

Statement for CRA Website on OMB Meeting re “Healthy” Proposed Rule

On December 2, 2021, the Corn Refiners Association (CRA) held a meeting with the Office of Management and Budget (OMB) and representatives of the Department of Health and Human Services (HHS), the Food and Drug Administration (FDA), and other federal offices regarding review of the proposed rule from the Food and Drug Administration (FDA) on “healthy” nutrient content claims. Joining CRA in the meeting with OMB was Jayson Lusk, Ph.D., Head of the Department of Agricultural Economics at Purdue University. In December 2018, Dr. Lusk conducted consumer perception research of almost 1,300 participants regarding several issues related to food labeling, including beliefs regarding “healthy” product claims. His research found that the term “healthy” has widely varying meanings to different segments of consumers, with some believing that factors other than nutrient content impact the use of the term.

During the December 2 meeting with OMB, Dr. Lusk highlighted key findings from his consumer perception research, which was funded by CRA though the choice of questions and analysis were conducted solely at the discretion of Dr. Lusk. Some of his findings that were noted in the December 2 meeting included:

- Factors considered by survey participants on whether a product was “healthy” included sugar content (23.7%), use of hormones or antibiotics (23.5%), fat content (19.2%), pesticide residues (18.4%), and use of preservatives (15.9%), among others
- Survey participants were about split on whether knowing more than just nutrient content was important to determining whether a product was “healthy”
- Survey participants were also about split on whether they think about “healthy” as their whole dietary pattern or on a food-by-food basis
- Many participants believed that a food labeled as “healthy” meant they should increase consumption of that food (39.5%), should not avoid this type of food (36.2%), or eat as much of that food as they wanted (15.5%)
- Many participants conflated “healthy” claims with non-nutrient factors, agreeing that “healthy” foods were safer to eat, more natural, better for the environment, and more sustainable

CRA believes that the results of Dr. Lusk’s research demonstrate the potential for consumer misunderstanding of “healthy” claims given the varying consumer perceptions of the term, particularly if the term does not meet consumer expectations. Thus, CRA has recommended that FDA undertake rulemaking to revise the requirements for “healthy” claims to limit the use of the term for products with high amounts of sugars, as this would not meet consumer expectation for “healthy” products, and that FDA should require “healthy” claims to be accompanied by a statement that indicates what the claim means. These recommendations were reiterated in the December 2 meeting with OMB. “Labeling claims and terms on product labels should meet consumer expectations to avoid consumer misunderstanding,” said John Bode, President and CEO of CRA. “This is why CRA strongly recommends that FDA require an accompanying statement when ‘healthy’ claims or symbols appear on product labels so that consumers know what that claim actually means, particularly that the term is based on nutrient content and not factors such as environmental impact or food safety.”

More information on Dr. Lusk’s research, including access to the full report, and CRA’s recommendations on “healthy” claims can be found on CRA’s [website](#).