

Eat Your Peas And Read Your Dietary Guidelines

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On Feb. 19, 2015, the Dietary Guidelines Advisory Committee released its final report to the U.S. Department of Health and Human Services and U.S. Department of Agriculture outlining its recommendations for the 2015 Dietary Guidelines for Americans.[1] The dietary guidelines, a joint effort by HHS and the USDA, provide the basis for federal food and nutrition policy and education initiatives. A new edition of the guidelines is released every five years.

The DGAC's role in the development of the dietary guidelines is to provide "independent, science-based advice and recommendations," based on "the most current research available." [2] To this end, every five years the DGAC submits a report to HHS and the USDA that serves as the foundation for the guidelines.

DGAC's report is advice for HHS and the USDA — not the final dietary guidelines — but historically, HHS and the USDA have typically accepted most of the DGAC's recommendations. The agencies, however, are bound by the requirement that the dietary guidelines be "based on the preponderance of the scientific and medical knowledge" current at the time of publication.[3]

Scope of the 2015 DGAC Report

The 2015 DGAC report makes a number of broad policy recommendations, many of which are aimed at reducing intake of overconsumed nutrients. Although the report carries forward several recommendations from the 2010 Dietary Guidelines, its scope is far more extensive than prior DGAC reports. The report covers food sustainability for the first time, and also addresses food safety, including the safety of coffee, caffeine and aspartame.

The addition of food sustainability topics has met with some controversy. According to the House Committee on Appropriations, food sustainability is "outside of the nutritional focus of the panel." [4] Thus, the committee declared that the final 2015 Dietary Guidelines should not include "extraneous factors," such as "agriculture production practices and environmental factors," and instead be limited to nutrition and dietary information.



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Focus on Population-Based Interventions

At the outset of the report, the DGAC reveals the “two fundamental realities” that guided its work: (1) the high prevalence of preventable chronic diseases and obesity; and (2) the strong influence of personal, social, organization and environmental contexts and systems on individual nutrition and physical activity. The latter principle is evident in the report’s emphasis on population-based interventions, which the DGAC believes will create healthier environments that complement individual-based efforts.

These interventions include “broad policy changes to transform the food system,” such as “the use of economic and taxing policies to encourage the production and consumption of healthy foods and to reduce unhealthy foods.” In particular, the report suggests that tax revenues from sugar-sweetened beverages and foods high in overconsumed nutrients be used to fund nutrition education initiatives and obesity prevention programs.

Specific Recommendations

Added Sugars

The 2015 report recommends that individuals limit added sugars to a maximum of 10 percent of total daily caloric intake. To decrease added sugars intake, the DGAC recommends reduced consumption of sugar-sweetened beverages, desserts and sweet snacks.

In support of these recommendations, the report cites evidence linking added sugar consumption to “major public health concerns,” such as obesity and type 2 diabetes. In addition, the report notes that the DGAC’s food pattern modeling analysis informed its specific limit on added sugars. This analysis revealed that after meeting food group and nutrient recommendations, between 3 to 9 percent of calories are available to be consumed as added sugars.

According to the DGAC, low-calorie sweeteners should not be recommended as a primary substitute for added sugars, because the long-term effects of these sweeteners is still unknown. Thus, the report deems water “the preferred beverage choice,” and calls for policymakers to create strategies to encourage water consumption.

The report puts forth a number of policy recommendations to reduce added sugar consumption, including:

- economic and pricing approaches, such as taxing sugar-sweetened beverages;
- changes to federal food assistance programs to encourage the purchase of foods and beverages low in added sugars and to discourage the purchase of sugar-sweetened beverages; and
- changes to the Nutrition Facts Panel to identify the amount of added sugars in foods and beverages (in both grams and teaspoons and as a percent of daily value).

Food Marketing

As part of its effort to influence individual food choices through policies that change the food environment, the DGAC calls for policymakers to place restrictions on food marketing. In particular, the report endorses policies that “limit exposure and marketing of foods and beverages high in added sugars and sodium to all age groups, particularly children and adolescents.”

