



June 8, 2011

**Comments to  
“Interagency Working Group on Food Marketed to Children:  
Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts:  
FTC Project No. P094513**

The Apple Processors Association (APA), which represents the major manufacturers of U.S. processed apple products produced from domestically grown apples, appreciates this opportunity to comment to the Interagency Working Group on Food Marketed to Children (Working Group), comprised of representatives from the Federal Trade Commission (FTC), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the United States Department of Agriculture (USDA). APA appreciates this opportunity to offer public comments on the preliminary proposal for voluntary principles to guide industry self-regulatory efforts to improve the nutritional profile of foods marketed to children. Keeping the principles simple and consistent with other nutrition guidelines will enhance the likelihood that food companies will apply them in their marketing strategies.

APA recognizes that the proposed principles include adjustments to the 2010 Dietary Guidelines and other diet-related recommendations to be applied to individual products and, specifically, to foods that are most heavily marketed to children ages 2-17 years. APA urges the Interagency Working Group to acknowledge that the 2010 Dietary Guidelines do identify foods to increase and food components to decrease, and use these specific food recommendations to guide industry on the types of products to market to children. By setting specific nutrient levels, it appears that some foods within a category may become “foods to increase” just by making some changes with a narrow window of nutrients or food components. For example, if a company reduced the added sugar in a fruit drink to an acceptable level by using a sugar substitute, that beverage might then be considered acceptable and similar to a 100% fruit juice. One alternative approach to using nutrients would be to follow the Dietary Guidelines and recognize that fruit drinks are not an appropriate food for marketing whereas 100% fruit juice is.

We offer the following responses to the specific, but not all, questions posed by the Interagency Working Group.

***Proposed Nutrition Principles: General Questions***

(1) Congress directed the Working Group to develop proposed nutrition principles for foods marketed to children and adolescents up to the age of 17. Given the wide age range, should there be two sets of nutrition principles, one for younger children (2-11 years) and one for

adolescents (12-17 years), based on differences in the nutritional needs and recommended caloric intake of adolescents compared to younger children?

APA recommends there be two sets of nutrition principles for foods marketed to 2-11 year old children and those marketed to 12-17 year old adolescents, since food preferences change depending on stage of development, role of peers versus parents in food choices, and availability of food.

(3) The proposed nutrition principles do not include a separate proposal setting targets for nutrients to encourage, including specific nutrients of concern as identified in the 2010 DGA, such as calcium, potassium, fiber, magnesium, and vitamins A, C, and E. Should the Working Group recommendations include targets for nutrients to encourage and, if so, how should the recommendations address the issue of nutrients added to foods through fortification as opposed to nutrients that are inherent in foods?

The recently released *2010 Dietary Guidelines for Americans* and *MyPlate* ([www.choosemyplate.gov](http://www.choosemyplate.gov)) set forth a list of acceptable foods that contribute to a healthy diet. The intent of this version of the dietary guidelines was to focus on foods not nutrients. The educational materials offer menu planning guidance and tips for incorporating healthy foods, not nutrients, into a daily lifestyle. These proposed principles for marketing foods to children and adolescents lose sight of this food-based approach and returns to micromanaging nutrients. APA would recommend that the Working Group identify the nutrient rich foods and the foods to eat more often from the recently released USDA nutrition information accompanying the Dietary Guidelines and MyPlate. The Working Group should also encourage the proprietors of the vast channels of media to provide free or discounted time and space to these foods.

If the Working Group attempts to set levels for positive nutrients, certain whole grains and even fruits and vegetables might not qualify. Although the Dietary Guidelines recommend foods and nutrients to increase, the advice is always in terms of foods that provide more of specific nutrients, such as fruits, vegetables, seafood, etc. Setting specific levels of target nutrients as the focus of the nutrition principles might trigger an unnecessary contest for fortification in a fruit or vegetable product that by its category is considered desirable.

(4) The proposed nutrition principles do not include limits on portion size or calories for foods marketed to children. Should the Working Group recommendations address portion size or calories directly or is over-consumption adequately addressed by the recommendations that all foods marketed to children make a meaningful contribution to a healthful diet and minimize consumption of saturated fat, *trans* fat, and added sugars?

