduce the freezing point and enhance the texture of ice cream or frozen desserts, then increasing water while lowering sugar may be the only alternative. The resulting product may resemble an ice cube rather than a creamy treat.

Additionally, reformulation efforts to remove ingredients, such as salt and sugar, have demonstrated that over time consumers will accept gradual reductions where the change in taste and texture is not discernible. In many product categories, companies have already made progress in voluntary sugar reductions on products.

The initiative states “Targets were drafted with the expectation that companies will meet the proposed targets without increasing non-nutritive sweeteners, saturated fat, calories, or sodium.” Because sugar is a bulky ingredient, unlike salt, simply removing 10% or 20% of sugar amounts to a significant reduction in a major ingredient. However, sugar will need to be replaced with ingredients that do not increase any of the stated nutrients, thus leaving food companies with very limited ingredient replacement options.

#### Category Groupings Should be Reconsidered to Allow for More Appropriate Targets

Some category descriptions are ambiguous and arbitrary, making it difficult to determine where or how to categorize products and therefore which sugar target criteria to use. The arbitrary and unclear nature of the current category descriptions may cause companies to unintentionally place their products in different categories, leading to an uneven playing field and inaccuracies in recording sugar reductions. One product category we would like clarity on is frozen novelty products, such as ice cream bars or ice cream cones. While our assumption would be that this would be included as a dairy-based or frozen dessert, with the difference in composition such as coatings, cones and other ingredients in a novelty, these may need to be included as a separate category.

Additionally, some product categories combine unrelated products with very different levels of added sugars used for very different purposes. An example of this would be in the dairy-based and frozen desserts category. This category includes not only all types of frozen desserts, both dairy based (ice cream) and non-dairy based (ice pops), but also pudding and cheesecake. The regulations, nutritional composition and sugar level (both naturally-occurring and added) of these products are so different that combining them into a single category is not helpful in meeting sugar targets. Sherbet and ice pops have a much lower level of fat than other products in the category, which increases the percentage of sugar

---

<sup>9</sup> U.S Department of Health and Human Services and U.S. Department of Agriculture. *2015-2020 Dietary Guidelines for Americans*. 8th Edition. December 2015. Available at <http://health.gov/dietaryguidelines/2015/guidelines/>.

in the product. Additionally, the standard of identity for sherbet requires specific levels of fruit to be included, which contribute naturally occurring sugars that are included in the total sugar targets.

We strongly recommend that consideration be given to splitting categories such as “Sweetened milk and milk substitute” into two categories, as well as splitting the “Dairy-based and frozen desserts” into two categories distinguishing the “dairy-based desserts” and “non-dairy-based desserts.” This splitting is even more important if the initiative continues to base the baseline and target values on total sugar rather than added sugar.

When comparing data from the USDA National Nutrient Database for Standard Reference for products in the “dairy-based and frozen desserts” category, there is significant variation. The database shows vanilla ice cream as containing 21.22 grams of sugar per 100 grams of ice cream, while orange sherbet contains 24.62 grams of sugar per 100 grams and lime ice contains 32.6 grams of total sugar.<sup>10</sup> All of these are above the initiative’s stated baseline amount, and the variation between them would make meeting the target levels even more difficult.

<b>Products</b>	<b>Total Sugar/100 g</b>
<b>Dairy-based frozen desserts</b>	
Vanilla ice cream	21.22 g
Orange sherbet	24.62 g
<b>Non-dairy frozen desserts</b>	
Lime water ice	32.6 g
Mango sorbet	27.37 g

#### Sales Weighted Means Calculations Should be Reconsidered to Allow for More Appropriate Targets

In considering the Sales Weighted Means presented in the preliminary sugar reduction targets document, we have concerns about both the baselines and the resulting targets. In the preliminary sugar reduction targets document, the City of New York did not share details regarding the Sales Weighted Means (SWM) calculations and what information was used and the source of this information. These details are important so that the food industry can ensure alignment on the SWM calculation approach and determine whether key products have been appropriately represented in the SWM calculation.

One area of concern noted with the City of New York’s original salt reduction initiative targets is the exclusion of Wal-Mart and private label sales data from the SWM calculations. As with many consumer products, Wal-Mart is a significant retailer for foods. If the calculation also does not consider private label products, which are often the highest selling “brand” in a food category, the SWM would not accurately reflect the actual nutritional profile of products currently available in the marketplace.

If private label sales were not included, we would recommend using information available from Information Resources Incorporated, which does bring in the sales of private label products. Wal-Mart

---

<sup>10</sup> USDA National Nutrient Database for Standard Reference Legacy Release, April 2018. Available online at <https://ndb.nal.usda.gov/ndb/search/list?home=true>. Accessed December 9, 2018.

sales information is also available and should be considered in setting the current national average for sugar content of foods.

