NORTH AMERICAN MEAT INSTITUTE

October 11, 2018

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. FDA-2018-N-2381. "FDA's Comprehensive, Multi-Year Nutrition Innovation Strategy." 83 *Fed. Reg.* 30180-30182 (June 27, 2018)

To Whom It May Concern:

The North American Meat Institute (NAMI or Meat Institute) is the leading voice for the meat and poultry industry. The Meat Institute has a rich, century-long history and provides essential member services including legislative, regulatory, scientific, international, and public affairs representation. Together, the Meat Institute's members produce the vast majority of U.S. beef, pork, lamb, and poultry, in addition to the equipment, ingredients, and services needed to produce the safest and highest quality products.

Consumer health is a driving force in producing meat and poultry products. Ensuring consumer health involves both offering nutrient dense protein food products and ensuring their safety. The Meat Institute supports the premise that eating a balanced, healthful diet from all food groups and engaging in moderate exercise are the keys to a healthy lifestyle. Information about the nutritional profile of food products enables consumers to make the choices that best fit their dietary preferences and lifestyle needs. Although the Food and Drug Administration's (FDA) Nutrition Innovation Strategy (Strategy) addresses food products under FDA jurisdiction, any regulatory changes could impact the labeling of, or claims made about, meat and poultry products, which are regulated by the Food Safety and Inspection Service (FSIS). The Meat Institute appreciates the opportunity to provide comments on the Strategy.

Modernizing Claims and Statements Used on Food Labels

Claims and other nutrition-related labeling statements provide key information to consumers about the nutritional benefits of foods and beverages. Although claims may aid consumer decision-making, their use on foods is consumer driven. Consumer perception of claims varies depending on the type of claim used. A health-related claim, *e.g.* "low sodium," is often perceived as suggesting the product is less flavorful, so using such claims should remain voluntary.[1],[2] Several commenters at the July 26 public meeting indicated a preference for mandating claims when a food product qualifies for a claim. As Dr. Hooker's evaluation of prepared meals and "healthy" front-of-pack claims presented at the

[1]Rajagopal Raghunathan, Rebecca Walker Naylor, and Wayne D. Hoyer. The Unhealthy = Tasty Intuition and Its Effects on Taste Inferences, Enjoyment and Choice of Food Products, *Journal of Marketing*, Volume 70, No. 4, October 2006, Pages 170-184, https://doi.org/10.1509/jmkg.70.4.170.

[2] Liem, DG, Miremadi, F., Zandstra, EH, Keast, RS. Health Labelling can influence taste perception and use of table salt for reduced sodium products. Public Health Nutr. 2012 Dec;15(12):2340-7. doi: 10.1017/S136898001200064X

O: 202.587.4200
F: 202.587.4300
www.meatinstitute.org
1150 Connecticut Avenue, NW
12th Floor
Washington, DC 20036

public meeting showed, on average, 60 percent of product introductions between 2006 and 2010 qualified for a "healthy" claim, yet on average, only three percent of products bore the claim.[3] In a 2017 survey of North American Meat Institute members, 75 percent of respondents indicated they offer "healthy" products, however, just one-third label qualifying products as "healthy."

Claims should remain voluntary to provide food producers flexibility and facilitate innovation. Mandated claims could deter purchases from intended or target audiences. Mandatory claims also could have adverse unintended consequences because of the "health halo effect." In a 2014 study, Faulkner *et al* found that consumers expect they can eat more of a food categorized as "healthy" than standard foods.[4] Research at Cornell University suggests that specific claims, in this case organic, lead consumers to perceive the food as more healthful through the "health halo effect."[5]

Using a Standard Icon to Denote the Claim "Healthy" on Food Labels

In 2016, FDA initiated a public process to redefine the "healthy" nutrient content claim for food labeling. Updating the criteria around the term "healthy" on food labels is appropriate as public health recommendations for various nutrients have evolved. For example, healthy dietary patterns now focus on food groups, the type of fat rather than the total amount of fat consumed, and added sugars in the diet. Also, the nutrients of public health concern that consumers do not consume enough of have changed. However, the Meat Institute believes it is premature to focus efforts on a standard icon to denote the claim "healthy" on food products when a revised definition has not been finalized. Doing so runs the risk that the icon may be incompatible with the revised definition. Further, the discussion around different types of possible "healthy" icons may go beyond the scope of the claim, *e.g.* addressing dietary patterns, ranking foods based on nutrients, and establishing new upper limits.