Front-of-Package Labeling

In its final report, the DGAC states its support for “a standardized, easily understood front-of-package label on all food and beverage products to give clear guidance about a food’s healthfulness.” As an example of front-of-package labeling, the report cites the Institute of Medicine’s proposal, which would include the number of calories in the product, plus a zero to three nutritional points score for added sugars, saturated fat and sodium. Such a label would allow consumers “to quickly and easily identify nutrients of concern for overconsumption,” says the DGAC.

While supporting the front-of-package labeling concept, the report also notes that consumer research is needed to provide an evidence base to support the need for, and identify critical elements of, a front-of-package label. The DGAC believes this is “particularly important to support the U.S. Food and Drug Administration in implementing a front-of-package labeling system.”

Cholesterol

Departing from previous dietary guidelines, the 2015 report declares that “[c]holesterol is not a nutrient of concern for overconsumption.” Indeed, “available evidence shows no appreciable relationship between consumption of dietary cholesterol and serum cholesterol,” says the DGAC. Given the lack of supporting evidence, the 2015 report drops the recommendation of previous guidelines to limit cholesterol intake to 300 mg/day.

Grains

The 2015 report carries forward the recommendation of the 2010 Dietary Guidelines that half of all grain intake should come from whole grains. Based on its review of current dietary patterns, the DGAC concludes that “a major shift from refined to whole grains is needed in order to meet recommendations.”

According to the report, a healthy dietary pattern is higher in whole grains, in part because “inadequate intake of whole grains leads to underconsumption of several shortfall nutrients and nutrients of public health concern.” The report acknowledges that refined grains are commonly enriched with iron and B vitamins and fortified with folic acid, which is why the DGAC includes refined grains as part of its grain intake recommendation.

At the same time, the DGAC encourages reduced consumption of refined grains from current dietary patterns, because “products made with refined grains also may be a source of excess calories and added sugars.” The report notes that the food categories that make up 90 percent of all refined grain intake account for a significant portion of the added sugars, saturated fat and sodium intake (28, 47 and 50 percent respectively).

This association between refined grains and overconsumed nutrients — added sugars, saturated fat and sodium — might explain why the report says the U.S. population should be “encouraged and guided” to eat a diet “rich” in whole grains and “low” in refined grains, yet also recommends that refined grains may constitute half of all grain intake. Indeed, the report repeatedly associates refined grains with overconsumed nutrients, while grouping whole grains with fruits and vegetables.

In furtherance of its recommendations, the DGAC calls on the food industry to market and promote healthy foods, including whole grains. Specifically, the report states:

- food manufacturers and restaurants should reformulate foods to make them higher in whole grains, fruits and vegetables, and lower in overconsumed nutrients and calories; and
- restaurants should make healthy options the default choice (e.g., whole wheat buns should be the default instead of refined grain buns).

Caffeine

The report draws a sharp distinction between coffee and so-called “high-caffeine drinks.” It recommends that moderate coffee consumption can be incorporated into a healthy lifestyle, along with other healthful behaviors. In contrast, the report recommends that vulnerable populations, including children and adolescents, limit their consumption of high-caffeine drinks until the safety of these drinks has been demonstrated, though this recommendation is based on what the DGAC characterizes as only “limited evidence” suggesting a link between high-caffeine energy drinks and adverse health outcomes.

