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Preliminary Proposed Nutrition Principles
To Guide Industry Self-Regulatory Efforts
Request for Comments
FTC Project No. P094513

July 1, 2011

Dear Interagency Working Group,

Oldways is a 501c3 educational organization that changes the way people eat through practical and positive programs grounded in science, tradition, and delicious foods and drinks. The Whole Grains Council, a non-profit consumer-advocacy group that is part of Oldways, helps consumers find whole grains and understand their benefits, helps manufacturers and restaurants offer more and better whole grain products, and helps the media to write accurate and compelling stories about whole grains.

Oldways and the Whole Grains Council (WGC) appreciate the efforts that the IWG is making to improve the health of children and adolescents by proposing *voluntary* guidelines for marketing foods to young people. Our comments today will focus on the nutrition and food side of this proposal, rather than on the marketing side; we will address seven selected questions in order, by number.

1) Should there be two sets of nutrition principles?

It's important that any food marketing guidelines be in line with the 2010 Dietary Guidelines, as required by Federal law.¹ Since the Dietary Guidelines (DG) recommend very different calorie levels and nutrient requirements for these two groups of older and younger children, it would be difficult to be in line with the DG without having two sets of principles. For example, 2-11 year olds should consume 1000-2200 calories (by age, gender and activity level) while 12-17 year olds should consume 1600-3200 calories.

3) Should there be targets for nutrients to encourage?

No. People eat food, not nutrients. We applaud the emphasis on food groups to encourage, rather than nutrients, in the draft proposal. Keep the emphasis positive, and keep it focused on real foods! This avoids the fortification issue, too, an approach in line with the 2010 Dietary Guidelines, which emphasize that dietary needs should be met primarily through unfortified foods, with fortification and supplements as the exception.

¹ 7 USC Sec. 5341. "At least every five years the Secretaries shall publish a report entitled 'Dietary Guidelines for Americans'. Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program."

4) Should there be limits on portion size or calories?

No. We think the issue of over-consumption is addressed by the draft approach, in which foods marketed to children must make a meaningful contribution to a healthful diet, while minimizing consumption of negative factors. Research² indicates that health markers can improve quickly in children even without portion control, when kids' choices are limited to healthy foods, and they have ample opportunity to exercise.

5) Should efforts focus on these 10 categories or on all foods?

We think that including all foods in this voluntary effort would work better. We're concerned that advertising for foods not included will proliferate otherwise. Including all foods would also eliminate wrangling about whether certain foods fit in the ten categories identified. To cite your example of a hotdog: Is this a "prepared food (category 8)" or not? Including everything would avoid splitting hairs.

8) Should contributions for different food groups be aggregated?

Yes. We favor allowing single foods to contribute, for example, both 25% vegetables and 25% whole grains, rather than insisting that the entire 50% contribution come from one group. This allows for more flexibility, and includes a wider range of healthy, multi-ingredient foods.

10) Should specific subgroups of vegetables be recommended?

All vegetables are healthy, when they're prepared without excess saturated fats, trans fats or sodium. We recommend keeping the message straightforward, by simply recommending that kids eat more vegetables, period.

11) What are the advantages and disadvantages of Option 1 and Option 2?

From the point of view of whole grains, both Options as written have serious drawbacks that must be addressed before the guidelines are finalized.

Option 1: Qualifying foods must contain at least 50% by weight of one or more of the listed food groups.

Oldways and the Whole Grains Council caution that, if Option 1 is adopted, the playing field will be tilted heavily against foods in the bread group. Because of high moisture weight in bread (often 40% or more of weight), grain only represents slightly over half of the total weight of bread, which means that virtually all of the grain in a slice of bread must be whole grain in order for the whole grain to comprise 50% of the as-eaten weight. Breads with heavy add-ins – such as nuts or raisins – may not even contain 50% grain by weight, and likely would not qualify even if they were made solely with whole grain.

² "Effect of a short-term diet and exercise intervention in youth on atherosclerotic risk factors." *Atherosclerosis*, 2007 Mar;191(1):98-106.

The table below shows various grain foods; their typical serving sizes; total grain content as percent of total weight and in grams; amount of whole grain necessary to reach 50% of weight; and what percent of the grain must be whole grain in order to reach the “50% of weight” test of Option 1.

