

July 17, 2023

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

Re: Docket No. FDA-2023-N-0155: Notice: "Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Quantitative Research on Front of Package Labeling on Packaged Foods." 88 Fed. Reg. 39257-39264 (June 15, 2023).

To Whom it May Concern:

The North American Meat Institute (NAMI or Meat Institute) is the leading voice for the meat and poultry industry. The Meat Institute has a rich, century-long history and provides essential member services including legislative, regulatory, scientific, international, and public affairs representation. Together, the Meat Institute's members produce the vast majority of U.S. beef, pork, lamb, and poultry, in addition to the equipment, ingredients, and services needed to produce the safest and highest quality products.

Consumer health is a driving force in the production of meat and poultry products, which not only includes offering nutrient-dense protein food products but also improving and maintaining the safety of the meat and poultry supply. The meat and poultry industry is committed to offering diverse nutritional products. The Meat Institute supports the premise that eating a balanced, healthful diet from all food groups and engaging in moderate exercise are the keys to a healthy lifestyle. Meat and poultry, which includes red and processed meats, are nutrient-dense foods and can be part of healthy dietary patterns. Information about the nutritional profile of food products enables consumers to make the choices that best fit their dietary preferences and lifestyle needs.

Although meat and poultry products do not fall under the Food and Drug Administration's (FDA or the agency) jurisdiction, many of the Meat Institute's members operate dual jurisdiction facilities. Further, any front-of-package (FOP) labeling scheme promulgated by FDA will likely be adopted by the Food Safety and Inspection Service (FSIS) to streamline labels and minimize consumer confusion. Any FOP scheme that is considered should operate under FDA's and FSIS's existing regulatory framework. As such, the above-referenced information collection is of interest and significance to the meat and poultry industry and NAMI appreciates the opportunity to comment on the above-referenced docket.

Front-of-Package Labeling Should Include Positive Nutrients.

FOP labeling is intended to complement the Nutrition Facts label on packaged foods by giving consumers additional context to help them quickly and easily identify foods that are part of a healthy eating pattern. FDA is proposing to conduct an experimental study to further explore consumer responses to various FOP labeling schemes, as the [agency prepares to issue a proposed rule](#) later this

year to require the front of food labels to display certain nutrition information. FDA states that the testing will help consumers put a food, as a whole, into the context of their diets. However, this will be difficult to achieve as schemes that include both nutrients to limit and nutrients to encourage are not included in the current study.

Interpretive labeling will be tested as statements like “high,” “medium,” and “low” are perceived as helpful to consumers when evaluating the nutrition profile of foods. Simpler schemes may be easier for consumers to understand as FDA notes; however, limited information may not provide the complete nutrition profile of a specific food item. For example, a meat product may contain higher levels of saturated fat but is also a great source of protein, iron, folate, vitamin B6, and vitamin B12, which have low intakes in certain populations, e.g. adolescent girls.¹ Further, if no references to the nutrient content per serving, percent daily value, or other information contained on the Nutrition Facts label are included in these interpretive schemes, it may be confusing or misleading to consumers.

Having a healthy dietary pattern is not limited to avoiding nutrients that may have detrimental health effects when overconsumed, but also includes nutrient adequacy, especially those that are under-consumed in certain populations, like adolescent girls and the elderly. Limiting the ability to include positive nutrient attributes in an FOP scheme may lead to unintended consequences with individuals not consuming beneficial nutrients such as protein, fiber, potassium, etc. It is important that overall nutrient contributions are considered, as well as the role of calories and energy balance. Focusing only on nutrients of concern and specific food groups does not align with current nutrition science and the dietary patterns approach.

Consumer Education Will Continue to Be A Key Component to Leading Consumers to Make Healthier Choices.

Regardless of the FOP labeling scheme FDA moves forward with, consumer education will still be needed to ensure there is understanding of the labeling intent. FDA must also make clear that the presence of nutrients to limit in a food does not deem particular foods as “unhealthy” or “bad.” Without education about the role of all nutrients in healthy dietary patterns, opportunities exist for consumers to misinterpret the meaning of an FOP label. Even with consumer education, the information may still not be understood by many. Consumers receive information from sources besides on-package labels, e.g. websites, media, etc. This information can be overwhelming and complex, which can make it difficult for consumers to determine the healthfulness of the products they buy. FDA should also recognize that nutritional advice varies by health care provider, each of whom likely has a specific goal for their patients, such as weight loss, glucose management, brain health, athletic performance. As such, determining what is healthy is a decision each consumer should make along with their health care provider. Without consumer education efforts, however, it is unlikely a FOP label will help achieve the intended goal: improving the healthfulness of Americans.

As the Top 10 Things You Need to Know About the *Dietary Guidelines for Americans, 2020-2025* points out, “It’s about the pattern of eating, not just healthy choices here and there. The *Dietary Guidelines* focuses on the combination of foods and beverages that make up an individual’s whole diet over time, and not single foods or eating occasions in isolation. Research shows that the ongoing pattern of an individual’s eating habits has the greatest impact on their health.”² Providing practical, affordable, and achievable guidance by demonstrating how to choose healthier alternatives would benefit

¹ U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. 9th Edition. December 2020. P. 88. Available at [DietaryGuidelines.gov](https://www.dietaryguidelines.gov).

² <https://www.dietaryguidelines.gov/2020-2025-dietary-guidelines-online-materials/top-10-things-you-need-know>

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consumers most. Products labeled using criteria that do not consider how Americans live and eat will not be adopted and therefore will not improve public health outcomes. The American public would be well served with dietary guidance that provides strategies that help consumers achieve their healthy diet within their lifestyle constraints.

Summary.

Meat and poultry products play a role in healthy dietary patterns and the industry provides diverse products, which fit into a balanced eating pattern. The meat and poultry industry is committed to providing accurate and appropriate nutritional information to enable consumers to decide which foods fit best within their varied lifestyles. Informing consumers, however, is only one step to helping them understand and utilize the information and is the only way to ensure a measurable improvement to public health. Ensuring consumers understand how all foods can fit in a well-balanced diet and the importance of balance, variety, and moderation are integral to health promotion.

The Meat Institute appreciates the opportunity to submit comments on this proposed rule. If you have questions about these comments or anything else about this issue, please contact me. Thank you.

Respectfully submitted,

A handwritten signature in black ink that reads "Susan L. Backus". The signature is written in a cursive, flowing style.

Susan L. Backus
Vice President, Regulatory and Scientific Affairs

cc: Julie Anna Potts
Mark Dopp