

2023 July 17

TO:

Division of Dockets Management
Food and Drug Administration
Department of Health and Human Services
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FROM:

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I agree with the statements below written by the Center for Science in the Public Interest (CSPI). Their suggestion will help ensure that FDA's proposed research on FOP labelling will have results that can serve as the basis for policies with the most positive effect on population and individual nutritional status.

**Comment on FDA's 30-day Notice Regarding Quantitative Research on Front of Package Labeling
(FDA-2023-N-0155)**

We write to express our strong support for FDA's pursuit of research to help select a front-of-package (FOP) labeling scheme that will help consumers quickly and easily identify foods that can help them build healthy eating patterns.

The proposed study has several strengths, for example:

- It has a large sample of 9,000 participants which will ensure adequate power to detect differences in the effects of different FOP schemes on participants' ability to select the healthiest/least healthy product in a set (*i.e.*, FDA's main outcome of interest).
- It includes a variety of label formats that highlight nutrients to limit (*i.e.*, sodium, saturated fat, and added sugars), which are linked to health harms and are overconsumed by a majority of people in the United States.¹
- The FOP labeling schemes employ consistent definitions of "high," "medium," and "low" levels of nutrients, based on FDA's established criteria for interpreting the percent Daily Value (DV) of a nutrient (*i.e.*, less than 5% DV is low, more than 20% DV is high, everything in between is medium).²
- The study is a randomized experiment, but the agency has also incorporated qualitative research methods, including initial cognitive interviews to test whether participants understand the study questions.
- The survey instrument collects important demographic data such as nutrition knowledge, shopping habits, self-rated health, caregiver status, and nutrition literacy.

We hope each of these elements will be preserved when the study materials are finalized.

We also have some recommendations that we believe could improve the study. We recommend that FDA should:

- Consider using correct interpretation of which FOP label in a set is the healthiest/least healthy as the study's sole primary outcome. The agency has currently proposed three primary outcomes but this one is the most important. The others (speed at which participants make their decisions and whether or not participants search for more information) should be considered secondary outcomes.
- Consider testing additional versions of the "High In" FOP scheme, including versions that include icons and attention-grabbing features (see, for example, the designs in Figure 1 below).
- Use the same nutrient profiles for the healthiest, middle, and least healthy products across FOP schemes. The agency has currently proposed using one set of nutrient profiles for the Guideline Daily Amount and Nutrition Info schemes, and another set for the High In schemes. We recommend instead using the nutrient profiles and Nutrition Facts labels in Figure 2 below.
- Consider eliminating the placement condition proposed in the Single Product Evaluation Task. In addition to 8 FOP schemes and a no-scheme control, FDA proposes to include a tenth condition such that one tenth of participants will be randomized to view the same FOP label as one of the other schemes (the Nutrition Info label in black and white) but placed in the lower right corner of a food package (assumedly as opposed to the upper right corner where labels in the other conditions will be placed). We encourage FDA to remove this condition because it will reduce the power and is arbitrarily applied to only one FOP scheme. We also note that existing research suggests that top right placement of nutrition information is optimal for capturing consumers' attention,^{3,4} and other countries including Canada and Peru require their FOP labels to be placed on the upper right part of the food package.^{5,6}

Thank you for considering these recommendations, and for your commitment to work expeditiously to develop an evidence-based FOP system.

Figure 1. Variations of FDA's High In Schemes with Additional Features to Draw Attention



Source: Center for Science in the Public Interest

Figure 2. Nutrition Facts Labels Recommended for the Healthiest, Middle, and Least Healthy Versions Across All FOP Schemes, with colors added to demonstrate differences



Source: Center for Science in the Public Interest

References

- 1 U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans 2020-2025. Available at: https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf.
- 2 U.S. Food and Drug Administration. The Lows and Highs of Percent Daily Value on the New Nutrition Facts Label. February 25, 2022. Available at: <https://www.fda.gov/food/new-nutrition-facts-label/low-and-high-percent-daily-value-new-nutrition-facts-label>
- 3 Bialkova S & van Trijp H. What determines consumer attention to nutrition labels? *Food Quality and Preference*. 2010;21:1042-1051. doi: 10.1016/j.foodqual.2010.07.001
- 4 Bopape M, Smith Taillie L, Frank T, et al. South African consumers' perceptions of front-of-package warning labels on unhealthy foods and drinks. *PLoS ONE*. 2021;16(9): e0257626. doi: 10.1371/journal.pone.0257626.
- 5 Government of Canada. Nutrition labelling: Front-of-package nutrition symbol. June 9, 2023. Available at: <https://www.canada.ca/en/health-canada/services/food-labelling-changes/front-package.html#a5>
- 6 U.S. Department of Agriculture Foreign Agricultural Service. Global Agricultural Information Network Report: Peru Publishes Warning Manual for Processed Product Food Labels. September 27, 2017. Available at: https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Peru%20Publishes%20Warning%20Manual%20for%20Processed%20Product%20Food%20Labels_Lima_Peru_9-27-2017.pdf.