



National Milk Producers Federation

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"Connecting Cows, Cooperatives, Capitol Hill, and Consumers"

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July 30, 2012

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

(Submitted electronically: www.regulations.gov)

RE: Experimental Study on Consumer Responses to Nutrition Facts Labels with Various Footnote Formats and Declaration of Amount of Added Sugars, Docket No. FDA-2012-N-0495

To Whom It May Concern:

The National Milk Producers Federation (NMPF) is pleased to respond to your request from May 31, 2012 for comments on FDA's study to explore consumer responses to various changes to the Nutrition Facts labels on foods. Specifically, NMPF appreciates the opportunity to respond to the aspect of the proposal to explore how declaring the "added sugars" content of foods might affect consumers' attention to and understanding of the sugars and calorie contents and information on the Nutrition Facts label. The National Milk Producers Federation (www.nmpf.org), based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives that they own. The members of NMPF's 30 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies.

The Nutrition Facts label is used by consumers in various ways, ultimately influencing or enabling them to make informed dietary choices and develop healthful dietary habits. However, the lack of a Daily Value for sugars or "added sugars", as well as the lack of a universal definition for "added sugars", will only lead to consumer confusion and have little practical utility. Therefore, NMPF recommends first establishing a consistent definition of "added sugars" and comparing it to consumers' expectations of what "added sugars" includes prior to undertaking a study to determine the influence such a declaration would have on consumer perception of the nutritional perceptions of foods.

Jerry Kozak, President/Chief Executive Officer

Randy Mooney, Chairman

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As a definition of “added sugars” is developed, NMPF poses the following for consideration:

1. Will “added sugars” be clearly differentiated from “naturally-occurring sugars”? For example, “added sugars” should not include naturally-occurring sugar, such as lactose, found in milk and dairy products.

One of the reasons for wanting to call attention to “added sugars” on the Nutrition Facts label is to help consumers choose nutrient-dense foods that contain essential micronutrients, rather than nutrient-poor foods. The declaration of “added sugars” on the label should not discourage the consumption of nutrient-dense foods such as low-fat and fat-free milk and dairy products.

This is supported by the *Dietary Guidelines for Americans, 2010* (DGA), which defines “added sugars” as “sugars, syrups, and other caloric sweeteners that are added to foods during processing, preparation, or consumed separately. Added sugars do not include naturally occurring sugars such as those in fruit or milk.”

2. How will naturally-occurring sugars in fractions of nutrient-dense foods be classified?

While the fructose and lactose in fruit and milk and dairy products, respectively, may be considered “naturally-occurring”, fractions of these foods (ie, fruit juices or milk powders and concentrates) are also used as ingredients. There should be a consistent means of identifying when sugars in ingredients are considered “natural” or “added”.

For example, some manufacturers increase the milk solids content of cultured dairy products to achieve a rich, creamy mouthfeel and texture. Product developers have a number of options of dairy-based ingredients that can contribute milk solids to a formulation – ranging from those with a low lactose content (whey protein concentrate with <4% lactose) to those with a high lactose content (whey powder with 75% lactose). The lactose contained in all of these dairy-based ingredients would be considered “naturally-occurring” in the same manner that lactose in fluid milk is considered a “natural” sugar.

However, this also leads to the question of whether lactose powder used as an ingredient would be considered a “natural” or “added” sugar. The same composition of various milk-based ingredients (for example, non-fat dry milk powder or whey powder) can be achieved by blending milk or whey proteins with lactose in specific ratios. Therefore, “lactose” as an ingredient should not necessarily be considered an “added” sugar, especially in the presence of other

dairy-based ingredients.

3. Will the definition of “added sugars” incorporate aspects of the functional application of the ingredient in the final product?

Ingredients containing sugars are used in foods for a variety of functional purposes, and often for multiple purposes in a single product. With respect to soft drinks, consumers may have a clear understanding of what ingredients represent an “added” sugar and may recognize why a sugar-containing ingredient is added to that beverage (ie, as “a sweetener”). However, the concept of an “added” sugar becomes much more complex when applied to other formulated foods (like yogurt or other formulated dairy products). For example, a fruit juice or fruit juice concentrate may be used in a cultured dairy product to impart sweetness – but it may also be used to lend a characteristic flavor (ie, blueberry juice in a blueberry yogurt or smoothie), to impart a characteristic color, to balance the acidity level, to contribute to texture, etc. This makes the application of a functional aspect to the distinction between “natural” and “added” sugars impractical when dealing with formulated foods.

NMPF commends the efforts of FDA to conduct research on alternatives to the Nutrition Facts label, with the overall goal of contributing to a reduction in the problem of obesity in the United States. However, with respect to the addition of an “added sugars” declaration on the Nutrition Facts label, NMPF would suggest more thorough discussion is needed to clearly define the concept of “added” sugars and to differentiate “added” and “natural” sugars before conducting consumer research in this area. There is no universally accepted definition of “added sugars” – even among consumers – and this will likely impact any results obtained through the proposed experimental study.

Thank you for this opportunity to share our perspective. NMPF would be happy to discuss development of such a definition, specifically how it might be affected by the ingredients used in formulated nutrient-dense dairy products. Please contact NMPF for additional information.

Sincerely,



Beth Briczinski, Ph.D.
Director, Dairy Foods & Nutrition

Jerry Kozak, President/Chief Executive Officer

Randy Mooney, Chairman