

E-ALERT | Food & Drug

October 14, 2010

IOM RELEASES PHASE I REPORT ON FRONT-OF-PACKAGE NUTRITION LABELING

On October 13, 2010, the Institute of Medicine of the National Academies (IOM) released its Phase I Report on “Examination of Front-of-Package Nutrition Rating Systems and Symbols.”¹ The report concludes that front-of-package (FOP) labeling would be most useful to consumers if it highlighted calories, saturated fat, trans fat, and sodium – the four nutrients deemed of greatest concern due to their association with diet-related health problems affecting many Americans.² This report did not make specific recommendations for FOP labeling systems, as these will be addressed in IOM’s Phase II report, expected in the fall of 2011.

Background

In response to a congressional directive, the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) asked the IOM to undertake a two-phase review of FOP nutrition rating systems and symbols.³ The Phase I report reviewed current systems, examined the strengths and weaknesses of the nutrition science underlying them, and reached conclusions based on a nutrition perspective. The Phase II report will focus on the consumer perspective by assessing consumer use and understanding of FOP symbols and determining which rating systems and symbols best promote public health. The Phase II report will offer recommendations for how best to develop and implement a standardized FOP nutrition labeling system or, if needed, a number of systems.

Report Recommendations

The committee supports the goal and purposes of FOP systems announced by FDA in April 2010 and concludes that “the primary purpose of FOP labeling is to help consumers identify and select foods based on nutrients most strongly linked to public health concerns for Americans.” The committee looked at 20 FOP systems, each of which uses different nutrition criteria. The committee did not conduct an exhaustive evaluation of each system, but selected three category types to help compare the systems and identify their strengths and weaknesses: (1) nutrient-specific systems, (2) summary indicator systems, and (3) food group information systems. Nutrient-specific systems, such as General Mills’ Nutrition Highlights and Goodness Corner and Kellogg’s Nutrition at a Glance, display the amount per serving of select nutrients from the Nutrition Facts panel on the front of the food package. Summary indicator systems, including the PepsiCo Smart Spot and Kraft Sensible Solution, use a single symbol, icon, or score to provide summary information about the nutrient content of a product. Food group information systems, such as ConAgra Start Making Choices and

¹ The report is available on IOM’s website at <http://www.iom.edu/Reports/2010/Examination-of-Front-of-Package-Nutrition-Rating-Systems-and-Symbols-Phase-1-Report.aspx>.

² See Press Release, National Academy of Sciences, IOM Nutrition Rating Systems and Symbols on Fronts of Food Packaging Should Focus on Calories, Saturated Fat, Trans Fat, and Sodium (Oct. 13, 2010), <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=12957>.

³ For additional information see our previous client alerts: [IOM Committee Holds Public Workshop Regarding Front-of-Package Labeling Systems](#) (Apr. 12, 2010) and [FDA Requests Comments and Information on Front-of-Package Labeling Systems](#) (Apr. 29, 2010).

the Whole Grain Council Whole Grain Stamp, use symbols that are awarded to a food product based on the presence of a food group or food ingredient.

The report concluded the following:

- Regardless of system type, it would be useful to declare calorie and serving size information prominently in FOP symbols.
- FOP labels should also provide information on saturated fats, trans fats, and sodium.
- There is insufficient evidence to support the inclusion of FOP information about a number of other nutrients, such as total fat, cholesterol, total carbohydrate, total or added sugars, protein, fiber, vitamins, and minerals other than sodium, based on their relative importance to the most pressing diet-related health concerns and challenges for measuring compliance.
- It may not be possible to establish a universal set of criteria that can be used across all FOP rating systems. The report explores multiple options for setting criteria for two main types of systems: (1) “nutrient-specific systems” that display the amount per serving of select nutrients or use symbols based on claim criteria; and (2) “summary indicator systems” that use a single symbol, icon, or score to provide summary information about the nutrient content of a product.

Upcoming Events

The Committee on Examination of Front-of-Package Nutrition Rating Systems and Symbols Phase II will hold its first committee meeting on October 26-27, 2010. The meeting will include an open public workshop on October 26 on “new consumer research on Front-of-Pack and other consumer research.” The workshop will include time for public comment on October 26. Registration for this event is currently full, but Covington will attend and relay to its clients developments of interest.

If you have any questions concerning the material discussed in this client alert, please contact the attorneys listed below:

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