



July 13, 2011

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

The Honorable Dr. Margaret A. Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dr. William H. Dietz
Director, Division of Nutrition, Physical
Activity, and Obesity, NCCDPHP
Centers for Disease Control and Prevention
1600 Clifton Rd
Atlanta, GA 30333

Re: Interagency Working Group, Project No. P095413.

On behalf of Domino Foods, Inc., I am writing to express our concern regarding the Interagency Working Group on Food Marketed to Children's Proposed Nutrition Principles. While we commend the Working Group for its commitment in the fight against childhood obesity, we are troubled that the proposed guidelines ignore current science, conflict with existing federal dietary guidance, and will do nothing to address the obesity epidemic in America. Furthermore, we find it alarming that the guidelines ignore the economic impact that such a sweeping proposal will have on the food industry and its business partners throughout the supply chain.

Domino Foods, Inc. is the largest marketer of refined sugar in the United States and sells two of the nation's most well-known brands, Domino Sugar and C&H Sugar. Domino also markets a full line of organic and natural sugars under the Florida Crystals Sugar label. In addition, Domino Foods, Inc. is a leading industrial sugar supplier for food manufacturers and offers a complete line of sugar products for the foodservice industry.

Current science does not demonstrate a causal link between advertising and obesity.

The Working Group's proposal is inherently flawed because current science does not demonstrate a causal link between advertising and marketing and childhood obesity rates. As a matter of fact, in a 2005 study, the Institute of Medicine found that "the current evidence is not sufficient to arrive at any finding about a causal relationship from television advertising to adiposity."

The IWG's proposal does not align with existing federal dietary guidance.

Furthermore, the IWG's nutrition guidelines are inconsistent with other dietary guidance, including the 2010 Dietary Guidelines for Americans. According to statute, all federal nutrition policy is to be based on The Dietary Guidelines for Americans (see: U.S. Code Title 7, Chapter 84, Subchapter III, Section 5341). The IWG's nutrition principles focus on individual foods, while the Dietary Guidelines focus on the overall composition of the diet. As you are aware, The Dietary Guidelines for Americans rest on two fundamental tenants: maintenance of calorie balance over time to maintain a healthy weight; and consumption of a variety of nutrient-dense foods and beverages. By focusing on specific foods and not a complete diet, the proposed principles are inconsistent with the Dietary Guidelines.

In addition, the IWG proposal differs from existing dietary guidance on sugar consumption. Sugar, like all other foods, should be consumed in moderation. The 2010 Dietary Guidelines for Americans did not include or establish an upper limit on sugar consumption, which is clearly in contrast to the IWG proposal which sets a limit of 13 grams of added sugars per Reference Amount Customarily Consumed (RACC).

The IWG's proposal creates a government framework for establishing "good" and "bad" foods.

By creating specific limits for sugar, sodium, and other nutrients, the IWG proposed nutrition guidelines create a framework through which foods can be categorized as "good" or "bad". The premise of the guidelines, which is to shift diets away from some foods in favor of others, inherently means that foods that do not fit the criteria set forth in the guidelines can be categorized as "bad" or "junk" foods. The precedent-setting nature of this approach is extremely concerning.

The IWG proposal fails to mention calories and energy balance as important components of a healthy lifestyle.

The IWG report also fails to mention calories and energy expenditure as an important component in fighting obesity, contrary to other government guidance. In a 2011 report entitled *Overweight and Obesity: Causes and Consequences*, the Centers for Disease Control and Prevention states, "When it comes to maintaining a healthy weight for a lifetime, the bottom line is – calories count! Weight management is all about balance – balancing the number of calories you consume with the number of calories your body uses or 'burns off.'" However, the IWG proposal completely ignores calories, perhaps the most important single factor in combating overweight and obesity.

Furthermore, in the 2011 Strategic Plan for NIH Obesity Research: *A report of the NIH Obesity Task Force*, the agency states, "Both sides of energy balance—intake and expenditure—are important for obesity control. Macronutrient composition (i.e., percentage of fat, carbohydrate, and protein) is less important than calorie reduction for weight control."

The Interagency Working Group failed to examine the economic impact of this proposal on food companies, ingredient suppliers, freight and transportation providers, and agricultural producers.

We are also deeply troubled that the Interagency Working Group did not examine any economic impact that this proposal may have on the communities across the United States that rely upon food and beverage manufacturing. As a major supplier to the food and beverage industry, we are certain that imposing such significant restrictions on advertising and marketing will have broad economic impacts throughout the supply chain.

In the IWG's report, it was noted that, "if the proposed nutrition principles were fully implemented by industry as proposed, a large percentage of food products currently in the marketplace would not meet the principles." Barring the marketing of "a large percentage of food products" will most certainly have economic repercussions.

The Interagency Working Group did not conduct a study, as mandated by Congress.

The language included in the Omnibus Appropriations bill, H.R. 1105 / Public Law 111-8, stated that "The Working Group is directed to conduct a study and develop recommendations for standards for the marketing of food when such marketing targets children who are 17 years old or younger or when such food represents a significant component of the diets of children."

The language also states that "in developing such standards, the Working Group is directed to consider...evidence concerning the role of consumption of nutrients, ingredients, and foods in preventing or promoting the development of obesity among such children." The Interagency Working Group did not conduct this study as required by law.

For the reasons set forth above, we respectfully request that you withdraw this proposal. Thank you for your consideration.

Sincerely,

Brian O'Malley
President & CEO