As an example of the concern over the baselines set by the NSSRI, the program baseline for sweetened milk and milk substitute is 8.1 grams of total sugar per 100 ml, which is equivalent to 19.44 grams of total sugar per 240 ml (1 cup) serving. However, the USDA National Nutrient Database for Standard Reference shows lowfat chocolate milk containing 25.38 grams of total sugar per 1 cup serving.<sup>11</sup> Similarly, the baseline level for yogurt is 10.5 grams of total sugar per 100 g, or 17.85 grams of total sugar per 170 g which is the updated Reference Amount Customarily Consumed for yogurt. This compares to the USDA database value for lowfat vanilla yogurt of 23.46 g of total sugar per 170 grams of yogurt.<sup>12</sup> The significant differences between the USDA database values and the NSSRI baseline values raises concerns about the data used to determine the baseline value. In some cases, neither the USDA database nor the NSSRI baseline values accurately represent products available to consumers. If the baseline is not reflective of the current marketplace, the targets will not be attainable or useful.

	Flavored Milk		Yogurt	
	100 mL	240 mL	100 g	170 g
NSSRI Baseline	8.1 g	19.44 g	10.5 g	17.85 g
USDA Database		25.38 g (lowfat chocolate milk)		23.46 g (lowfat vanilla yogurt)

Longer Timeframe is Needed to Provide for Gradual Reductions that are Acceptable to Consumers

An additional concern is that setting the baseline level at the time of 2018 does not take into consideration the recent reformulations undertaken by companies. With the publication of the final rule requiring the declaration of added sugars in foods and beverages, many companies used this to spur development of new products or reformulated products with lower levels of added sugar.

Products included as part of school meals and as competitive foods in schools have also been reformulated due to the recent nutrition requirements of the school meal programs. Between the 2006-2007 and 2015-2016 school years, added sugar levels declined by more than 9 grams per serving, or 55 percent, in school chocolate milk. During that same time period, added sugar declined from 16.7 grams to 7.5 grams per cup (the naturally-occurring sugar in cow’s milk (lactose) is unchanged at 12 grams per cup). Required additional reductions in sugar or added sugar so soon after these changes may not be possible.

A gradual reduction in sugar content is most likely to be accepted by consumers. A longer timeframe for reduction of sugars would assist in allowing for a gradual reduction which could then help consumers in making lower sugar choices. The timeline should also take into account the timing of the updates to the

---

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

Nutrition Facts label, since many companies have reformulated or are currently working on reformulations with the addition of the added sugars line on the Nutrition Facts label.

#### Target Maximum Levels are an Undue Constraint and Should be Removed

Targets set through Sales Weighted Means should meet the initiative's stated goal of lowering total sugar/added sugar intake by lowering the overall sugar content of foods in a specific category. However, there will continue to be variations within a category and within a company's offerings. Requiring all products to meet an upper limit places undue restriction on a few products in a category that would otherwise meet the targets. These may be specially formulated and marketed as a special treat to be eaten occasionally, which is of less concern as part of an overall eating pattern. The volumes of these "occasional" products in the market place (and the level of consumption) will be de facto limited through the use of the SWM targets.

#### Concerns over Sharing Sales Data

Although the implementation of the sugar portion of the National Sodium and Sugar Reduction Initiative did not address this, one concern about the implementation of the sodium portion of the initiative is that participating companies would be required to share their sales data with the City of New York. While the added sugar content of food will soon be visible 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 sugar levels to adapt to local tastes and preferences. These variations in sales and sugar content should be addressed in the information used to identify whether a company's products meet the initiative's goals.

#### **Conclusion**

We urge the City of New York to address the challenges that currently exist in the preliminary sugar reduction targets, including:

- Exclude dairy products from the initiative due to their significant contribution of essential nutrients and minor contribution to added sugar in the American diet. Dairy products are widely available in a variety of sugar contents.
- Base targets on added sugar, rather than total sugar.
- Consider alternative methods for reducing sugar intake, including consumer education and portion control.
- Permit the use of non-nutritive sweeteners in the voluntary initiative.
- Consider the technical and functional purposes of sugar when setting attainable targets.
- Reconsider Sales Weighted Means and product categories to allow for more appropriate targets.
- Extend target deadlines to allow for gradual reduction in sugar content and consider previous reductions.
- Remove maximum level targets that cause undue restrictions.

IDFA's members are proud of the dairy products they manufacture and look forward to providing nutrient-dense options that people enjoy.

Sincerely,

A handwritten signature in black ink that reads "Cary Frye". The signature is written in a cursive, flowing style.

Cary Frye  
Senior Vice President, Regulatory Affairs

A handwritten signature in black ink that reads "Michelle Matto". The signature is written in a cursive, flowing style.

Michelle Matto, MPH, RDN  
AM Food & Nutrition  
Consultant to IDFA