

Nestlé Waters North America Inc.

900 LONG RIDGE ROAD
BUILDING 2
STAMFORD, CT 06902-1138

TEL: 203 531 4100
www.nestlewatersnorthamerica.com



Brian J. Flaherty
Vice President, Government Affairs
(203) 863-0125
(203) 817-3303 (FAX)
(203) 515-6636 (CELL)
brian.flaherty@waters.nestle.com

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July 14, 2011

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

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**Re: Interagency Working Group on Food Marketed to Children –
FTC Project No. P094513. Comments on Proposed Nutrition Principles and
Marketing Definitions**

Ozarka®

To Whom It May Concern:

Poland Spring®

These comments are submitted by Nestlé Waters North America Inc. in response to the *Preliminary Proposed Nutrition Principles to Guide Industry Self Regulation* of the Interagency Working Group on Food Marketed to Children (IWG Proposal).

Zephyrhills®



By way of background, Nestlé Waters North America markets such bottled water brands as Poland Spring®, Deer Park®, Arrowhead®, Ice Mountain®, Ozarka®, and Zephyrhills® natural spring waters, as well as Nestlé® Pure Life® purified water and Perrier® and S. Pellegrino® imported mineral waters.

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Nestlé Waters North America is committed to responsible communication to consumers, including children.



We have reviewed the IWG Proposal, and while we appreciate your goal of addressing the high rates of childhood obesity in America, we do not agree with the proposed principles outlined in the IWG Proposal for several reasons. The primary reasons—both substantive and procedural—are that the proposed nutrition principles are inconsistent with other federal food and nutrition standards, are unnecessarily complicated, unworkable, and take a narrow view of healthful eating. These points have been more thoroughly addressed in

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Good Food, Good Life

comments submitted by Nestlé USA, Inc. and other U.S.-based Nestlé companies. We endorse those comments, as well as those submitted by our trade associations, the International Bottled Water Association (IBWA), American Beverage Association (ABA), and Grocery Manufacturers Association. Below are our comments to those areas of the IWG Proposal that are particularly troublesome.

Water and obesity

Nestlé Waters North America applauds First Lady Michelle Obama's *Let's Move* initiative for healthier children and families, including informed lifestyle and diet choices. We are a signatory to the ABA's *Clear on Calories* initiative, through which members have committed to provide more visible calorie information on beverage products. We are pleased to support this initiative to help American families make healthy choices, especially because bottled water is the only packaged beverage that delivers on what the *Let's Move* website urges children to do: "Drink Lots of Water."

With one in every three children (31.7 percent) in the United States ages 2–19 being overweight or obese, we hope the trend of increasing consumption of water will continue. Bottled water provides a safe, convenient way for consumers, particularly children, to incorporate a non-caloric beverage into their daily routines—something that is in harmony with what other federal authorities are saying:

- 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 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."*
- 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."*

Water and nutrition

Nestlé Waters North America understands that the IWG's proposed guidelines are designed to encourage healthful dietary habits and to stress the importance of the 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—as part of a healthful diet. Although water—whether from the tap or in a bottle—does not fall into any of those food groups, neither does it contain nutrients

that could have a negative impact on health or weight. In fact, as noted above, because it has no calories, water is often cited as a recommended alternative to other caloric beverages and is encouraged as a beverage of choice. IWG seems to have recognized this in your Tentative Proposed Nutrition Standards for the Marketing of Food to Children, which stated:

“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].”

We agree. Inexplicably, however, the IWG seems to have moved away from this recognition in the current version of your proposed guidelines. We believe the guidelines should recognize the importance of bottled water in a healthful diet, and respectfully request the IWG to incorporate bottled water—whether carbonated and/or non-carbonated, flavored or unflavored—into its proposed guidelines as a packaged food product that is acceptable to be marketed to children. This approach would be fully consistent with recommendations in the USDA’s 2010 DGA and the *Choose My Plate* program. Recommendations from the IWG that discourage the consumption of water, bottled or otherwise, are not in the public’s best interest.

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,

Brian J. Flaherty
Vice President
Government Affairs