Food Policy Implications

Food Sustainability

Statements by Agriculture Secretary Tom Vilsack signal that the DGAC’s sustainability recommendations will not be included in the final guidelines. In his Feb. 27 remarks at the Commodity Classic, Secretary Vilsack reportedly compared the DGAC members to his three-year-old granddaughter, who “does not have to color inside the lines.”[5] The secretary then declared, “I am going to color inside the lines.” Earlier that week, Rep. Robert Aderholt, R-Ala., Chairman of the House Appropriations Agriculture Subcommittee, released a statement noting that he “made it clear to Secretary Vilsack that I along with our committee expect his final report to only include nutrient and dietary recommendations and will not include environmental opinions or extraneous factors.”[6]

The omission of the DGAC’s sustainability recommendations, however, might not impact the nutrient and dietary recommendations of the final dietary guidelines. The DGAC concluded that a dietary pattern higher in plant-based foods and lower in animal-based foods was health promoting, as well as environmentally sustainable. Given the DGAC’s health-based reasons for endorsing a plant-heavy diet, HHS and the USDA could adopt the DGAC’s dietary recommendations while rejecting its sustainability recommendations.

FDA Food-Labeling Requirements

One year ago, the FDA issued a proposed rule to amend its food-labeling regulations. Among other changes, the proposed rule would require declaration of added sugars in the food's Nutrition Fact Panel. According to the FDA, its proposal was informed by the 2010 Dietary Guidelines recommendation to reduce added sugars intake. The 2015 DGAC report's endorsement of the FDA's added sugars proposal increases the possibility that the agency will bring it to fruition.

Although the FDA has from time to time considered proposing a uniform front-of-package labeling system, this initiative has taken a back seat to the agency's food safety efforts in recent years. Meanwhile, industry has created the Facts Up Front labeling system, a voluntary front-of-package labeling initiative. Whether the FDA revisits front-of-package labeling after implementation of the Food Safety Modernization Act depends on the agency's satisfaction with industry's voluntary initiative. We have seen no indication that the FDA is dissatisfied with Facts Up Front, and thus think it unlikely that the agency will focus on front-of-package labeling.

State and Local Government Initiatives

Even though the dietary guidelines provide the basis for federal food and nutrition policy, the DGAC report is likely to influence state and local government efforts in this area as well. To date, state and local governments have had mixed success in implementing policies advocated by the DGAC report, such as taxing sugar-sweetened beverages. Last fall, Berkeley voters approved a sugar-sweetened beverage tax, while a similar ballot measure failed in San Francisco. The DGAC report provides fodder for some state and local governments to continue efforts to pass such legislation, regardless of whether the final guidelines include the DGAC's policy recommendations.

Stakeholder Comments

Given the role the dietary guidelines are meant to play in shaping federal food and nutrition policy and regulation, the stakeholders are encouraged to provide comments to HHS and the USDA on the report. Part of the role of such comments should be to urge the agencies to include only those recommendations for which sufficient evidence exists. Written comments are due April 8, 2015.

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[1] The DGAC report, Scientific Report of the 2015 Dietary Guidelines Advisory Committee, is available at <http://www.health.gov/dietaryguidelines/2015-scientific-report/PDFs/Scientific-Report-of-the-2015-Dietary-Guidelines-Advisory-Committee.pdf>.

[2] Charter: 2015 Dietary Guidelines Advisory Committee, Executed by Kathleen Sebelius, Secretary of Health and Human Services, available at <http://www.health.gov/dietaryguidelines/dgac2015-charter->

final.pdf.

[3] 7 U.S.C. § 5341(a).

[4] 160 Cong. Rec. H9313 (daily ed. Dec. 11, 2014) (explanatory statement of the Consolidated and Further Continuing Appropriations Act of 2015).

[5] Declan Conroy, Beltway Notebook: Vilsack Promises Dietary Guidelines 'Within the Lines,' Food Chemical News (March 1, 2015), <https://www.agra-net.net/agra/food-chemical-news/beltway-notebook-vilsack-promises-dietary-guidelines-within-the-lines-471155.htm>.

[6] Press Release, Rep. Robert Aderholt, Aderholt Questions Secretary of Agriculture Tom Vilsack (Feb. 25, 2015), available at <http://aderholt.house.gov/press-releases/aderholt-questions-secretary-of-agriculture-tom-vilsack/>.

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