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July 3, 2003

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

Subject: Docket Nos. 91N-384H and 96P-0500  
Food Labeling; Nutrient Content Claims, Definition of Sodium  
Levels for the Term "Healthy"

Dear Sir or Madam:

Nestlé USA has commented on this rulemaking, in support of the final rule that requires phased-in sodium levels as a component of "healthy." We are pleased, and support, that portion of the proposal that would retain the second-tier sodium level for so-called individual foods.

At the same time, Nestlé disagrees with FDA's tentative conclusion to retain the higher sodium level of 600 mg sodium for meal-type products. The proposal outlines the marketplace study, and how nearly all meal-type products were being sold by the petitioner. As expected, these products exceeded the 480-mg criterion. However, we do not see why this is convincing data that further reductions are impossible.

As with other nutrient content claims, products were not necessarily modified to contain reduced levels of the subject nutrients until the regulation forced them to do so. Nestlé supports the widest possible use of nutrient content claims to assist consumers in making informed purchasing decisions. In the present case we do not believe that there is a sufficient justification for the Petitioner's repeated assertion that the second-tier sodium level cannot be met.

Sincerely,

Kenneth Mercurio  
Director, Regulatory and Nutrition

91N-384H

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Nestlé Makes the Very Best

*Note: no comments were made on the 2/12/03 meeting. The number for the document was 213.*