TABLE 1					
	servings	% of total weight = grain ³	total grain in serving	grams to reach 50% wg	% of grain as wg to qualify
Bread (1 slice)	28 g	51%	14.3 g	14 g	98%
Cereal (1 cup)	40 g	70%	28.0 g	20 g	71%
Pasta (2 oz dry)	56 g	100%	56.0 g	28 g	50%
Pasta (1 cup cooked)	140 g	40%	56.0 g	70 g	125%
Rice (2 oz dry)	56 g	100%	56.0 g	28 g	50%
Rice (1 cup cooked)	140 g	40%	56.0 g	70 g	125%
Crackers (15 pcs)	30 g	85%	25.5 g	15 g	59%
Popcorn (3 cups)	30 g	100%	30.0 g	15 g	50%
Cookie (2 small)	30 g	20%	6.0 g	15 g	250%
Muffin (1 medium)	53 g	25%	13.3 g	26.5 g	200%

We see three potential consequences of Option 1, as shown in Table 1 above:

1. Foods naturally high in moisture, like bread, do not easily qualify. And when they do, they must be formulated with a very high level of whole grain content in comparison to other grain products which have an easier time qualifying. Whatever system is chosen should allow for a wide range of good quality whole grain breads to qualify along with drier foods like crackers and cereals.

2. Foods high in moisture because they are served in “ready to eat” form will not qualify. Brown rice in ready-to-eat single serve cups – a great choice for kids – would not qualify, nor would pasta ready-meals. These foods, even if formulated entirely with whole grain, would not reach the 50%-of-weight-as-consumed standard. Whatever system is chosen should allow for a wide range of convenient, ready-to-eat whole grain foods to be able to qualify.

3. Grain foods normally formulated with higher levels of non-grain ingredients, such as cookies and muffins, will not qualify. Many of these products would be disqualified on the basis of fats or added sugars in any event, but if the goal is to encourage healthier versions of foods in all targeted categories, we need a system that doesn’t automatically disqualify all foods in a category, even if they are reformulated with whole grain and meet sodium, sugar, and saturated fat levels.

One possible alternative approach would be to consider whole grains as a percent of *dry* ingredients instead of as a percent of as-consumed weight.

³ *Cereal Foods World*, May-June 2006, Vol. 51, No. 3

Option 2: Qualifying foods must contain one quarter of the amount of the daily requirement of the specific food group.

In the area of whole grains, Option 2 has its own problems, which are caused by the confusing and imprecise term “ounce-equivalents.” Option 2 says that a food must offer .75 ounce (21.6g) of whole grain content to qualify for marketing to children. For whole grains, Option 2 has two major problems:

1. This standard is not in alignment with the 2010 Dietary Guidelines.

The 2010 Dietary Guidelines for Americans encourages whole grain consumption and specifically asks consumers to look for foods where “a considerable proportion of the grain ingredients is whole grains.” The DG goes on to cite as one good example, “...foods with at least 8 grams of whole grains per ounce-equivalent.”⁴ As Table 2 below shows, applying the DG standard would result in foods with a different whole grain content qualifying for marketing to children than those qualifying under Option 2:

TABLE 2: Option 2 vs. Dietary Guidelines				
	RACC	wg per RACC that qualifies Opt 2 way	wg per RACC that qualifies DG way	Based on
bread	50 g	21.6 g	14 g	8g per 28g OE*
cereal	30 g	21.6 g	9 g	8g per 28g OE
pasta, dry	55 g	21.6 g	16 g	8g per 28g OE
rice, dry	45 g	21.6 g	13 g	8g per 28g OE
popcorn	24 g	21.6 g	8 g	8g per 24g OE
muffin	55 g	21.6 g	8 g	8g per 52g OE
Pancake, cooked	110 g	21.6 g	18 g	8g per 50g OE

*OE = Ounce Equivalent

2. This calculation assumes that an ounce-equivalent of whole grain food as consumed contains an ounce of whole grain ingredients. But it does not, because “ounce-equivalents” represent the weight of an as-consumed serving of food, not the weight of the grain ingredients contained therein.

