

Calorie Control Council

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

RE: Docket No. 98N-0359 Program Priorities in the Center for Food Safety and Applied Nutrition; Request for Comments

The Calorie Control Council ("the Council") provides the following comments in response to the Food and Drug Administration's request for comments on program priorities in the Center for Food Safety and Applied Nutrition (CFSAN) for the fiscal year (FY) 2004. The Council is an international association of manufacturers of low-calorie and reduced fat foods and beverages, including the manufacturers and users of a variety of alternative sweeteners, fat replacers and low-calorie bulking agents.

- The Council understands and appreciates the tremendous amount of time and effort CFSAN is devoting to food safety and security. The Council recognizes the importance of CFSAN's involvement in the various Codex committees and strongly supports its continued participation in these activities.

The importance of citizen petitions to the food industry was recently brought to the attention of and acknowledged by FDA. In response to a 1999 proposal to limit the use of the citizen petition, the agency received 20 comments on the proposed rule, the majority opposing it. The comments stressed that citizen petitions are a valuable means of communicating with the agency. In withdrawing the proposal, FDA notes "continued efforts to improve our handling of citizen petitions." The Council urges the agency to expeditiously respond to the Council's long standing citizen petitions which would benefit not just industry but, more importantly, the consumer and requests that CFSAN include the following in its list of priorities for FY 2004:

- 1) The Council's 1995 Citizen Petition (Docket No. 95P-0099/CP1) requesting that food labeling regulations be amended to permit the use of the term "polyols" in lieu of "sugar alcohols" in the nutrition panel of the food label. As part of this petition, the Council submitted a nationally projectable consumer survey in which 78 percent of those surveyed think the term

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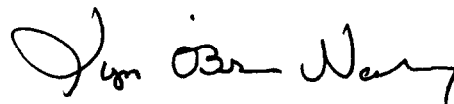
“sugar alcohol” indicates that a product contains some sugar even when the product is labeled “sugar free.” Sixty-nine percent believe the product contains some alcohol. Allowing the use of the term “polyol” would reduce consumer confusion.

- 2) The Council’s 1996 Citizen Petition (Docket 96P-0143/CP1 and related Docket No. 95P-0078/CP1) requesting that food labeling regulations be amended to permit the removal or reduction of ingredients (such as fat and sugar) of standardized foods even when the ingredient is specifically required by the standard. This would allow for a reduction in calories and/or fat to assist in addressing the current obesity epidemic while allowing for more consumer friendly labeling.
- 3) The Council’s 1997 Citizen Petition (Docket No. 97P-0056/CP1) requesting that the agency advise the food industry that it may use a caloric value of not more than 2 calories per gram for soluble fiber in food labeling, including Nutrition Facts labeling. This value is scientifically more defensible than the 4 calorie per gram value currently required for soluble fiber and would facilitate further use of soluble fiber in processed foods, thereby providing additional fiber to the American diet. The Center had informed the Council that questions remain about the definition of fiber, which should be resolved by the National Academy of Sciences report on macronutrients. The NAS report is now completed.

The Council also would like for CFSAN to move from its 2003 “B” list of priorities to the 2004 “A” list 2.1.3 (k) “Develop documents to adopt the specifications in the most recent edition of the Food Chemicals Codex into regulations as appropriate.” Food Chemicals Codex, 5th Edition, will be available before the end of 2003.

Again, the Council requests that CFSAN act on the long-standing petitions listed above which are of importance to the consumer and industry and adopt the specifications in the 5th Edition of Food Chemicals Codex.

Respectfully submitted,



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Executive Vice President