



American Bakers Association

Serving the Baking Industry Since 1897

October 2, 2003

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

Re: [Docket No. 03N-0076]
Food Labeling: Trans Fatty Acids in Nutrition Labeling;
Consumer Research to Consider Nutrient Content and Health Claims
And Possible Footnote or Disclosure Statements
68 Federal Register 41507, July 11, 2003

Dear Sir or Madam:

These comments are submitted on behalf of the members of the American Bakers Association (ABA), the national trade association representing the wholesale baking industry. ABA membership consists of bakers and bakery suppliers who together are responsible for the manufacture of approximately 80 percent of the baked goods sold in the United States. The purpose of these comments is to request an extension of 90 days for the comment period associated with the Advance Notice of Proposed Rulemaking (ANPR) referenced above.

In the past, ABA has submitted several sets of comprehensive comments to FDA on the *trans* fat labeling issue including comments on the issue of a *trans* fat footnote as it was proposed by the Agency in November 2002. ABA believes strongly that this complex issue requires a thorough examination of scientific evidence on the health effects of *trans* fats, as well as, a careful assessment of the methods by which nutrition information may be conveyed without increasing consumer confusion.

ABA urges FDA as it has in previous comments on this subject, to coordinate the rulemaking on *trans* fat declaration with the development of the Dietary Reference Intake (DRI) studies conducted by the Food and Nutrition Board (FNB), Institute of Medicine (IOM), National Academies of Science. As a sponsor of the DRI Studies, FDA should logically want to consider all of the fact based information available as it moves forward with developing policy. ABA understands that this Committee is currently

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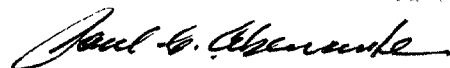
finalizing its report due in this Fall on the use of (DRI) information in establishing or revising reference values for the purpose of nutrition labeling. Information expected in the FNB report, particularly regarding nutrients for which no intake recommendations have been previously made, including *trans* fats, will be especially useful to FDA as it collects data requested in its July 11, 2003 ANPR. It seems very logical and practical for FDA to wait until the FNB Committee Report becomes available so that it can utilize the essential reference value information it will contain.

By acting prematurely without the benefit of the FNB Committee report, FDA sets the stage to have an unbalanced and incomplete approach to *trans* fat labeling. Such action would needlessly subject the food industry to a potential chain of consecutive labeling changes within a short span of time. ABA also believes that multiple labeling changes of this sort would confuse consumers. ABA therefore recommends that FDA wait until the FNB's additional reference value information is available before making food labeling decisions relative to *trans* fats so that potential changes to the food label could be incorporated at one time. Further, the FNB report on nutrient reference values may also reveal information that prevents unnecessary label changes.

ABA believes strongly that it would be in the best interest of FDA to extend its comment period of the July, 2003 ANPR by at least 90 days in order to use the nutrient reference value information that is anticipated within the report. If the FNB Committee's report is late, then FDA should consider a reasonable additional extension of the comment period so that this information can be reviewed and considered by the food industry as it develops comments in response to the July 2003 ANPR with respect to a possible *trans* fat footnote or other label information focused on the context for a *trans* fat food label declaration.

ABA appreciates this opportunity to comment on this important issue to the baking industry. The Association is hopeful that the concerns outlined in this request will be useful to FDA. The technical contact for these comments is Lee Sanders, ABA Vice President, Regulatory and Technical Services, American Bakers Association, 1350 I Street, N.W., Suite 1290, Washington, D.C. 20005-3305 (telephone) 202-789-0300, (fax) 202-898-1164.

Respectfully submitted,



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