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

**RE: Interagency Working Group on Food Marketed to Children:
Proposed Nutrition Principles: FTC Project No. P094513**

Dear Sir or Madam:

The International Bottled Water Association (IBWA) appreciates this opportunity to comment on the Interagency Working Group on Food Marketed to Children (IWG) Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts. IBWA is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. Founded in 1958, IBWA member companies include domestic and international bottlers, distributors, and suppliers.

IBWA supports the efforts of the IWG, 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), to improve the nutritional profile of foods marketed to children in order to improve their diets and combat childhood obesity. Therefore, we are deeply concerned that the proposed guidelines do not recognize the meaningful contribution bottled water makes towards these efforts. We ask that the IWG recognize bottled water in the proposed guidelines as a packaged food product that is acceptable to be marketed to children, either by exempting bottled water from the covered food product categories or by granting a specific bottled water exception to the proposed Nutrition Principles. The information below supports our request.

Bottled Water and Obesity

We support the IWG's effort to study evidence concerning the role of consumption of nutrients, ingredients, and foods in preventing or promoting the development of obesity among children. We believe this effort is a natural extension of the First Lady's "Let's Move" initiative to combat the growing epidemic of childhood obesity throughout the U.S. As the IWG moves forward with its proposed guidelines, we ask that it be mindful of the important role that water, including bottled water products, can play in providing children with a safe beverage that has zero calories, as well as no caffeine, sweeteners, or other additives or preservatives.

For example:

- The First Lady's "Let's Move" website urges children to "Drink Lots of Water" and states: "Reach for a tall glass of water, instead of sugar-sweetened drinks."^{1/}
- The United States Department of Agriculture's (USDA) recently unveiled Choose My Plate program encouraging healthy eating states "Drink water instead of sugary drinks."^{2/}
- The 2010 Dietary Guidelines for Americans (2010 DGA), released in January of this year, recommends reducing the intake of "empty" calories from added sugars by selecting beverages that have no or are low in added sugars (e.g., water and other unsweetened beverages such as coffee and tea). The 2010 DGA also recommends consuming water or other calorie-free beverages, along with fat-free or low-fat milk and 100% fruit juice, to meet total water intake needs.^{3/}
- The Dietary Guidelines Advisory Committee (DGAC) stated in its 2010 report: "In view of the ongoing obesity epidemic, individuals are encouraged to drink water and other fluids with few or no calories."^{4/}
- The White House Task Force on Childhood Obesity Report to the President, issued in May of 2010, included as a recommendation: "Drink water instead of soda or juice with added sugar."^{5/}

With one in every three children (31.7 percent) in the United States ages 2–19 being overweight or obese,^{6/} we hope that the trend of reduced consumption of sugar-containing beverages, and increased consumption of water, will continue. Bottled water provides a safe, convenient way for consumers, particularly children, to incorporate a non-caloric beverage with no caffeine, sweeteners, or other additives, into their daily routines. The IWG's proposed guidelines should be revised to recognize this.

Bottled Water and Nutrition

IBWA understands that the IWG's proposed guidelines are designed to encourage children, through advertising and marketing, to choose foods that make a meaningful

^{1/} Let's Move!, Drink Smart, <http://www.letsmove.gov/drink-lots-water>.

^{2/} USDA's MyPlate Home Page, <http://www.choosemyplate.gov/>.

^{3/} Dietary Guidelines for Americans 2010 (USDA/DHHS 2010) available at www.dietaryguidelines.gov.

^{4/} Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans, 2010 at 344 (2010), available at <http://www.cnpp.usda.gov/dgas2010-dgareport.htm>.

^{5/} White House Task Force on Childhood Obesity, Solving the Problem of Childhood Obesity Within a Generation 27 (2010), available at http://www.letsmove.gov/sites/letsmove.gov/files/TaskForce_on_Childhood_Obesity_May2010_FullReport.pdf.

^{6/} C.L. Ogden, M. Carroll, L. Curtin, M. Lamb, K. Flegal, *Prevalence of High Body Mass Index in U.S. Children and Adolescents 2007–2008*, 303 J. Am. Med. Ass'n, 242, 242–249 (2010).

contribution to a healthful diet and minimize consumption of foods with significant amounts of nutrients that could have a negative impact on health or weight – specifically, sodium, saturated fat, trans fat, and added sugars. Unfortunately, the IWG’s current proposed Nutrition Principles do not recognize the value of bottled water in contributing to these two goals.

