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ConAgra Foods, Inc.
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February 8, 2006

Dockets Management Branch
(HFA 305)
Food and Drug Administration
Rm 1061
5630 Fisher Lane
Rockville, MD 20852

Re: Docket No. 2004P-0183

ConAgra Foods, Inc. (CAF) is a diversified food company with wide variety of product categories, including frozen meals, processed meats, margarine, puddings, popcorn, oils and soups. We sell over 50 major brands, including Healthy Choice, Orville Redenbacher's, Swiss Miss, Butterball, Banquet, Parkay, Fleischmann's, and Egg Beaters. Changes in labeling policy can have a significant impact on the Company and its products. ConAgra appreciates the opportunity to comment on the Food and Drug Administration (FDA) Proposed Rule re. *"Food Labeling: Nutrient Content Claims, Expansion of the Nutrient Content Claim Lean."*

CAF does not support the proposed change to establish "Lean" claim criteria for the "Mixed Dish Not Measurable with a Cup" Reference Amount Customarily Consumed (RACC) product category. We recommend taking no regulatory action (choose Option 1).

In this proposal it is stated that the petitioner wants to expand "lean" claim eligibility to this RACC category in order to "encourage portion control by marketing healthier food options with smaller portion sizes" and "offer consumers healthy food options that do not have increasingly larger portion sizes." It is clear from market studies as well as this the comments made within the petition, that the term "lean" sends a strong "health" message to consumers that extends well beyond simple fat content. This health messaging goes well beyond the serving size focus mentioned in this petition. It relates to all products having the "lean" claim, regardless of size. Therefore CAF recommends that if "Lean" is to be truly considered a claim that represents "healthier" food options that the claim eligibility required by *both* the FDA and USDA be modified to consist not only of criteria that restricts fat, saturated fat and cholesterol contents but also considers limitations in other negative nutrients such as sodium. We also believe that the inclusion of "good nutrient" requirements be considered to make the "lean" claim. Inclusion of these criteria

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for "Lean" claim eligibility would result in food formulations that would have significant healthful impact on consumer diets.

In addition, CAF is concerned that this ruling continues to create discrepancies between the FDA and USDA nutritional claim requirements. CAF does not see merit in establishing "lean" claim criteria for this product category that is different than that which already specified in USDA's regulations. Nutritional claim eligibility criteria should be consistent for similar products of regulated by both Agencies. Establishing unique FDA "lean" claim criteria only adds unnecessary complexity to the labeling regulations that provides no benefit to consumers or manufacturers. Establishing different and unique claim criteria for similar products (i.e. beef burrito vs. a bean burrito) will also be confusing for both consumers and manufacturers. Current USDA regulations allow a "Lean" claim to be used for this product category if the individual food contains less than 10 g total fat, 4.5 g saturated fat, and 95mg cholesterol per 100 g and per RACC, this differs significantly from FDA's proposed criteria (option 4) of 8 g total fat, 3.5 g saturated fat and 80 mg cholesterol per RACC.

In summary, ConAgra Foods does not supports the proposed modifications to the FDA "Lean" nutrient content claim regulation since it will increase confusion in the marketplace, does not provide consumers with more information to assist them in making better food choices, and it does not promote uniformity with similar labeled USDA regulated products. ConAgra Foods appreciates this opportunity to comment on this and future FDA labeling proposals.

Yours very truly,



PATRICIA VERDUIN
Sr. VP and Director,
Product Quality and Development