Sound science must be the foundation for public nutrition policy and using the term "healthy" should convey that the product bearing this label claim is nutritious and plays a role in an overall well balanced, healthy diet. Nutrient composition should serve as the basis for determining whether food products can bear "healthy" on the label. However, food groups that are part of a healthy dietary pattern can also play a complementary role in determining whether a product can be labeled as "healthy." As widely referenced at FDA's March 2017, public meeting, foods such as avocados and nuts are nutritious and can promote health. Yet, because these foods do not meet the nutrient criteria, they cannot be labeled "healthy." Using nutrient component based criteria is therefore particularly important for single ingredient products that meet the traditional requirements for "healthy." Although the Meat Institute supports nutrient content as the basis for "healthy" claims, criteria for products that do not meet the nutrient content but promote health also may be appropriate. These additional or complementary criteria could be based on food groups that Americans are encouraged to consume, including high quality protein sources, such as meat and poultry products.

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[3] https://www.fda.gov/downloads/Food/NewsEvents/WorkshopsMeetingsConferences/UCM615805.pptx, Accessed August 15, 2018.

[4] Faulkner, GP, Pourshahidi, LK, Wallace, JM, Kerr, MA, McCaffrey, TA and Livingtone, MB. Perceived 'healthiness' of foods can influence consumers estimations of energy density and appropriate portion size. Int J Obes (Lond). 2014 Jan;38(1):106-12. doi: 10.1038/ijo.2013.69.

[5] https://foodpsychology.cornell.edu/discoveries/organic-cookies-are-still-cookies. Accessed August 13, 2018.

Presuming a food meets the nutrient criteria, or when applicable the complementary food group criteria, it should be eligible to bear the "healthy" label. During the March 2017, public meeting, presenters and commenters urged FDA to disqualify processed foods from bearing the claim. Making processed foods ineligible for a "healthy" claim likely, however, has the unintended consequence of leading consumers to believe these foods cannot be beneficial to human health.

Food processing is an important component of ensuring a safe, accessible, affordable, nutritious, and sustainable food supply. Processing allows perishable products to last longer through freezing, canning, and other preservation methods. Such production practices allow for maximum utilization of crop yields and minimize the potential for food waste. Processing also allows fortification of nutrients that may not be consumed naturally in adequate quantities to meet nutrition requirements, and processed food can be nutrient-dense foods.[6] All foods that meet the criteria should be eligible to use the term "healthy" on the food label.

The Meat Institute supports revising the definition of "healthy" on the label prior to discussing a single icon for "healthy." Ensuring the definition and icon are compatible and convey meaningful information to consumers on how that food fits into a healthy dietary pattern is one step toward improving the health of Americans.

Modernizing Standards of Identity

Modernizing standards of identity to allow innovation while maintaining the basic nature, essential characteristics, and nutritional integrity of standardized foods, and protecting consumers against economic adulteration, is important. When the first standards of identity were issued, product names were typically the only information available to consumers to help them determine the package's contents. Since then, more recent laws and regulations require consumers be provided with more information to guide product choices, including ingredient and nutrition labeling. Food technology and innovation offer endless opportunities for companies to enhance the nutritional profile of foods consumers know and love. While these products can be produced outside the standard of identity, they cannot be called the standardized food name. A horizontal definition may be appropriate to account for product reformulations that enhance the nutrition profile but do not qualify for a label claim.