Yes, the MyPlate icon and materials attempt to teach proportionality. The genesis of obesity and health problems is often not what foods are eaten but the quantity and frequency that food is consumed, especially when it comes to food components that should be reduced. Whether it is menu labeling or food marketing, consumers need to understand the relationship of saturated fats, *trans* fats and added sugars to calorie content of a specific portion of food. The Dietary Guidelines provides solid information on what foods contribute the largest proportion of these food components to diets and these foods lists might provide the foundation for what to refrain

from advertising to children. For example, while 100% fruit juice sales have remained relatively flat over the past twenty years, the sales of fruit drinks, carbonated beverages and sweetened waters have grown steadily. For children and adolescents, they often do not know the calorie or added sugar content difference between 100% fruit juice and fruit drinks which often carry fruit icons on the front label and are portrayed the same as 100% juice.

(5) The Working Group proposal recommends that the industry focus its efforts on improving the nutrition profile of products that fall within ten specific categories of foods most heavily marketed to children. While this approach would address a substantial majority of all products marketed directly to children, some foods marketed directly to children do not fall within any of the specified categories. Examples include hot dogs, jams and jellies, and sauces and dressings. Are there specific food products or categories of foods that should be added to or dropped from the proposed list? What are the advantages and disadvantages of focusing on the most heavily marketed foods rather than on all foods marketed to children?

APA noted in the data provided on categories most heavily marketed to children and adolescents, ages 2 -17 years that fruit juice and non-carbonated beverages were included along with breakfast cereals; snack foods; candy; dairy products; baked goods; carbonated beverages; prepared foods and meals; frozen and chilled deserts; and restaurant foods. Often children and adolescents, and even their parents, do not have a clear idea of the differences in calorie or added sugar content between 100% fruit juice and fruit drinks. The latter drinks often carry fruit icons on the front label and are portrayed the same as 100% juice. Because of the easy confusion regarding 100% fruit juices and fruit drinks, the Working Group should give attention to developing some guidelines to ensure 100% fruit juice and fruit drinks are clearly differentiated in the marketing messages to children and adolescents.

(9) The list of food groups that make a meaningful contribution to a healthful diet under Principle A includes both the basic food groups to encourage as identified in the 2010 DGA – fruits, vegetables, whole grains, fat-free and low-fat milk products – as well as other food categories that are compatible with an overall healthful diet – fish, lean meat and poultry, beans, nuts and seeds, and eggs. Are there food categories that should be added to or eliminated from Principle A?

In the food categories under Principle A, APA urges the Working Group to embrace all forms of fruits and vegetables, such as canned, dried, frozen and fresh, when referring to the fruits and vegetables, as does the 2010 Dietary Guidelines.

(10) The 2010 DGA recommend consuming a variety of vegetables, especially dark green and red and orange vegetables and beans and peas. Given that children consume starchy vegetables disproportionately to other subgroups like dark-green and red and orange vegetables, should Principle A include recommendations for specific vegetable subgroups?

According to the data presented on foods heavily marketed, APA observed that fruits and vegetables, with the exception of fruit juices, did not appear. APA questions why subgrouping would be necessary, as the overall goal should be for the principles of the Working Group lead to marketing foods such as fruits and vegetables that should be increased in the diet. It is not clear

that potatoes would be automatically marketed more without subgroup designation in the vegetable and fruit groups.

(11) The Working Group has included two possible approaches for Principle A. What are the advantages and disadvantages of Option 1 (based on weight) and Option 2 (based on amounts per RACC)?

APA would suggest the Working Group follow Option 1 (based on weight), since the RACC serving sizes differ from those in the Dietary Guidelines and MyPlate which could lead to consumer confusion.

### ***Nutrition Principle B***

(16) The Working Group proposal recommends a target for added sugars for foods marketed to children. What are the advantages and disadvantages of the proposal for limiting added sugars content as opposed to total sugars content?

APA questions the formula for determining the upper limit for added sugars at 13 gm, and recommends that the Working Group focus more on the foods listed in Figure 3-6. Sources of Added Sugars in the Diets of the US Population Ages 2 Years and Older, NANES 2005-2006, from 2010 Dietary Guidelines. In this figure fruit drinks contribute 10.5 % of the added sugar, as would be expected.

Although it may be difficult to determine “added sugars”, APA urges the Working Group to attempt to limit “added sugar” and not “total sugar”. Again, the juice drink versus 100% juice serves as an example of how the consumer might be confused if added and total were interchangeably used. Whereas some juice drinks may have only 10% juice and the remainder of the beverage added sugar water, 100% juice and fruits have the majority of calories from natural occurring sugar. The Working Group should consider exempting the fruits category from Nutrition Principle B.

Thank you for accepting these comments. The Apple Processors look forward to working with you to finalize these guiding principles.