Bottled water can make a meaningful contribution to a healthful diet. In fact, in December of 2009, the IWG recognized this in its Tentative Proposed Nutrition Standards for the Marketing of Food to Children, stating that “100% water” should be listed as one of the foods that “are part of a healthful diet and may be marketed to children without meeting [further nutritional standards].” Unfortunately, the IWG has moved away from this recognition in its current proposed guidelines, proposing under Nutrition Principle A that individual foods marketed to children must contain a significant amount of at least one of nine food groups – fruit, vegetable, whole grain, fat-free or low-fat milk products, fish, extra lean meat or poultry, eggs, nuts and seeds, or beans. Bottled water clearly does not fall into any of those food groups. Nor can bottled water ever meet these criteria. As explained below, by definition, bottled water does not and cannot contain significant levels of any nutrients. Nonetheless, the IWG has specifically indicated in its current proposed guidelines that bottled water falls into the “fruit juice and non-carbonated beverages” segment of the ten food product categories most heavily marketed to children and adolescents that should meet the IWG’s proposed nutritional principles by 2016 in order to be advertised or marketed to children.

Adequate hydration is important for all individuals, and bottled water, without question, can help individuals meet their personal hydration needs and goals. In 2004, The National Academy of Sciences (NAS) published an assessment of the recommended dietary intake of total water in their report titled "Dietary Reference Intakes (DRI) for Water, Potassium, Sodium, Chloride, and Sulfate." According to the NAS report, adequate intakes of total water are 125.1 oz per day (3.7 L per day) for men and 91.3 oz per day (2.7 L per day) for women, with 81 percent of fluid intake coming from water and beverages and 19 percent coming from food moisture. For busy Americans on the go, convenient bottled water is often an ideal solution that allows for flexibility and portability, while avoiding the calories, additives and sweeteners that come with other ready-to-go packaged beverages. Good hydration means drinking plenty of water during the entire day. Because it is a heavily regulated food product, bottled water is a safe and reliable source of refreshment and enjoyment at home, at the office or on the go. It’s an important source of water in many people’s daily diets.

Significantly, bottled water does not contain any nutrients that could have a negative impact on health or weight. Indeed, bottled water is truly a unique packaged food product in that, although it is widely considered a healthy food, it does not contain significant levels of any nutrients. FDA’s established standard of identity for bottled water states, “Bottled water is water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may optionally contain safe and suitable antimicrobial agents.”^{7/} Bottled water manufacturers, therefore, may not add any other ingredients to their bottled water

^{7/} 21C.F.R. 165.110(a)(1).

products and still call them "bottled water" (or "mineral water" or "purified water"). Consequently, bottled water by definition does not contain significant levels of any nutrients. Therefore, bottled water is consistent with the IWG's proposal, under Nutrition Principle B, that foods marketed to children should be those with minimal quantities of nutrients that could have a negative impact on health and weight. Lacking nutrients that play a significant negative role in children's diets, bottled water goes a long way towards decreasing the risk of childhood obesity or the risk of disease and health conditions associated with childhood obesity, such as heart disease and hypertension.

Bottled water is therefore a unique food product that warrants special consideration in the IWG proposal. Bottled water does not meet the IWG's proposed Nutrition Principle A because, under that principle as currently outlined, it does not make a meaningful contribution to a healthful diet. Bottled water is, however, consistent with the IWG's proposed Nutrition Principle B because, in accordance with that principle, it does not contain significant amounts of nutrients that could have a negative impact on health or weight.

IBWA respectfully requests that the IWG revise its proposed guidelines so that bottled water is recognized as a food product acceptable to be marketed to children. The IWG could accomplish this either by exempting bottled water from the food category "fruit juice and non-carbonated beverages," or by granting an exception to the Nutrition Principle A for bottled water products. Either approach would be fully consistent with recommendations in the USDA's Dietary Guidelines for Americans 2010 and Choose My Plate program. Bottled water is a healthy alternative to other bottled beverages since it has zero calories, as well as no caffeine, sweeteners, or other additives or preservatives. Increased consumption of bottled water is in the public's best interest and the IWG recommendations should be aligned accordingly.

Thank you for the opportunity to provide these comments, and we look forward working with the IWG further as it continues to study the issue of improving the nutritional profile of foods marketed to children in order to improve their diets and combat childhood obesity.

Sincerely yours,

 Joseph K. Doss
President and CEO
International Bottled Water Association