The Meat Institute's predecessor organization, American Meat Institute, joined the Grocery Manufacturers Association, along with several other food industry associations, in filing a 2006 citizen petition with FDA and FSIS to modernize food standards. The petition called for six categories of variations that should be allowed to provide needed flexibility, which would be permitted within carefully defined boundaries to accomplish the following beneficial objectives:

- Addition of ingredients intended solely for technical, nondistinctive effects, such as emulsifiers, stabilizers, and antimycotic agents;
- Use of safe and suitable flavors and flavor enhancers in foods generally, and use of safe and suitable ingredients such as salt substitutes, sweeteners, and vegetable fats and oils where appropriate;
- Use of advanced or more efficient technologies to produce ingredients of all types, such as enzyme technologies that enhance the properties of egg yolk used in mayonnaise;

[6] Weaver, C.M, Dwyer, J., Fulgoni, V., King, J., Leveille, G.A., MacDonald, R.S., Ordovas, J. and Schnakenberg, D. 2014. Processed Foods: Contributions to Nutrition. *Am J Clin Nutr* DOI: 10.3945/ajcn.114.089284. http://ajcn.nutrition.org/content/99/6/1525.

- Use of alternate manufacturing processes, also known as "alternate make" procedures, for those standards that specify particular processes;
- Changes to a product's basic shape in response to consumer demands, such as "chunky" stewed tomatoes; and
- Improvements in nutritional properties that do not rise to the level of a defined nutrient content claim (e.g. reducing calories by 10 percent rather than requiring a minimum 25 percent) or use of nutritious ingredients like whole grains.[7]

If the nature of the food product is not fundamentally changed, meets consumer expectations, and is not misleading, horizontal standards of identity are appropriate to drive innovation to meet consumers' health, lifestyle, and nutrition needs.

The nutrition profile of these products could be a more healthful alternative but the name may not be consumer friendly. For example, the standard for cheddar cheese requires salt. If a sodium replacer is used, then the cheese cannot be named "cheddar cheese" but must use a different term. This name could be a deterrent for consumers; may be misleading about the nature of the product; and may put companies at a competitive disadvantage particularly regarding products using sodium replacers. The Meat Institute supports modernizing standards of identity to provide flexibility and facilitate innovation among food producers.

Opportunities to Make Ingredient Information on Labels more Meaningful

More clear and readable ingredient labels will aid consumer understanding and decision making. Simplifying labeling requirements for the declared names of vitamins, *e.g.* vitamins by letter instead of chemical composition, will allow consumers to recognize the nutrients contained within a food product and determine how that product fits within their dietary and lifestyle needs. Allowing more flexibility in naming ingredients could further consumer understanding. For example, NuTek Food Science submitted a petition to FDA requesting the Commissioner issue guidance recognizing "potassium salt" as an additional common or usual name for potassium chloride and allow food manufacturers to voluntarily choose to use this term in their labeling.[8] The Meat Institute submitted a letter supporting this petition.

Regarding parentheticals around some definitions, there may be unintended consequences if the label is simplified. As consumers look for a cleaner label on foods, there may be a push to remove compound ingredients on the list since they require parentheticals with a listing of all vitamins and minerals that are sub-ingredients on the label. For example, enriched flour provides essential nutrients and there may be unintended consequences if the drive toward cleaner labels leads to removing enriched flour as an ingredient. The Meat Institute supports making ingredient information more meaningful for consumers; however, FDA must be mindful of any potential unintended consequences.

[7] Docket Number FDA-2007-P-0463. https://www.regulations.gov/document?D=FDA-2007-P-0463-0367. Accessed August 13, 2018.
[8] Citizen Petition from NuTek Food Science, LLC. Docket FDA-2016-P-1826-0001. https://www.regulations.gov/contentStreamer?documentId=FDA-2016-P-1826-0001&attachmentNumber=1&contentType=pdf. Accessed September 30, 2018.

Nutrition Facts Label Consumer Education Campaign

Providing information about the nutritional profile of food products to consumers is only one step to help them understand and utilize this information. Educating consumers on how to interpret this information is critical, and is the only way to ensure a measurable improvement to public health. Consumer education should focus on emerging technology trends and information delivery like social media because this is how consumers are getting their information. In addition to education efforts through technology, in store communications are also effective. When consumers are purchasing food is an ideal time to provide nutrition education. Retailers provide information to their customers about the foods they sell and an opportunity may exist to leverage these in-store communications. Further, consumer insights may reveal additional education opportunities.

