



May 8, 2015

The Honorable Sylvia Burwell  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue, SW, Room 120F  
Washington, DC 20201

The Honorable Tom Vilsack  
U.S. Department of Agriculture  
Jamie L. Whitten Federal Building  
1400 Independence Avenue, SW, Room 200  
Washington, DC 20250

Re: Comments for Consideration by USDA and HHS Regarding the Scientific Report of the  
Dietary Guidelines Advisory Committee

Dear Secretary Burwell and Secretary Vilsack,

On Feb. 19, 2015, the Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) released the 2015 Dietary Guidelines Advisory Committee (DGAC) Scientific Report. The purpose of the Advisory Report is to inform the Federal government of current scientific evidence on topics related to diet, nutrition, and health. The Food Marketing Institute (FMI) appreciates the opportunity to submit comments on this important issue.

FMI proudly advocates on behalf of the food retail industry. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. Through programs in public affairs, food safety, research, education and industry relations, FMI offers resources and provides valuable benefits to more than 1,225 food retail and wholesale member companies in the United States and around the world. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains and mixed retail stores. For more information, visit [www.fmi.org](http://www.fmi.org) and for information regarding the FMI foundation, visit [www.fmifoundation.org](http://www.fmifoundation.org).

## **Grocery Stores are Committed to Health and Wellness**

Food retailers are truly leading the charge to educate consumers on essential elements of a healthy, balanced diet. The supermarket industry is committed to providing consumers with nutrition information and has been held up as a model for other segments of the food industry to follow. FMI and its members have recognized the need to help consumers navigate the abundance of health, wellness and nutritional offerings within today's supermarket. Retailers have created a marketplace for nutrition information in response to consumer demand and continue to strive for innovative, new ways to provide nutritional information. These innovations are benefiting consumers by making it easier for them to identify nutritious foods. For example, retailers are providing wellness-focused programs that help customers improve their diets and overall health. These programs range from carrying more health and wellness specific products to educational programs in stores and cooking classes. Dietitians and consumer affairs professionals frequently offer store tours and community events and work with customers to identify healthful food options. It is important to note that 95% of the supermarket industry employs dietitians and 2/3 of shoppers agree that their food choices are an important factor affecting their health.<sup>1</sup>

In 2014, FMI published a national survey examining shoppers' interests and attitudes regarding health and nutrition, consumers' efforts to manage their health, and the ways health and nutrition concerns play out in purchase decisions at the grocery store. According to the survey, the top three strategies shoppers use to eat healthier include consuming fewer unhealthy foods (avoiding junk food), preparing and cooking more healthy dishes, and eating out less often.<sup>2</sup> Food marketers and retailers also play a key role in helping shoppers find healthier options both before they enter the store and while they are there. Many retailers have been providing more engaging and interactive experiences for shoppers. Some offer demonstrations, kiosks, and other ways for shoppers to learn about and make use of healthy foods.

In response to consumer demands, retailers have also created a vibrant marketplace for nutrition information. For example, FMI member companies along with the Grocery Manufacturers Association voluntarily adopted the Facts Up Front program to provide consumers with a simple and easy-to-use labeling system that displays key nutrition information on the front of food and beverage packages. The Facts Up Front front-of-pack nutrition labeling system is intended to be educational in purpose, to allow consumers to observe, understand, and be able to use key nutrient information to make informed food choices for themselves and their families. The Facts Up Front program focuses consumer attention to the number of calories and other nutrients in food, and provides a balanced picture of the nutritional profile of the food without restricting consumer choice. Providing information in an easy to understand manner, enables consumers to make positive changes without having to abandon the foods they love. FMI believes that the Guidelines should focus on education and promoting small behavioral changes over time which

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<sup>1</sup>2014 Report on Retailer Contributions to Health & Wellness.

<sup>2</sup> FMI Shopping for Health 2014.

will be more effective in promoting long-term lifestyle changes. Simple fact-based, neutral disclosures like the Facts Up Front program provides clear information to consumers without drastically restricting consumer choice.

### **The Departments Must Provide Adequate Time and Uniform Compliance Dates for Updated Regulations**

On March 3, 2014 FDA published in the Federal Register two proposed rules on food labeling entitled: Revision of the Nutrition and Supplemental Facts Labels<sup>3</sup> and Serving Sizes of Foods that Can Reasonably be Consumed in One Occasion.<sup>4</sup> The proposed rules would amend the nutrition labeling requirements for conventional foods and dietary supplements, and update the regulations on serving size. This will require the re-labeling of nearly every product in the marketplace and FMI believes that the packaging and labeling industry will simply not have the capacity to handle the label revisions for all packaged food products in a two-year compressed time frame. FMI urges the Departments to acknowledge the significant financial resources that will be required to implement numerous new regulatory requirements and should provide adequate time to do so. In the event other food labeling recommendations and regulations are promulgated, FMI urges the agency to provide sufficient time for implementation and a uniform compliance date to minimize the financial burden on food retailers. It is absolutely imperative that the Departments harmonize any nutrition related efforts to ensure industry is not continually investing in unnecessary and costly label changes.

