



Health
Canada

Santé
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Health Products
and Food Branch

Direction générale des produits
de santé et des aliments

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July 15, 2011

Federal Trade Commission
Office of the Secretary, Room H-113 (Annex W)
Associate Director for Advertising Practices
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Technical comments on proposed nutrition principles: FTC Project #
P094513

To the US Interagency Working Group,

We would like to thank the Working Group for the opportunity to provide comments to the proposed nutrition principles as outlined in the document titled "Interagency Working Group on Food Marketed to Children Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts".

As many of the foods and beverages marketed to children in Canada and the United States are produced by the same multinational corporations, children in both countries are likely to be exposed to similar advertising. For this reason, it continues to be very beneficial to work in close collaboration in this area.

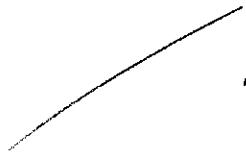
Please find enclosed the Health Products and Food Branch submission on the questions related to the nutrition criteria. Colleagues from the Public Health Agency of Canada will also be submitting comments pertaining to marketing definitions. Neither of these sets of comments reflect the overall Government of Canada's position.

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If you would like to further discuss any of the responses, please do not hesitate to contact Lydia Dumais, Section Head, Food Directorate at Lydia.dumais@hc-sc.gc.ca or Janet Pronk, Director, Office of Nutrition Policy and Promotion at janet.pronk@hc-sc.gc.ca.

Yours sincerely,



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Director General, Food Directorate



Hasan Hutchinson, Ph.D.,
Director General, Office of Policy and Promotion Directorate

US FTC *Proposed Nutrition Principles: General Questions*

With Added Comments from Health Canada

Due July 14, 2011

The relationship between the United States and Canada remains among the closest and most extensive in the world from the perspectives of both trade and regulatory cooperation. As many of the foods and beverages marketed to children in both countries are produced by the same multinational corporations and Canadian and American children are likely to be exposed to similar advertising of these products due to shared media markets, it continues to be very beneficial to work in close collaboration in this area. We therefore would like to thank you for the opportunity to provide comments on the proposed nutrition principles as outlined in the report of the US Interagency Working Group.

The following comments have been prepared by the Health Products and Food Branch (HPFB) of Health Canada.

Q (1) Congress directed the Working Group to develop proposed nutrition principles for foods marketed to children and adolescents up to the age of 17. Does the prevalence of obesity in both children and adolescents warrant the same approach to limits on food marketing for both age groups? 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?

Response: HPFB is not in a position to provide comments on these questions at this time.

Q (2) The Working Group recognizes that companies often engage in brand advertising and marketing, without reference to a specific food product in the brand line. How should the nutrition principles be adapted to accommodate advertising and marketing of a general brand or an entire product line as opposed to specific food products or menu items?

Response: HPFB is not in a position to provide comment on this question at this time.

Q (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?

Response: Principle A should be sufficient to reflect the intent of encouraging healthier children's diets. If consideration is given to including targets for

nutrients to encourage, it will be important to demonstrate that there are added benefits of setting such targets.

There are other nutrition strategies and programs that are better able to address concerns over nutrient inadequacies in the diets of children.

Q (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?

Response: The proposed nutrition principles should include recommendations on how portion sizes of foods are communicated or represented in marketing to children. This is currently the case in the Canadian industry self-regulatory initiative.

If the proposal does not address Calories, there is a risk that popular foods low in sat/trans fats and sugars that are high in calories (e.g. from other fats and starch) will not be addressed by the proposal.

Food Categories

Q (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?

Response: The categories of foods that are most heavily marketed to children today are likely to evolve over time. For example, in Canada the industry has already begun reducing the marketing of carbonated beverages and candy to children. As a result of these changes, in 2010 in the Province of Alberta, sixty percent (60%) of the food ads during children's peak viewing times were for restaurant food, breakfast cereal, or snack foods. Therefore, the categories to which the proposed approach is intended to apply should be revisited on a regular basis.

Also, it may be difficult to justify why criteria would apply only to the 10 categories and not to other food categories of similar or lower nutritional quality.

A further disadvantage is that the proposed approach does not facilitate consistent application between countries.

Main Dishes/Meals

Q (6) The Working Group is seeking comment on the proposed adjustments to the nutrition principles for main dish and meal products. For instance, should main dishes and meals make meaningful contributions from at least two and three food groups respectively, as proposed under Principle A? Should the targets set under Principle B be tied to a 100-gram amount, a labeled serving, a 40-gram portion, or some combination of these? What would be the advantages or disadvantages of using a 100-gram basis to set food group contributions and nutrient targets for all individual foods, main dishes, and meals?

Response: The definition of main dishes and meals as making meaningful contributions from 2 and 3 food groups, respectively, is generally consistent with the approach of current Food Regulations in both the US and Canada.

With regard to the question related to principle B, HPFB is not in a position to provide comments on this question at this time.

