



**Kerry Ingredients & Flavours**  
*Americas Region*

3330 Millington Road  
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[www.kerry.com](http://www.kerry.com)

July 14, 2011

The Honorable Jon Leibowitz  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Thomas J. Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue, SW  
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

We are writing to express our concern with a recent proposal by the Interagency Working Group related to the advertising and marketing of food and beverage products to children and adolescents. While we commend the group's effort in the fight against childhood obesity, we are troubled that the proposed guidelines seemingly ignore the strides made by the food and beverage industry to improve the health profile of their products, and do not consider the economic impact that such a broad and sweeping proposal will have on those companies that are part of the food and beverage supply chain.

Every day, millions of people throughout the world consume food or beverage products containing Kerry's ingredients and flavors. Kerry is one of the leading and most technologically advanced manufacturers and innovators of application-specific food and beverage ingredients in the world, working in partnership with multinational food manufacturing and foodservice companies in more than 140 countries worldwide.

We are troubled that the Interagency Working Group has ignored progress by the food industry to advertise better-for-you products and reformulate existing products to make them healthier.

Additionally, the Federal Trade Commission's Bureau of Economic Research showed that over a 30 year period, while obesity rates were increasing, food advertising declined significantly. Recent data also demonstrates that the type of products being advertised to children and adolescents is changing. For



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example, in 2008, there were 99% fewer ads for regular soft drinks on children's TV and over 1000% more ads for bottled water on children's TV than in 2004. Further, recent data also shows that advertisements for food and beverage products for children ages 2 to 11 has already fallen by 50 percent between 2004 and 2010.

The types of products being advertised has also changed dramatically: ads for cookies fell by 99%; candy ads were reduced by 68%; snack bar ads decreased by nearly 100% and advertisements for all snacks fell by 71%.

In addition, the nutrition profile of food products has improved significantly in the past several years. Since 2005, food and beverage companies have changed the recipes of more than 20,000 products to reduce calories, sugar, sodium, and fat, and have pledged to remove 1.5 trillion calories from commerce by 2015. Kerry is a proud and committed supplier to the industry where these initiatives are concerned, and we have spent a great deal of time and resources working with food and beverage companies to ensure that children and adolescents, as well as adults, are provided with better-for-you, nutritious meal and snack options. These are all important strides that seem to be ignored by the Working Group.

We are also concerned that the Working Group did not conduct an economic impact analysis for this proposal. Kerry is a proud partner with the food and beverage industry, which provides jobs to over 14 million Americans, and contributes over \$1 trillion in added value to the nation's economy. As the Working Group states in the preliminary proposal, if the proposed nutrition principles were fully implemented by industry, a "large percentage of food products currently in the marketplace would not meet the principles." This, undoubtedly, will have significant economic repercussions for the food industry as a whole, and particularly on those who provide ingredients, packaging and transport, and those who sell packaged food and beverages. The economic impact of this proposal cannot be overstated.

As a partner and supplier to the food and beverage industry, we respectfully ask that the Interagency Working Group withdraw this proposal.

We thank you for your consideration.

Sincerely,

James K. Egan  
Director, Communications