

January 22, 2024

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

RE: The FDA Virtual Public Meeting and Listening Sessions on Strategies to Reduce Added Sugars Consumption in the United States; Request for Comments - Docket No. FDA-2023-N-3849

The undersigned organizations appreciate the opportunity to provide comments to the Food and Drug Administration (FDA) regarding its Strategies to Reduce Added Sugars Consumption in the United States (FDA-2023-N-3849). Our groups participate in the Food and Beverage Issue Alliance (FBIA), a coalition of over 45 allied U.S.-based food and beverage trade associations representing various parts of the supply chain, from farmers and agricultural processors, to packaged goods and retail. The undersigned would like to highlight the main points below for consideration.

1. FDA should demonstrate the specific and measurable public health outcomes which will result from further reduction of added sugars in the food supply.
2. Substantially reducing the risk of diet-related chronic diseases requires more comprehensive change than simply further reducing added sugars. Added sugars reduction without an emphasis on overall dietary patterns, including a focus on calories, will not move the needle in improving health outcomes.
3. All initiatives should align with the Dietary Guidelines for Americans (DGAs) and its emphasis on overall dietary patterns. Without updated Dietary Reference Intakes, the DGAs and nutrition policies lack scientific rigor.

FDA Should Demonstrate the Expected Impacts on Public Health

As the FDA considers strategies on added sugars reduction, the Agency must provide scientifically supported, clear, and measurable public health outcomes expected from the further reduction of added sugars in the food supply and use clear evidence of support to ensure the actions taken will be effective tools to achieve them. For example, the Agency should provide data that reducing added sugars in the food supply will lead to outcomes such as reduced rates of obesity, increased Healthy Eating Index scores, or an increased proportion of Americans consuming a more nutrient-rich diet. The FDA needs to take a close look at the totality of public health data points related to added sugars and carefully consider potential impacts and outcomes before proceeding with actions designed to further reduce added sugars in the food supply.

Since its peak in 1999, added sugars intake decreased by 30%, while obesity in children has increased by 44% and adults by 37%.¹

Analyses of National Health and Nutrition Examination Survey data have routinely demonstrated that added sugars intake has decreased in children and adolescents² as well as adults since 2000,³ primarily due to decreases in consumption of sugar-sweetened beverages. Instead of doubling down on its added sugars-centric approach, FDA should explore the role that total caloric intake plays in obesity. A culture of episodic over-consumption has more impact than any single food component, and public attention to overall energy balance, including activity, should not be overlooked in any public health strategy. Evidence clearly shows that excessive caloric intake is the most significant contributor to overweight, obesity, and other diet-related disease.⁴

Similar proposals in other countries are not resulting in improved health outcomes.

Policies that have targeted reduction of added sugars and other select nutrients in other countries have failed to meaningfully improve health outcomes. For example, in 2014, Ecuador adopted a traffic-light, color-coded front-of-pack labeling system. Yet, obesity rates have increased from 54.8% pre-labeling in 2014 to 57.7% in 2019.⁵ Chile imposed black stop signs on “junk food” packaging in 2016, yet childhood obesity rates in Chile have continued to rise, from 51.2% in 2016 when the labeling began, to 54% in 2020.⁶ Focusing simplistically on “nutrients to avoid” may influence purchasing habits but has been demonstrated not to improve health.

A healthy dietary pattern is about more than just reducing consumption of added sugars.

Research demonstrates that diet shortfalls, such as low intake of whole grains and fiber, fruits, vegetables, lean proteins, and dairy, are greater dietary risk factors than intake of a single particular nutrient. More than 80% of Americans have dietary patterns that are low in vegetables, fruits, and dairy.⁷ According to the 2020-2025 Dietary Guidelines for Americans (DGAs):

- Less than 5% of the population is meeting the DGAs recommendation for whole grains.
- About 10% of the population is meeting the DGAs recommendation for dairy.

¹ NHANES consumption: Welsh, et al. AJCN 2011, USDA WWEIA 2011-2012, 2015-2016, 2017-2018, 2015 DGAC 2013-2014 and Obesity Data - Centers for Disease Control and Prevention/HHS

² Ricciuto L, Fulgoni VL, Gaine PC, Scott MO, DiFrancesco L. Trends in added sugars intake and sources among US children, adolescents, and teens using NHANES 2001-2018. J Nutr. 2022; 152(2):568-578. <https://pubmed.ncbi.nlm.nih.gov/34850066/>

³ DiFrancesco L, Fulgoni VL, Gaine PC, Scott MO, Ricciuto L. Trends in added sugars intake and sources among U.S. adults using National Health and Nutrition Examination Survey (NHANES) 2001-2018. Front Nutr. 2022;9:891-952. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9434277/>

⁴ Romieu I, Dossus L, Barquera S, et al. Energy Balance and obesity: what are the main drivers? Cancer Causes Control. 2017;28:247-258. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5325830/pdf/10552_2017_Article_869.pdf

⁵ <https://www.forbes.com/sites/hankcardello/2022/12/01/why-onerous-food-labels-wont-make-a-dent-on-obesity/?sh=764093d9c63b>

⁶ <https://www.forbes.com/sites/hankcardello/2022/12/01/why-onerous-food-labels-wont-make-a-dent-on-obesity/?sh=764093d9c63b>

⁷ 2020-2025 Dietary Guidelines for Americans, https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf

- About 10% of the population is meeting the DGAs recommendation for total vegetables.
- About 20% of the population is meeting the DGAs recommendation for fruit.

