



July 17, 2020

VIA Electronic Mail

Dr. Robert Califf  
Commissioner  
Food and Drug Administration  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

**RE: Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Quantitative Research on Front of Package Labeling on Packaged Foods [Docket no. FDA-2023-N-0155]**

Dear Commissioner Califf:

Mars, Incorporated (Mars) appreciates the opportunity to review and comment on the Food and Drug Administration (FDA) proposed collection of information associated with a study entitled "Quantitative Research on Front of Package Labeling on Packaged Foods."

For more than a century, Mars has been driven by the belief that the world we want tomorrow starts with how we do business today. This common purpose unites our 140,000+ Associates. With more than \$48 billion in annual sales, we produce some of the world's best-loved brands including Ben's Original™, Cocoavia®, DOVE®, EXTRA®, M&M's®, SNICKERS®, PEDIGREE®, ROYAL CANIN®, and WHISKAS®. We are creating a better world for pets through nutrition, breakthrough programs in diagnostics, wearable health monitoring, DNA testing, pet welfare and comprehensive veterinary care with, BANFIELD™, BLUEPEARL™, and VCA™.

As part of our belief that the world we want tomorrow starts with how we do business today, Mars recognizes the role the food industry can play in advancing the nation's nutritional goals. We are committed to taking an industry leadership role in helping consumers maintain a balanced diet and healthy lifestyle through product reformulation, reduced portion sizes, responsible marketing, and consumer information. For example, we are proud to say that as a result of our portion size reduction efforts, in 2022, more than 99% of our confectionery

products sold globally are below 250 Calories per serving, with more than 50% below 200 Calories per serving.

In the proposed information collection, FDA indicated an interest in testing schemes with information on saturated fat, sodium, and added sugars. However, FDA did not indicate an interest in testing schemes with calorie declarations. Given Mars' past experience in reducing portion sizes and implementing front of package nutrition information, we urge FDA to include a basic, factual declaration of "calories per serving" in upcoming research on front of package labeling.

Previous policy initiatives by FDA, including the recently updated Nutrition Facts Panel design, have emphasized the importance of making "calorie information available to consumers in a direct and accessible manner to enable consumers to make informed and healthful dietary choices."<sup>1,2,3</sup> These efforts are particularly relevant to Mars as they relate to vending machine labeling requirements. FDA's final rule for *Food Labeling: Calorie Labeling of Articles of Food Sold from Certain Vending Machines* permitted vending machine operators to rely on front of package labeling to disclose calories on food items that consumers can see in glass-front vending machines.<sup>1</sup> Mars and many others in the confectionery industry have utilized front of package labeling to ensure compliance with the vending machine rule and provide consumers with easily accessible calorie information in markets across the United States.

Given that the current approach to using front of package calorie declarations for vending machine compliance is unlikely to change, we believe it is critical for FDA to add sample front of package calorie labeling to the forthcoming consumer research. In practice, if FDA ultimately finalizes guidance or rulemaking that utilizes front of package icons such as those FDA proposes to test (without calorie information), industry would be required to not only include an icon for saturated fat, added sugars, and sodium, but would also need to continue utilizing a Facts Up Front-style calorie icon to ensure compliance with the vending machine rule. This approach would be challenging to implement given the very limited size of labels for vended products, and competing icons could lead to problems with legibility and consumer confusion. Like many manufacturers, we do not manufacture separate packaging for vending machines and other channels. Thus, this approach would have a significant impact far beyond products sold in vending machines, reaching widely across individual serving packages. Therefore, we think it is important to gain insights into how consumers

#### **Footer Notes**

<sup>1</sup> [Federal Register: Food Labeling: Calorie Labeling of Articles of Food in Vending Machines](#)

<sup>2</sup> [Calories on the Menu | FDA](#)

<sup>3</sup> [Federal Register: Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments](#)

interpret and utilize calorie information that is either (1) incorporated into an FDA-created front of package icon or (2) adjacent to an FDA-created icon in the Facts Up Front format. Examples of these two scenarios are provided below:

**Example 1: Test Factual Calorie Declarations as part of FDA-developed symbols**

<b>Nutrition Info</b> Per serving	
<b>Calories</b>	<b>200</b>
<b>Saturated Fat</b>	<b>High</b>
<b>Sodium</b>	<b>High</b>
<b>Added Sugars</b>	<b>Med</b>
FDA.gov	

**Example 2: Test commonly used Calorie Declarations Next to various FDA-developed symbols**

	<b>Nutrition Info</b>		
	Per serving	%Daily	Value
	<b>Saturated Fat</b>	<b>4%</b>	<b>Low</b>
	<b>Sodium</b>	<b>4%</b>	<b>Low</b>
	<b>Added Sugars</b>	<b>15%</b>	<b>Med</b>
FDA.gov			

It would also be helpful for FDA to test these labeling schemes on individual serving packages in which there are greater space constraints for conveying information.

Mars appreciates the opportunity to submit these comments regarding the Quantitative Research on Front of Package Labeling on Packaged Foods. We hope FDA will consider Mars a resource as it continues policy development in this area.

Sincerely,



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