Sodium Reduction

Salt, or sodium chloride, plays a critical role in producing meat products – whether used by large commercial processors, local butchers, or even within the consumer's home – to improve the flavor, texture, and safety of those products. In addition to playing a critical role in meat production salt is also intrinsic. Reducing sodium is not as simple as adding less and sending the product to market. The meat and poultry industry must ensure there are no unintended food safety consequences to product reformulation, while still meeting consumer flavor and quality expectations.

Salt's role as a preservative and food safety ingredient is one aspect of a multi-hurdle approach used to ensure product safety. In the last 20 years, the meat and poultry industry has also learned in more quantitative fashion the importance of sodium chloride in managing pathogenic bacterial risks presented by *Listeria monocytogenes*, *Salmonella*, and pathogenic *Escherichia coli* in meat and poultry items.

The functionality of sodium and sodium compounds when added to muscle tissues affects the quality of a meat or poultry product. Sodium in the form of sodium chloride is the primary source of added sodium to meat and poultry products. Sodium phosphates, sodium nitrite, sodium lactate, among others, are all sodium compounds used by the meat and poultry industry in developing products. Compounds such as sodium chloride have important quality, shelf-life, myofibrillar functionality, and food safety properties that improve the quality of meat and poultry products.

In response to public requests in the last decade, the meat and poultry industry is actively involved in efforts to reduce sodium in its products. A study published in *JAMA Internal Medicine*[9] found, although there have not been statistically significant reductions in sodium content of processed or restaurant foods between 2005 and 2011, some of the greatest decreases occurred in meat products. The study's authors analyzed sodium levels in 480 packaged and restaurant foods from 2005-2011 and did not find dramatic across-the-board reductions. The analysis, however, highlighted the significant reductions in some retail products during the period, with a 27 percent decline in pork and a 21 percent decrease in sliced deli turkey breast, among others.

[9] Michael Jacobson, Stephen Havas, Robert McCarter. Changes in Sodium Levels in Processed and Restaurant Foods, 2005-2011. *JAMA Intern Med.* 2013;173(14):1285-1291.

In a 2017 survey of Meat Institute members, more than half of respondents have already completed a sodium reduction process, while just under half were in the process. Just under 90 percent of respondents approached sodium reduction in some product categories, while just over 10 percent undertook a companywide reduction. Two-thirds of respondents were informing customers through labeling.

Policy and other guidance recommendations should be based on the strongest scientific evidence available. The totality of the scientific evidence must be considered when developing sodium reduction targets because new data may not support lowering sodium levels, especially in a healthy population. The Dietary Reference Intake (DRI) review for sodium and potassium, which is underway at the National Academy of Sciences, Engineering and Medicine, should be completed prior to releasing sodium targets. The review is considering indicators of deficiency, inadequacy, and toxicities, as well as relevant chronic disease endpoints. Issuing sodium targets prior to the completion of the DRI review would be premature.

The meat and poultry industry is constantly evaluating new technologies as it investigates effective solutions for greater sodium reductions over the long term. However, sodium reduction is complex. Similar to other food industry sectors, the meat and poultry industry must balance consumer taste preferences, food safety, and functionality. Compromising product safety is not an option for the industry. Similarly, consumers will not compromise their preferences on taste and value. Voluntary sodium reduction guidance and targets should result in achievable, practical, and meaningful nutrition recommendations for the food industry capable of producing a quantifiable improvement in the health of Americans, without causing adverse, unintended consequences.

Summary

Meat and poultry products play an important role in a healthy, well-balanced diet. Including meat and poultry in the diet allows consumers to fulfill more easily their essential amino acid and nutrient requirements. The Meat Institute supports modernizing and innovating programs to allow for enhanced food products to be made to meet consumer's expectations and needs.

Thank you for the opportunity to provide these comments. If you have questions about any aspect of these comments or would like to discuss them, please contact me at 202-587-4200.

Respectfully submitted,

Susan L. Backus

Susan L Backus
Vice President, Regulatory and Scientific Programs

cc: Julie Anna Potts
Mark Dopp
Barry Carpenter