

Statement of Timothy J. Muris*

Announcement of FDA Obesity Working Group Report

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*The views expressed are those of FTC Chairman Muris and do not necessarily reflect those of the Federal Trade Commission or any other Commissioner.

I applaud Secretary Thompson and Dr. Crawford for the announcement today of the recommendations of the FDA's Obesity Working Group.

The substantial increase in adult and childhood obesity in the United States and the toll it takes on America's health is a concern for us all. Although there are no quick fixes, the FDA report focuses on the essential point – calories do count. Providing Americans with better information to make better choices about their diets is crucial in any response to this problem. I fully support the efforts of the FDA on food labeling and the Administration's battle against this public health crisis.

Under Secretary Thompson's leadership, HHS has launched a comprehensive campaign to reverse the obesity trend by raising public awareness and educating Americans about basic steps to take responsibility for their health, such as improving their diets and increasing their physical activity. These are steps we can take to obtain healthier weight. The FDA's Obesity Working Group focused on one key fact – weight control is a function of the balance between the calories you eat and those you burn. The Report examines the implications of this fundamental point for the FDA's public health mission, and it provides a thorough examination of how food labeling can help consumers reduce caloric intake.

Food labeling and advertising can be critical channels to provide consumers with the information to make better food choices. The FDA and the Federal Trade Commission should further the free flow of truthful and non-misleading information about the nutritional profile and health effects of foods. Competition about the health effects of food also can provide a powerful economic incentive for companies to develop and market healthier foods, including foods with fewer calories.

I am pleased that the Working Group endorsed many of the specific recommendations the FTC staff submitted in its December comment. For example, the Report recommends that the FDA consider regulatory and policy changes to make calorie information more prominent, more accurate, and more available. Telling consumers that a 20-ounce bottle of soda contains 275 calories per bottle may be a lot more useful than telling them it contains 110 calories per

serving and 2.5 servings per bottle. Similarly, we can do more to encourage comparative calorie claims, including comparisons across different portion sizes and different food categories.

The FTC will continue to support the FDA as it implements the labeling recommendations proposed in the Report. As food companies create lower calorie, healthier options for consumers, they should be able to communicate these improvements to the consumer. At the same time, we will police the marketplace to ensure the information is truthful, accurate, and not misleading.

We are committed to law enforcement against deceptive marketing. Since 1990, the Commission has brought more than one hundred cases against deception in advertising for weight loss pills, patches, and programs. We continue to pursue aggressively companies that falsely promise effortless and dramatic weight loss without diet or exercise. With FDA, we will remain equally vigilant in policing deceptive food advertising. We act against those that mislead consumers about the benefits of their foods, especially as it relates to obesity.

Again, I commend FDA for the important plan it has announced today. The FTC is committed to helping create an environment for honest advertisers to be an important part of the solution to the problem of obesity in America. We also are committed to taking decisive action against those who seek to exploit consumers' obesity concerns with deceptive marketing.