As shown in Table 3 below, supplied by CNPP, an ounce-equivalent in the DG does *not* always weigh an ounce, and can represent anywhere from 16g to 29g of whole grain ingredient content, depending on food type. So in fact, the whole grain content in “three-quarters of an ounce-equivalent” ranges from 12g (for bread) to 21.75g (for brown rice), while Option 2 assumes an invariable 21.6g.

⁴ Dietary Guidelines for Americans, 2010, pg 37

TABLE 3: One Whole Grain Ounce-Equivalent

Food Item	Household Measure	Prepared Weight	Dry Weight of WG or WG Flour
Bread, commercial 100% whole-wheat	1 slice	28 g	16 g
Cereal, ready-to-eat 100% whole grain	1 cup	28 g	28 g
Cereal, cooked 100% whole grain	1/2 cup	112 g	27 g
Rice, brown, cooked	1/2 cup	98 g	29 g
Pasta, cooked 100% whole wheat,	1/2 cup	70 g	25 g
Popcorn, air-popped	3 cups	24 g	24 g

For simplicity's sake, we advocate setting a single, standard amount of whole grain content, in grams, that is consistent with the Dietary Guidelines.

A single, standard amount has already been resolved by USDA in October 2005, when USDA's Food Safety and Inspection Service (FSIS) clearly and accurately stated the relationship between an "ounce-equivalent" of a grain-based food, and its whole grain ingredient content. FSIS stated:

*"A significant amount of whole grains would be at least a one-half ounce equivalent of whole grain ingredient, i.e., at least 8 grams of dry whole grain ingredient, per labeled serving and per reference amount customarily consumed."*⁵

Even earlier, in 2002, CNPP established 16g as a standard for measuring grain-ingredient content in a serving (ounce-equivalent) of a grain food, when its report on The Healthy Eating Index said,

*"When standard serving sizes were not described in the Pyramid, CNPP based a serving on the grain content of the food. Because 1 slice of commercial white bread contains 16 grams of flour, one standard grain serving was defined as the grams of a grain product containing 16 grams of flour."*⁶

[Note: Ounce-Equivalent is not a consumer-friendly term. It was created to describe kitchen units of 100% whole grain food, but provides no guidance to consumers or to manufacturers in buying or formulating mixed whole- and refined-grain products contributing a significant amount of whole grain to the diet.

⁵ USDA FSIS Statement of Interim Policy Guidance on whole grain claims. www.fsis.usda.gov/OPPDE/larc/Claims/Food_Guide_MYPyramid_Policy.pdf

⁶ Center for Nutrition Policy and Promotion. www.cnpp.usda.gov/publications/HEI/HEI99-00report.pdf, page 15 (25th page of the PDF).

(This is why the 2010 Dietary Guidelines were amended, as detailed above, to add guidance on what constitutes standards for mixed whole grain foods.)

[Even among the health-professional community, the term “Ounce-Equivalent” has engendered confusion. While the CNPP table above clearly shows that our requirement for whole grain is 48g or more daily (3 or more servings of food containing 16g or more of whole grain content) some RDs think that the requirement is 84g or more daily (3 or more servings of food containing an ounce or more of whole grain content). The intent of the Dietary Guidelines is to recommend three ounces or more of whole grain foods, containing 48g or more of whole grain content / ingredients.]

One possible alternative approach would be to observe the standard – established in USDA precedent in 2002 and again in 2005 — that 16g of whole grain content constitutes a serving of grain/whole grain – and use Option 2 with a requirement of 12g of whole grain per RACC (three-quarters of 16g). This would come fairly close to the Dietary Guidelines standard of 8g per Ounce-Equivalent, when extrapolated for the difference between RACC sizes and Ounce-Equivalent sizes. Lack of harmonization in government standards – even within the same department – contributes hugely to consumer confusion; we urge the IWG, since it represents several different agencies, to settle on a common standard.

As an organization that believes strongly in emphasizing what *to* eat rather than what *not to* eat, and in emphasizing real foods over nutrients and fortification, Oldways has chosen to focus on the questions related to Nutrition Principle A (Foods that make a Meaningful Contribution to a Healthful Diet) rather than Nutrition Principle B (Nutrients with Negative Impact).

We thank the FTC, CDC, FDA and USDA for the opportunity to comment on the Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts, and wish the Interagency Working Group the best in finishing their ambitious task.

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