



MONITOR SUGAR COMPANY

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July 21, 2003

ROBERT L. HETZLER
PRESIDENT & CEO

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

Re: Docket No. 02N-0434
Withdrawal of Certain Proposed Rules and Other Proposed
Actions; Notice of Intent

Dear Sir or Madam:

The management and employees of Monitor Sugar Company, along with our growers, would like to take this opportunity to commend FDA's proposal to withdraw the rule to allow "And/Or" Labeling of Soft Drinks.

We also petition the FDA to rescind its decision not to initiate enforcement action against soft drink manufacturers that use "and/or" labeling on soft drinks; an action that dates back to 1997.

Monitor Sugar Company, Bay City, Michigan, is in the business of producing refined sugar from sugar beets grown on Michigan farms since 1901. The company operates one factory and is one of the largest such factories in the United States, certainly the largest east of the Mississippi River.

A major change in the choice of sweetener in soft drinks came about through the development of economical methods of converting cornstarch to glucose and then converting the glucose into fructose. At issue is the fact that dietary glucose and fructose are processed quite differently by the body. As a member company of the Sugar Association, Inc., the public information arm for the sugar industry, we rely on the scientifically substantiated information regarding this issue. Ambiguous, if not deceptive labeling could potentially pose a risk to an individual consumer's gastrointestinal health or cause a serious (sometimes fatal), allergic reaction since the two sweeteners metabolize, taste and function differently.

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Labels on soft drink cans and bottles are a good example of murky terminology. Prior to 1984, soft drinks in the United States were sweetened with cane or beet sugar. By late 1984, however, the majority of the beverage manufacturers switched from sugar to high fructose corn syrup, because it was cheaper and easier to handle. HFCS is made from corn and, therefore, is not subject to the rise and fall of the sugar market, making its use one of economics, not product reliability.

We respectfully request that FDA no longer be compliant with misleading, if not harmful, marketing practices, disallow "and/or" labeling and furthermore, initiate enforcement action against soft drink manufacturers who continue to use deceptive advertising to enhance sales. For us, enjoying a soft drink that claims to be the "REAL THING" should contain real sugar, not its substitute. If it isn't, the consumer has the right to know.

Sincerely,



Robert L. Hetzler
President and CEO

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¹American Dietetic Association. Use of nutritive and nonnutritive sweeteners – Position of ADA. Journal of the American Dietetic Association 98 (5): 580-587, 1998. Available at <http://www.eatright.com/adap0598.html>. Reaffirmed 2002.



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Facsimile Cover Sheet

To: WHOM IT MAY CONCERN

Company: Food & Drug Admin.

Fax: ~~301-827-6870~~ 301-827-6870

From: JUDY BAGLEY

Company: **MONITOR SUGAR COMPANY**

Phone: (989) 686-0161

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Date: 7. 21. 03

Pages including this
cover page: 3

Comments:

PLEASE DELIVER TO RESPONSIBLE
DEPARTMENT AS SOON AS POSSIBLE.
THANK YOU.

⇒ This was accidentally sent to Drug Information
but I think it belongs to you all.
Thanks !!

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