



September 17, 2018

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

Re: Docket No. FDA-2018-N-2381; “The Food and Drug Administration’s Comprehensive, Multi-Year Nutrition Innovation Strategy; Request for Comments”

Dear Sir or Madam:

The American Society for Nutrition (ASN) commends the Food and Drug Administration (FDA) for its continued focus on nutrition and health, and appreciates the opportunity to comment on FDA’s Nutrition Innovation Strategy. ASN is a scientific, professional society with more than 6,500 members who conduct nutrition research to help all individuals live healthier lives. ASN supports the dissemination and application of nutrition science to improve public health and clinical practice worldwide. ASN is pleased that improved nutrition and public health through innovation and consumer education are receiving rigorous discussion and consideration at FDA, and ASN welcomes the opportunity to serve as a resource to FDA as you move forward with the Nutrition Innovation Strategy. ASN appreciates the opportunity to comment specifically on the following topics: (These comments address labels used on both foods and supplements.)

- Considering using a standard icon to denote the claim “healthy” on food labels.

Use of a well-defined standard “healthy” icon that is aligned with current, evidence-based dietary recommendations may help consumers select more nutrient dense food products that are part of a “healthy/healthful” eating pattern, i.e., those defined in the 2015 Dietary Guidelines for Americans. However, use of a standard icon to denote “healthy” on food products should be accompanied by an updated, clear definition of “healthy” from the FDA, as well as consumer education regarding this icon and what constitutes “healthy/healthful” eating patterns. A claim and/or icon to denote “healthy” based on food groups and nutrients to encourage, as well as limit, may support improved consumer food choices.

According to the [2016 IFIC Foundation Food and Health Survey](#), 35% of consumers define a healthy food as one that doesn’t contain (or has low levels of) certain components. For the open-ended response question, consumers also included terms such as natural, fresh, no artificial ingredients or additives, nutritious, organic, and unprocessed to characterize “healthy”. These responses indicate that consumers associate “healthy” with other attributes of a food or beverage, such as the way it was produced or sourced. It would be useful for the term “healthy” and any symbol or icon denoting “healthy” to be thoroughly

informed by consumer research to most benefit consumer understanding and utilization of the term “healthy” in its intent to support consumer choices that build healthier eating patterns. The use of QR codes may be an innovative way to facilitate consumer education related to a standard “healthy” icon or claim.

- Creating a more efficient review strategy for evaluating qualified health claims on food labels.

A more efficient review strategy for evaluating qualified health claims, including authorized health claims, could be beneficial to make healthful product information more readily available and available sooner to consumers. It is important though that the scientific review portion of evaluating qualified health claims not be compromised in any way to produce a more expedient review. A more efficient review should still require sufficient scientific data to support the claim and ensure that all required scientific evidence will be carefully examined. While FDA may explore allowing private organizations to conduct the evidence-based scientific review for qualified health claims to expedite reviews, rigor must be maintained to ensure sound scientific evidence supports any claim.

- Discussing new or enhanced labeling statements or claims that could facilitate innovation to produce more healthful foods and more healthful consumer food choices.

Dietary guidance claims (a claim that a food makes a meaningful contribution to the intake of a recommended food group (e.g., fruits, vegetables, whole grains, etc.) and addresses the role of the food group in maintaining good health) could potentially facilitate innovation to produce more healthful foods and improve consumers’ food choices. However, FDA would need clear criteria for any new or enhanced labeling statements or claims. Such criteria are found in the Dietary Guidelines for Americans and the MyPlate consumer education materials. It is important that dietary guidance statements be truthful and evidence-based. Therefore, FDA would need to define what is a meaningful amount of a food group in a serving and set thresholds for nutrients to limit such as saturated fat, sodium, added sugars, etc. so that the product is consistent with existing Federal dietary guidance that makes scientific evidence-based recommendations for a “healthful” diet. There are opportunities for the FDA to define other dietary guidance statements that come from existing Federal guidance, such as “nutrient-dense,” which can also be used in food product labeling and further support healthy food innovation.

Moreover, a labeling scheme for different age groups would be useful in helping consumers from all life stage groups meet nutrient needs and food group recommendations specific to their stage of development.

FDA could also explore innovative ways for companies to highlight how they are modifying food products to reduce nutrients to limit, even if the manufacturer cannot yet make a nutrient content claim regarding a nutrient. For example, to state “reduced in sodium” requires a 25% reduction in sodium. However, innovative statements or claims may allow a food company who has reduced sodium by 15% in a product to show they are moving in the right direction, although they have not yet met the end goal of the 25% reduction requirement.

