



Consumer Federation of America

July 6, 2021

Dr. Janet Woodcock
Acting Commissioner
U.S. Food and Drug Administration

Submitted electronically

Re: Docket No. FDA-2021-N-0336 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Quantitative Research on a Voluntary Symbol Depicting the Nutrient Content Claim ‘Healthy’ on Packaged Foods.”

Dear Acting Commissioner Woodcock:

Consumer Federation of America appreciates your consideration of these comments on the U.S. Food and Drug Administration’s proposal to conduct research on a standard, front-of-package (“FOP”) symbol that food manufacturers could use to make the nutrient content claim “healthy.” FOP labels have the potential to improve eating habits and nudge manufacturers to make more healthful reformulations of their products. However, not all front-of-package labeling schemes are equal. By restricting the scope of this research project to a “healthy” icon, FDA has implicitly ruled out more neutral, and more effective, FOP labeling options. FDA should broaden its research task to include traffic light, nutrition scoring, warning symbol, and other FOP label standards, which may better assist consumers to make healthy choices and better motivate product manufacturers to make healthier foods.

A more neutral, broadly applicable FOP labeling scheme would better conform to expert recommendations. In particular, the Institute of Medicine issued a report in 2011 outlining the key characteristics of a FOP labeling system for food products. According to the Institute’s expert committee, “a single, standardized system” for food labeling “that is easily understood by most age groups and appears on all food products is both desirable and feasible.” The report recommends a FOP label system that “translates selected information from the Nutrition Facts panel to the consumer,” in a manner that is “mutually reinforcing.” It recommends that a standardized FOP label display calories on the packaging of food products and “nutritional ‘points’ based on the amounts of saturated/trans fats, added sugars, and sodium that they contain,” with healthy foods receiving high scores (i.e. “3’s”) and empty calorie junk foods

getting “zeros.” The IOM report also recommends assigning a consistent location, such as the upper left corner, at which the FOP label should appear.¹

By definition, a FOP “healthy” icon will fall short of the IOM’s recommendations because it will not apply to the large category of food products that are unhealthy, either in comparison to similar foods or in absolute terms. As a result of this narrow application, a healthy icon, however designed, will do less to reinforce consumers’ awareness with information on the Nutrition Facts panel, as compared to more neutral FOP labeling. What’s worse, such an icon could mislead consumers to opt for comparatively unhealthy packaged goods over unlabeled fruits and vegetables. As researchers have noted, “health claims confer an aura of healthfulness that might encourage consumption of products of poor nutritional quality.”²

Ample evidence indicates that healthy icons are less helpful to consumers than more neutral FOP labeling. Earlier this year, a study of 4,863 British consumers compared how well respondents could rank and otherwise evaluate the healthiness of food products based on various FOP labels. The researchers presented some groups with food packaging bearing a healthy icon—the “Positive Choice tick” or checkmark—and others with packaging that had a “Multiple Traffic Light” symbol, a “Nutri-Score” symbol, warning symbols, or no symbol at all (the control). The traffic light, “Nutri-score,” and warning symbols were consistent with the IOM’s recommendations that FOP labeling display a measure of calories, saturated/trans fats, added sugars, and sodium. By contrast, while these values informed whether the “Positive Choice” or “healthy” icon appeared on foods, the icon did not provide information other than to identify the food as a “positive choice.” The study results were unambiguous: “Overall, across each of the products, the [healthy icon] and control groups had the lowest proportion of participants reporting having enough information,” and the respondents presented with the healthy icon were “least effective” at determining which products were healthiest.³

This is not to say that FDA should abandon efforts to implement a standardized FOP labeling scheme. Studies have found that FOP food labeling generally, including some “healthy” icon type labels, “reduced consumer consumption of total energy and total fat, while increasing consumption of vegetables.”⁴ However, there is ample reason to believe that alternatives to a “healthy” icon could give consumers a better foundation for making informed, and healthier, choices.

Thank you for your consideration of these comments.

Sincerely,
Thomas Gremillion
Director of Food Policy
Consumer Federation of America

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3649465/>

² https://www.foodpolitics.com/wp-content/uploads/JAMA_10.pdf

³ <https://www.mdpi.com/2072-6643/13/3/900>

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6340779/>