



May 23, 2014

Dr. Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments; Docket No. FDA-2004-N-0258-0006 (Formerly Docket No. 2004N-0456)

Dear Commissioner Hamburg:

Trust for America's Health (TFAH), a nonprofit, nonpartisan organization dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority, strongly supports the Food and Drug Administration's (FDA) efforts to revise the Reference Amounts Customarily Consumed (RACCs) for certain food and beverage products.

The proposed changes, once implemented, would be a fundamental step towards addressing the nation's obesity epidemic. According to TFAH's 2013 report *F as in Fat: How Obesity Threatens America's Future*, roughly two in three adults are either overweight or obese. Currently, 13 states have adult obesity rates above 30 percent whereas just 30 years ago, no state had an obesity rate above 20 percent.¹ Yet recent signs of progress, also documented in the report, suggest that we have an opportunity to make real progress in addressing this epidemic.

We are pleased to have the opportunity to provide the following comments on the proposed rule published March 3, 2014:



Reference Amounts Customarily Consumed

TFAH strongly supports the proposal to revise the Reference Amounts Customarily Consumed (RACCs) for certain foods and beverages to better reflect the way Americans eat today. Labels that list the nutrition information for outdated serving sizes are deceptive and of limited utility to consumers, and we commend FDA for its recognition of the need to revise the RACCs for specific foods.

As FDA notes, the original RACCs were established using U.S. Department of Agriculture (USDA) survey data from 1977-1978 and 1987-1988.² Consumption patterns have changed over the past few decades. For example, on average, American adults aged 20 and older consumed 240 more calories per day in 2009–2010, when compared to levels in 1971–1975, mostly due to increased portion sizes of foods and beverages.³

Additional Foods for Consideration

We respectfully note that under the law, FDA is required to define the reference amounts for foods based on the amount of food customarily consumed.⁴

In addition to the foods proposed, TFAH urges FDA to revise the serving sizes for certain categories of foods, including for those that met FDA's own criteria⁵ for proposing a modification and yet FDA did not propose to act. In other words, food where median consumption has changed by at least 25 percent compared to the corresponding 1993 RACC should automatically trigger a proposed modification in RACC.

Additionally, some additional food products that do not meet the 25 percent change threshold should also be re-evaluated because of their disproportionately large impact on public health and because their nutritional content and composition may have undergone significant change. We thus also urge FDA to consider whether additional foods with a smaller percentage change warrant new RACCs.

Additional Serving Size Education

We understand that RACCs are meant to be based on the amount of food that people customarily consume. Yet we remain concerned that some consumers may use RACC serving sizes as portion recommendations when planning meals. We likewise recommend that FDA include additional information on the label that clarifies that RACCs are not meant to be considered a recommended portion size. We urge FDA to include similar messages in any education or outreach efforts related to serving sizes and/or RACC amounts and support education efforts to increase consumer understanding of the meaning of the change in serving sizes, as FDA suggests in its proposal.⁶

We hope that our comments will assist the FDA as you work collectively to finalize this proposed rule. If you have any questions, please do not hesitate to contact our Senior Government Relations Manager, Jack Rayburn, at (202) 223-9870 ext. 28, or via email at jrayburn@tfah.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Levi". The signature is fluid and cursive, with the first name "Jeffrey" written in a larger, more prominent script than the last name "Levi".

Jeffrey Levi, Ph.D.
Executive Director

¹ Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future*. Washington, D.C.: Trust for America's Health, 2013.

² Food and Drug Administration, Food Labeling; Serving Sizes, Jan. 6, 1993, 58 FR 2229, at 2236-2237.

³ Ford ES, Dietz WH, "Trends in energy intake among adults in the United States: findings from NHANES. *Am J Clin Nutr* 2013, vol. 97, pp. 848-53.

⁴ See Pub. L. 101.9(b)(1); 58 F.R. 44039 et seq.

⁵ Food and Drug Administration, Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments, Mar. 3, 2014, 79 FR 11990, at 12008.

⁶ Food and Drug Administration, Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments, Mar. 3, 2014, 79 FR 11990, at 12007.