Achieving a healthy dietary pattern means balancing caloric intake while eating the recommended amounts of whole grains, fruits, vegetables, lean protein, and dairy -- not just decreasing intake of a handful of targeted nutrients regardless of the forementioned factors.

Moreover, reduced added sugars does not always mean reduced calories. Manufacturers must substitute other caloric ingredients to replace the function, structure, and palatability aspects of sugar. Thus, products with reduced, no, or low sugar may have the same or sometimes more calories than their standard counterparts, which is counter to improved weight management objectives. As an example, a serving of “No Sugar Added” peanut butter has 20 more calories, as well as 2 more grams of fat, 50 more mg of sodium, and 1 less gram of fiber than the original version. A focus on added sugars reduction alone as a singular target, without improvements in caloric content of the overall diet is meaningless from the perspective of improving weight management. The lessons of overconsumption during the “low fat” era of the 1990s should guide thinking. Will a focus on lower sugar, without a focus on calories, encourage increased consumption?

Dietary Guidelines for Americans and its Emphasis on Healthy Dietary Patterns

The DGAs are the mechanism by which Congress has authorized the federal government to issue recommendations on what constitutes a healthy dietary pattern. The law requires Federal agencies to promote the DGAs in carrying out any federal food, nutrition, or health program. As such, any FDA actions around added sugars should be in alignment with the DGAs, including its emphasis on healthy dietary patterns.

The DGAs target of less than 10% of calories from added sugars has never been intended for application to individual products or meals.

A narrow focus on added sugars and other nutrients to limit is contrary to the DGAs’ emphasis on overall dietary patterns. The DGAs are explicitly not intended for application to individual products or meals, but rather to the entire diet. As the DGAs state, “The Guidelines...explicitly emphasize that a healthy dietary pattern is not a rigid prescription. Rather, the Guidelines are a customizable framework of core elements within which individuals make tailored and affordable choices that meet their personal, cultural, and traditional preferences.”⁸ All foods, including those with added sugars, can contribute important nutrients as part of a healthy and balanced diet.

The Dietary Guidelines for Americans recognize sugar’s role in improving the palatability of nutrient-dense foods.

The DGAs state that “added sugars can help with preservation; contribute to functional attributes such as viscosity, texture, body, color, and browning capability, and/or help improve

⁸ DGAs, 2020-2025

the palatability of some nutrient-dense foods...One way to use remaining calories is to add small amounts of added sugars or saturated fat to some nutrient-dense foods to help make some foods more palatable while working towards meeting food group recommendations—for example, oatmeal with a small amount of brown sugar or vegetables prepared with small amounts of butter.”⁹ High fiber cereals typically need some added sugars to improve palatability, thus providing needed essential nutrients to the diet. Since 2000, 3036 high fiber cereals (containing at least 5 grams of fiber) that contain at least 5 grams of added sugars per serving have been introduced to the market.¹⁰

Absent updated Dietary Reference Intakes, the DGAs and nutrition policies lack scientific rigor.

Finally, while we collectively support the DGAs and agree that limiting calories from added sugars to less than 10% is a reasonable quantitative guideline to move Americans towards healthier dietary patterns, it is important to note that this DGA recommendation is based off food pattern modeling, which lacks the scientific rigor of a Dietary Reference Intake (DRI) nutrient recommendations. A DRI has never been established for added sugars or total sugars. While DRIs serve as the basis for the daily values of all other nutrients found on the nutrition facts label, a DRI has never been established for added sugars or total sugars. Future efforts should focus on the importance of establishing and updating nutrient DRIs, as appropriate, to align with the most current nutrition science.

Conclusion

Well-intentioned government regulation of nutrition too often fails to advance the health of American consumers. Americans by and large should be encouraged and guided to follow a healthy dietary pattern. A singular focus on added sugars reduction has failed to reduce obesity or chronic diet-related diseases, despite successful industry efforts in reducing added sugars. The FDA should only proceed with evidence-based policy decisions, ensuring that any steps taken lead to improved health outcomes and have minimal unintended consequences.

A smart approach includes:

- Increasing consumer education, which should include a focus on nutrient and energy balance. Consumer education should be targeted for sub-populations most in need of change to ensure improved understanding across the public.
- A focus on improving clearly defined health outcome expectations.
- Leveraging the DGAs’ emphasis on overall dietary patterns and consumer education on nutrition and health benefits. Exercise, as well as calories, and under consumed nutrients of concern should be recognized as important factors in an individual’s overall health.
- Conducting a retrospective regulatory impact analysis on the Nutrition Facts Label since the inclusion of added sugars to determine whether the update has resulted in tangible

⁹ 2020-2025 DGAs

¹⁰ Mintel Global New Product Database accessed December 2023.

formulation changes, such as increased dietary fiber and sugar reduction across the food supply.

Thank you for your consideration. We appreciate the opportunity to comment.

Sincerely,

American Bakers Association

Corn Refiners Association

Independent Bakers Association

International Dairy Foods Association

Juice Products Association

National Seasoning Manufacturers Association

North American Millers Association

Peanut and Tree Nut Processors Association

Refrigerated Foods Association

Soy Nutrition Institute

The Association for Dressings and Sauces

The Sugar Association