FDA may want to review the New Zealand/Australian governments’ voluntary front of pack labeling initiative, [Health Star Rating System](#), as an example of an approach to labeling claims that may promote more healthful foods and consumer food choices. Health Canada has also recently proposed new mandatory front of pack labeling requirements, and have taken a ‘warning approach,’ letting consumers know nutrients to avoid or limit.

- Modernizing the standards of identity to provide more flexibility for the development of healthier products, while making sure consumers have accurate information about these food products.

Standards of identity help to ensure that products sold under certain names have uniform and consistent characteristics. Modernizing standards would be beneficial insofar as it would allow for healthier food products, so long as such a change would not compromise a product’s integrity or cause a public health risk. Standards of identity could be made more flexible, simplified, or clarified to allow for lower amounts of ingredients to limit, such as saturated fat, sugars, and sodium, when there is adequate data to support such a change without compromising public health or the characteristics consumers expect from a certain product name. For example, through technology and innovation the minimum/maximum content of certain cheese ingredients including milkfat or sodium could be more flexible in a cheese standard of identity without vastly altering the overall appearance, taste, etc. of the final product. Changes such as this will promote industry innovation as well as a healthier food supply.

In addition, modernizing standards could also account for new manufacturing methods and technologies that create more healthful foods, such as ultrafiltered milk or strained yogurt. However, modernized standards should not discourage the enforcement of existing standards in their goal of differentiating imitation from authentic products, especially those that are nutritionally inferior. Approaches to modernizing standards already exist and can be made more robust, such as Temporary Marketing Permits, the USDA/FDA 2005 Proposed Rule on Food Standards; General Principles and Food Standards Modernization, and public private partnerships. FDA should finalize the 2005 proposed rule on Food Standards; General Principles and Food Standards Modernization to allow for innovation and healthier food products.

- Providing opportunities to make ingredient information more helpful to consumers.

While over half of consumers look at the Nutrition Facts Label or ingredient list often or always when making a purchasing decision, over half of respondents to a nationally representative survey also indicated that recognizing the ingredients in the ingredient list is key to their purchase and use of a product ([IFIC Foundation 2018 Food and Health Survey](#)). Respondents also associated a shorter ingredient list with a healthier product. Consumer confusion when reading a food product's ingredient list is an ongoing challenge, and opportunities to clarify the ingredient list could be beneficial in helping consumers understand what ingredients are used in products and why.

FDA may find example opportunities to make ingredient information more helpful to consumers by looking to Health Canada's changes to make it easier for consumers to find, read, and understand the list of ingredients. Innovative [changes](#) include grouping all sources of sugar added to a food product in brackets after the name 'sugars' and listing all food colors by their individual common names. FDA should consider allowing for the use of simple vitamin letter names in the ingredient list, as opposed to chemical names. Clarity is also needed to help consumers better understand whole grain content and ingredients.

FDA should also explore ingredient list and labeling improvements which provide further clarity for consumers with food allergies. Further guidance regarding precautionary allergen labeling would be helpful for consumers with food allergies. The National Academies Press report "Finding a Path to Safety in Food Allergy" (2017) may be useful to the FDA in this regard.

- FDA's educational campaign for consumers about the updated Nutrition Facts Label.

ASN fully supports a comprehensive consumer education campaign with a major focus on new elements of the updated Nutrition Facts Labels, including total sugars and calories, to help consumers best understand and use the label most effectively. Ideally, this education could be combined with new claims or icons, such as "healthy" or "nutrient-dense" icons, that support improved consumer food choices based on food groups to encourage and not singular nutrients or ingredients.

It would be beneficial for FDA to collaborate with various partner organizations to help educate consumers on the new Nutrition and Supplement Facts Labels. ASN would be pleased to help disseminate information and participate in such a consumer education campaign as a partner organization. Our reach includes health care providers who will be invaluable in encouraging consumers to use and better understand the updated Nutrition and Supplement Facts Labels. FDA could also partner with grocery stores and retail dietitians to provide consumers with in-person opportunities to navigate the new Nutrition and Supplement Facts Labels as they shop.

It may also be useful to have multiple education campaigns targeted to various stakeholders. This may include a direct campaign for consumers, as well as a campaign to educate health care professionals on how best to communicate the improvements on both the Nutrition Facts and Supplement Facts Labels to patients.

The FDA Nutrition Innovation Strategy is critical to the health of our nation. ASN thanks the Agency for your efforts and offers the assistance of our Society as you implement the Nutrition Innovation Strategy.

Sincerely,

A handwritten signature in cursive script that reads "Catherine J. Field". The signature is written in black ink and is positioned below the word "Sincerely,".

Catherine Field, PhD, RD
2018-2019 ASN President