

July 14, 2011

Donald S. Clark
Federal Trade Commission
Office of the Secretary, Room H-113 (Annex W)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Mr. Clark:

Thank you for the opportunity to provide comments on the Interagency Working Group on Food Marketed to Children: Proposed Nutrition Principles: FTC Project No. P094513. We applaud the Interagency Working Group for its thoughtful leadership on child nutrition principles within food marketing and strongly support the regulatory guidelines to improve the nutrition standards for food marketed to children.

Poor nutrition impacts the health and cognitive development of children and contributes to the increasing childhood obesity rates across the country. According to the Colorado Department of Public Health and Environment's Child Health Survey in 2010, only 9.7% of Colorado's children meet the Dietary Guidelines for American's recommendations for fruit and vegetable consumption. Poor diet quality contributes to an alarming childhood obesity and overweight prevalence rate of 25.8% in our state.

Since food marketing to children strongly influences their eating behavior and almost exclusively promotes products that can adversely affect their health, our nation's food industries have a critical role to play in the fight against childhood obesity and malnutrition. We commend the Interagency Working Group for its initiatives to regulate food marketing to children based on the 2010 Dietary Guidelines for Americans and the Institute of Medicine's (IOM) reports on Dietary Reference Intake (DRI), sodium intake, and nutrition standards for advertising and marketing. These evidence-based nutrition principles are a strong step forward to ensure that the nutritional quality of food marketed to children is conducive to a healthy diet.

With input from Shana Patterson, Nutrition Coordinator for the Colorado Department of Public Health and Environment, we would like to provide the following comments in response to your questions to further improve upon the proposed principles.

General Questions

- The same set of nutrition principles can be used for young children and adolescents.
- To avoid the use of fortification measures by food manufacturers to enhance poorer quality products, we recommend refraining from focusing on specific nutrients to encourage (vitamins, minerals, etc.)
- To address limits on portion size and calories, we suggest following the IOM standards and the recommendations of the Center for Science in the Public's Interest (CSPI):
 - *Individual items: no larger than the standard serving size used for Nutrition Facts labels (except for fruits and vegetables, which are exempt from portion size limits);*
 - *Meals: no more than one-third of the daily calorie requirement for the average child in the age range targeted by the marketing*

Food Categories

- Products such as hot dogs, jams, sauces, etc., not covered or missed by the food categories should be included in the current categories of foods.

Main Dishes/Meals

- For restaurant meals, it is recommended that a labeling program identifying healthy menu items be utilized for all meals marketed to children.

Nutrition Principle A

- In accordance with the 2010 DGA to provide consistency in messaging, it is recommended that individual foods, when referenced categorically (fruit, vegetable, whole grain, etc.), use a measurement of volume rather than weight. Designating food by weight instead of volume could create unrealistic and disproportionate quantities of foods that are *lighter* by weight (e.g. leaf lettuces, small berries, etc.).
- If a standard for portion size and/or calories is utilized, then a percentage of the specified food category (with minimum and maximum limits) can be used as in the current Nutrition Facts label, which would constitute a combination of Option 1 and Option 2.

Nutrition Principle B

- If a standard for portion size and/or calories is utilized when calculating the amount of nutrients, the guidelines as stated for limiting nutrients that negatively impact health and weight are highly supported.

We believe that if the aforementioned, supportive guidelines are followed, there will be a natural promotion of the key food categories and nutrients that are most lacking in the current American diet. There will also be a natural containment of the negatively impacting nutrients that are currently over marketed and over consumed. We look forward to working with the Federal Trade Commission, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the U.S. Department of Agriculture to successfully implement and encourage adoption of these nutrition and marketing standards in Colorado.

Sincerely,

Maren Stewart
President and CEO
LiveWell Colorado

Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer
Colorado Department of Public Health and
Environment

Anne Warhover
President and CEO
The Colorado Health Foundation

Nancy J. Severson
Manager
Denver Department of Environmental Health

Chris Watney
President and CEO
Colorado Children's Campaign