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FSIS Docket Clerk
Room 102
Cotton Annex Bldg
300 12 St., S.W.
Washington, DC 20250-3700

00-046P
00-046P-3
Stein J. Hordvik

RE: Docket No: 00-046P, Nutrition Labeling: Nutrient Content Claims on Multi-Serve Meal-Type Meat and Poultry Products

ConAgra Foods Retail Products Company, Frozen Foods Group (FFG) is a diversified frozen food company, whose product categories include frozen meals, entrees, pot pies, and pizzas. Our major brand names include Healthy Choice, Banquet, Patio, and Kid Cuisine.

FFG appreciates the opportunity to comment on the Food Safety and Inspection Service's (FSIS) Proposal regarding Nutrient Content Claims on Multi-Serve Meal-Type Meat and Poultry Products.

Position Summary

FFG agrees with the FSIS proposal which will allow similar nutrient content claim criteria for both single serve and multiple serving meals, and we commend the agency for proposing to amend the meal definition in 9 CFR 317.309 and 9 CFR 381.409 to match FDA's meal and main dish definitions. We strongly believe that the nutritional claim criteria uniformity, as espoused in this proposal, between FSIS and FDA will benefit consumers by providing:

- 1). Additional tools and simplistic guidance to adhering to healthier diet.
- 2). Families with nutritious low fat and healthier multiple serving meal options at a favorable price.

FFG fully supports the proposed modifications and has the following comments:

Regulatory and Nutritional Consistency

- ***Regulatory Consistency:*** By adopting the FDA main dish and meal product definitions, consumers will be presented with consistent product package information on similar products regulated by both FSIS and FDA. Consumers are unaware that the two Agencies have different nutrient content claim criteria for multiple serving meal products, and so erroneously believe that healthier options simply do not exist for meat based family serve products. The proposed modifications will greatly assist to eliminate any consumer confusion that exists due to the existing claim criteria.

- **Nutritional Consistency:** By allowing multiple serving meal product nutrient content claims to be based on a per 100g basis, FSIS positions its meat and poultry meals as being equally as nutritious as similar products regulated by FDA. The expansion of the per 100g claim criteria to multiple serving meals is logical; since these products, just as their single serve counterparts, are more complex and play a more overall vital role in the diet than individual foods. The nutrient content claim criteria for a 10 oz. meal serving, whether from a single serve or multiple serving container, should be identical but not the same as claim criteria for lunch meat.

The current FSIS regulations, which do not have consistent nutrient content claim for single serve and multiple serving meals, strongly promote the concept of “good versus bad food.” Consumers are very accustomed to seeing numerous nutrient content claims on meals packed in single serve packages, however these same claims are virtually non-existent on identical products sold in multiple serving containers. Consumers can only assume that the multi-serve products are nutritionally inferior due to the lack of claims. It is highly illogical and extremely confusing to the consumer to have nutrient content eligibility based on the packaging format instead of the product formulation.

Consumer Benefits

The modifications presented in this proposal will allow food manufacturers to significantly expand the healthful multiple serving meal opportunities, which they can provide to consumers. Specifically the proposal serves the consumer’s best interest in the following manner:

- **Economic:** Multiple serving meal products are a less expensive choice for consumers vs. purchasing multiple single serve meals. A low fat or healthy multi-serve meal can be provided for \$7 vs. the comparative cost of at least \$11 for purchasing four individual low fat meals. This is more economically feasible for families, and would contribute to the adoption of more healthful diets.

The proposed changes would also be an incentive to food manufacturers to provide more multiple serving meals that would be positioned as being low fat or healthy. There currently exist numerous nutritionally positioned single serve meals that are purchased in significant quantities by consumers because they taste good. Manufacturers will now be able to present consumers with these same products in a multi-serve format containing the same nutritional claims as their single serve counterparts. This proposal will greatly diminish label confusion and can only result in the consumer having more choices and help to achieve a more healthful dietary plan.

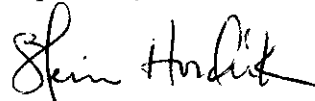
- **Healthful Meal Choices for Families:** The current FSIS nutrient content claim regulations make it virtually impossible for food manufacturers to develop multiple serving meal products that comply with low fat or healthy criteria, and still taste acceptable to consumers. The current regulations have established different nutrient content claim criteria for single serve and multiple serving meals. Currently the criteria determining claim eligibility is based on the meal’s packaging format, for

single serve meal the criteria is on a per 100 grams of product basis (formula) while that for multiple serving meals is based on the reference amount customarily consumed (RACC). This discrepancy results in meat and poultry containing meal products that have identical formulations, but are packaged differently, from utilizing the same nutrient content claims. The FDA regulations allow for both single serve and multiple serving meals to use the per 100 gram basis to determine claim eligibility. By adopting the FDA's definition for "main dish" and "meal product", manufactures will be able to provide families with many more low fat and healthful meal options. The change will also enable consumers, who are concerned with obesity or other health related issues, to more readily identify nutritious meals and make better choices; which they can incorporate into a healthier family diet plan.

Since March 2002, the sale of premium multiple serving entrees in the family serve segment has increased by 51.9% ("lean" designation only). This growth rate is more than ten times that of the non-healthy or non-caloric controlled multiple serving meals, which declined at a rate of -3.2% (economy family serve). This demonstrates that there is consumer demand for healthy meals in a multiple serving format, but the choices are currently very limited.

In summary, FFG fully supports the changes proposed in this rulemaking. We strongly believe that these modifications will reduce label confusion, will be beneficial to families, and provide consumers with additional tools for maintaining healthier eating habits. The proposal also promotes more regulatory harmonization between the FDA and USDA, which will assist the manufacturer's ability to provide multiple serving meal products containing nutrient content claims that are acceptable to consumers. FFG appreciates the opportunity to comment on this and future FSIS proposals.

Respectfully submitted,



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