Q (7) The Working Group also seeks comment on alternative approaches to address the marketing of children's meals by restaurants. One possible approach would be to recommend that a minimum number of the offerings on a children's menu be healthier and that at least two out of three components of the meals marketed to children meet certain nutrition principles that make them healthier choices. What would be the advantages or disadvantages of such an approach? Are there other approaches to the marketing of children's meals by restaurants that the Working Group should consider?

Response: HPFB is not in a position to provide comments on these questions at this time.

Nutrition Principle A

Q (8) Under both the Option 1 and Option 2 proposals for Principle A, companies can aggregate contributions from more than one of the specified food categories to meet the meaningful amount targets for individual foods. Does this approach diminish the meaningful contribution to the diet by allowing small contributions from multiple food groups? Should the principle recommend that the entire contribution come from one food group?

Response: This approach acknowledges that aggregate contributions still make a meaningful contribution to a healthful diet and provides an opportunity for reformulation of food categories of lower nutritional quality. However, it would require less calculation and be easier for manufacturers to apply option 1. For example, some of the amounts suggested in option 2 may already exceed the RACC for individual foods (e.g. 0.5 cup of fruit is more than many RACCs in the targeted food categories) and/or exceed 100 g.

On the other hand, it is not clear what the rationale is for suggesting a total amount of only 50% or more by weight in option 1. We note that this approach only works when trying to improve the quality of food with a poor nutrition score

such as most of those in the 10 categories selected, so this may be the reason. Certainly, if this approach were applied to food categories of higher nutritional quality, this could encourage the dilution of whole food ingredients, with a potential risk of reducing the nutrient adequacy of children's diets rather than improving it. For example, breaded chicken products, the same as un-breaded roasted chicken meat, could probably meet the proposed nutrition principles A and B, while having only 50% chicken and a relatively high caloric value.

Q (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?

Response: No, nothing should be added or eliminated.

Q (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 subgroups of vegetables?

Response: Vegetables other than starchy vegetables should be considered as a replacement for the vegetables food group if the addition of Calories under principle B does not address this issue.

Q (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)?

Response: As noted in Q 8, we think that option 1 would be easier to apply for manufacturers. Verification of compliance by a third party would be challenging for both options; however, option 1 may be easier, especially if quantitative label declaration of whole food ingredients by % weight were available.

Q (12) The food contribution amounts proposed in Option 2 are calculated based on a 2,000 calorie daily diet and assume four eating occasions per day. Should this calculation be adjusted to reflect children's caloric needs and eating patterns?

Response: HPFB is not in a position to provide comments on this question at this time.

Nutrition Principle B

Q (13) Principle B provides that any nutrients naturally occurring as part of the food contributions under Principle A are not counted toward the proposed limits for specific nutrients under Principle B. This exemption is intended to resolve any inherent inconsistencies between Principle A and Principle B. At the same time, the Working Group recognizes that the calculations involved in partially "netting out" certain nutrients would entail a detailed knowledge of the product recipe or formulation and make it difficult for any third party to verify whether a product meets Principle B. Are there alternative approaches the Working Group should consider in reconciling the provisions of Principles A and B?

Response: An alternative approach would be to increase the thresholds, for example, increase saturated fat/trans fat to 2 g/RACC as per the Canadian "low saturated fat" nutrient content claim, and use a threshold for total sugars that would exempt vegetables and fruits as in the OFCOM model. Even with these changes, peanuts would still be excluded from being eligible to be marketed to children due to its saturated fat content. While this has been identified in the proposal as an issue, the exclusion of peanuts from foods eligible to be marketed to children should not be a concern given that peanuts are a recognized allergen.

Q (14) Under Principle B, the proposed nutrient targets for individual foods are generally tied to the RACC. The proposal recommends that individual foods with a small RACC (30 grams or less), meet the targets for saturated fat, *trans* fat, added sugars, and sodium per 50 grams (with the exception of the interim sodium value of 210 milligrams per serving). What are the implications of this approach in particular for smaller serving foods like cereals or for foods marketed in smaller children's portions? What would be the advantages and disadvantages of tying Principle B recommendations to labeled serving instead of the RACC?

Response: The RACC is a long standing approach that has been used successfully in the Food Regulations in both the US and Canada. A justification should be provided for not using the RACC for all foods.

Q (15) Are there other nutrients or ingredients not currently included in Principle B that the Working Group should recommend be limited in foods marketed to children? If so, what is the evidence regarding the nutrition and health justification for including the nutrient or ingredient?

Response: The inclusion of Calories in Principle B should be considered (see rationale in comments to Q4).

Q (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?

Response: We continue to support the rationale established for not including added sugars in the Nutrition Facts table in Canada and the US.

Q (17) The Working Group proposal recommends an interim goal for limiting sodium content for foods marketed to children of 210 milligrams per serving for individual foods and 450 milligrams per serving for main dishes and meals, with a target date of 2016. Is there a nutrition-based rationale for an alternative interim goal for sodium that the Working Group should consider? The Working Group's final value for sodium is 140 milligrams per RACC for individual foods and 300 milligrams per serving for main dishes and meals, with a target date of 2021. Is there a nutrition-based rationale for an alternative final goal on sodium that the Working Group should consider?

Response: HPFB is not in a position to provide comments on these questions at this time.