### **Family Meals**

The Committee “suggests a number of promising behavior change strategies that can be used to favorably affect a range of health-related outcomes and to enhance the effectiveness of interventions. These include reducing screen time, reducing the frequency of eating out at fast food restaurants, increasing frequency of family shared meals, and self-monitoring of diet and body weight as well as effective food labeling to target healthy food choices.”<sup>5</sup> FMI members are already going to great lengths to provide nutrition information and healthy alternatives to dining out. FMI appreciates that the DGAC acknowledges the importance of family meal time and we strongly support the recommendations related to at home family meals.

Family meals eaten at home have been proven to benefit the health and wellness of children and adolescents, to fight obesity, substance abuse and to make families stronger—creating a positive impact on our communities and our nation as a whole. Planning, preparing and eating a meal together as a family has been linked with multiple positive social and nutritional outcomes.

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<sup>3</sup> 79 Fed. Reg. 11880 (Mar. 3, 2014).

<sup>4</sup> 79 Fed. Reg. 11990 (Mar. 3, 2014).

<sup>5</sup> 2005 Dietary Guidelines Advisory Committee, Scientific Report of the 2015 Dietary Guidelines Advisory Committee, at Part D. Chapter 3: Individual Diet and PA Behavior Change.

Research shows that experience with food preparation and home cooked meals leads to greater confidence, cooking skills, and healthier food choices. “Surveys have consistently found a relationship between children having frequent dinners with their parents and a decreased risk of their smoking, drinking or using other drugs, and that parental engagement fostered around the dinner table is one of the most potent tools to help parents raise healthy, drug-free children.” Family meals are also positively associated with improved dietary quality, prevention of overweight, enhanced academic performance, improved social skills and family unity, and a reduction in risk-taking behaviors.”<sup>6</sup>

Food retailers are uniquely positioned to make family meals at home easier to accomplish. It is the mission of FMI and its Foundation to highlight the role of grocers and to bring our industry together around a family meal movement encouraging one more meal at home per week.<sup>7</sup> FMI strongly urges the Departments to recognize the work FMI member companies are currently engaged in to promote family meals through the FMI Foundation. For more information on FMI’s Family Meals Month visit <http://www.fmifamilymeals.com/>.

## **Food Safety**

Food safety is the utmost priority for the supermarket industry and the exceptional record of grocers over the decades reflects this. Our Food Protection Committee and CEO level Food Safety Committee are continuously looking for improvements and additional ways to ensure a food safety culture exists in their stores. Food safety was first introduced in the 2000 Dietary Guidelines for Americans, and FMI supports the adoption of recommendations related to food safety behaviors and strongly supports additional education on the four basic messages of clean, separate, cook and chill to help consumers reduce the risk of foodborne illness. FMI is a founding member of the Partnership for Food Safety Education and houses their offices. FMI has also created the Center for Food Safety and Defense to house resources related to Food Safety and Food Defense. Safe food is fundamental to a healthy diet.

## **Recommendations Must be Science-Based**

The 2015 DGAC was established to provide independent, science-based advice and recommendations for development of the Dietary Guidelines for Americans, which will form the basis of Federal nutrition programs, nutrition standards, and nutrition education for the general public. FMI is concerned that many of the recommendations by the Committee fall outside the scope of the Committee’s Charter and thus may dilute the focus in important core areas. Recommendations related to sustainability, restrictions on SNAP eligibility for certain foods, and ingredient safety is outside the scope of the Advisory Committee’s charge and should not be

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<sup>6</sup> Purdue Center for Families, *available at* <http://www.cfs.purdue.edu/cff/promotingfamilymeals/> (last accessed May 8, 2015).

included in final Guidelines. The Dietary Guidelines represent the current federal nutrition policy document and should be limited to advice on nutrition and food safety.

### **Recommendations Should Incorporate a Broad Range of Foods**

As noted in the 2010 Dietary Guidelines for Americans, “individuals can achieve a healthy diet in multiple ways and preferably with a wide variety of foods and beverages. Optimal nutrition can be obtained with many different dietary patterns and a single dietary pattern approach or prescription is unnecessary.”<sup>8</sup> FMI urges the Secretary to focus the 2015 Guidelines on improving dietary habits within the foods Americans already consume opposed to prescriptive recommendations that may not be cost-effective or achievable. All foods, can fit within a healthful, overall dietary pattern if consumed in moderation with appropriate attention to portion size and combined with physical activity. The Secretary should recognize the importance of incorporating a broad range of foods to meet nutrition needs over time which allows dietary choices based on taste and cultural preferences, health and economic status, and food availability.

In conclusion, the Guidelines serve as the cornerstone for all federal nutrition education and program activities and it is essential that they are grounded on a comprehensive and transparent evidence-based review of the competent, reproducible, reliable, and generally accepted scientific evidence relevant to nutrition and dietary practices. FMI currently uses the Dietary Guidelines as the basis for its nutrition programs, which are widely used by grocery stores and health professionals. Since many health professionals use the guideline statements as messages, FMI believes that the information must be communicated in a way that is understandable and easily translatable.

FMI appreciates the opportunity to submit these comments regarding the Dietary Guidelines Advisory Committee’s Scientific Report.

If you have questions about these comments or would like additional information, please feel free to contact Stephanie Barnes at [sbarnes@fmi.org](mailto:sbarnes@fmi.org) or 202-220-0614.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Barnes".

Stephanie K. Barnes  
Regulatory Counsel

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