



NEW YORK CITY DEPARTMENT OF

HEALTH AND MENTAL HYGIENE

Ashwin Vasan, MD, PhD

Commissioner

Health

Ashwin Vasan

Commissioner

Gotham Center

42-09 28th St.

Long Island City, NY

11101

October 7, 2022

Division of Dockets Management

Food and Drug Administration

Department of Health and Human Services

5630 Fishers Lane, Room 1061

Rockville, MD 20852

Comment on Citizen Petition for the U.S. Food and Drug Administration to adopt a mandatory, nutrient-specific, interpretive front-of-package nutrition labeling system for all packaged foods sold in the United States (FDA-2022-P-1832)

The New York City Department of Health and Mental Hygiene (DOHMH) supports this petition calling on the U.S. Food and Drug Administration (FDA) to issue regulations establishing a mandatory front-of-package nutrition labeling (FOPNL) system for packaged foods and beverages sold in the United States (U.S.). This change would expand consumers' ease of access to information they need to make informed choices for themselves and their families. We concur that this system should be mandatory, interpretive, nutrient-specific, include calories, and call attention to high levels of added sugars, sodium, and saturated fat.

An expansive body of scientific evidence supports the adoption of a FOPNL system that meets calorie, added sugar, sodium, and saturated fat nutrient criteria in order to improve the nutritional quality of consumers' food choices, promote understanding of the nutritional contents of foods, and prompt food manufacturers to make healthy reformulations of packaged foods.^{1,2} The current landscape of packaged foods includes a wide range of industry-driven, voluntary, nutrient-based disclosures that appear inconsistently across packaged products, creating confusing and sometimes misleading labels that make product comparisons and selections difficult for consumers. This current reality necessitates clear and accurate labels at the point of purchase. In 2010 and 2011, the Institute of Medicine Committee released reports I and II, respectively, on Front-of-Pack (FOP) nutrition

¹ Impact of color-coded and warning nutrition labelling schemes: A systematic review and network meta-analysis
Song J, Brown MK, Tan M, MacGregor GA, Webster J, et al. (2021) Impact of color-coded and warning nutrition labelling schemes: A systematic review and network meta-analysis. PLOS Medicine 18(10): e1003765. <https://doi.org/10.1371/journal.pmed.1003765>

² Roberto CA, Ng SW, Ganderats-Fuentes M, Hammond D, Barquera S, Jauregui A, Taillie LS. The Influence of Front-of-Package Nutrition Labeling on Consumer Behavior and Product Reformulation. Annu Rev Nutr. 2021 Oct 11;41:529-550. doi: 10.1146/annurev-nutr-111120-094932. Epub 2021 Aug 2. PMID: 34339293.

rating systems and symbols, concluding that a government-sponsored, simple FOP symbol, rather than detailed information about nutrient content on the front of food packages, will best achieve the purpose of informing consumers and encouraging healthier food choices and purchase behaviors.^{3,4}

We are dismayed that the U.S. has become one of the nations with the greatest need for, but scantest action on, such public health nutrition interventions. The average U.S. adult consumes 50% more sodium, 40% more added sugars, and 40% more saturated fat than the recommended daily amount.⁵ Meanwhile, approximately 116 million U.S. adults (47% of the adult population) have hypertension, 37 million U.S. adults (11% of the population) have diabetes (and approximately 90-95% of these cases are Type 2 diabetes), and 20 million U.S. adults (7% of adults) have coronary artery disease.^{6,7,8} Each of these conditions is strongly linked to excess intake of added sugar, salt, or saturated fat.

We at DOHMH are particularly concerned as these issues greatly impact New Yorkers. We see large inequities in the rates of diet-related disease and premature deaths (occurring in those younger than 65 years of age) in New York City and across the country. For example, 12% of Asian/Pacific Islander New Yorkers, 15% of Black New Yorkers and 16% of Latino New Yorkers reported having been told they have diabetes, compared to 8% of White New Yorkers.⁹ Non-Hispanic Black New Yorkers are at more than 1.5 times the risk of non-Hispanic White New Yorkers for premature death revealing significant inequalities in these preventable deaths.¹⁰ Policies and systems – rather than personal failings – are at the root of the inequities we see in consumption patterns as well as health outcomes. Corporate practices and commercial determinants of health, such as ubiquitous and targeted marketing, as well as product design, portion sizes, and placement, promote and make unhealthy products easy to buy and healthy foods challenging to access. Transparent, clear FOPNL is one way to make healthier foods easier to access.

As a city, we are dedicated to creating a more healthful and transparent food supply for New Yorkers. For over a decade we have led initiatives that illustrate our commitment to supporting consumers in making more informed choices about the products they consume. In the restaurant setting, New York City was the first city in the nation to require chain restaurants to post a warning icon next to menu items that contain at least 2300mg of salt, the daily recommended limit for an adult. This initiative was passed by the Board of Health in 2015. Relatedly, in 2021, the New York City Council passed a bill requiring high sugar warning labels for prepackaged items on menus at chain restaurants. We also convene the National Salt and Sugar Reduction Initiative (NSSRI), a partnership of over 100 organizations from across the country. Since 2009, the NSSRI has released two sets of voluntary targets, one set for sodium and another for sugar, to encourage food and beverage manufacturers reduce these nutrients in their products.

³ Institute of Medicine (US) Committee on Examination of Front-of-Package Nutrition Rating Systems and Symbols. Front-of-Package Nutrition Rating Systems and Symbols: Phase I Report. Wartella EA, Lichtenstein AH, Boon CS, editors. Washington (DC): National Academies Press (US); 2010. PMID: 24983042.

⁴ Wartella EA, Lichtenstein AH, Yaktine A, Nathan R. Front-of-package nutrition rating systems and symbols: promoting healthier choices: Phase II report. IOM, Washington DC (2011) www.iom.edu/Reports/2011/Front-of-Package-Nutrition-Rating-Systems-and-Symbols-Promoting-Healthier-Choices.aspx

⁵ What We Eat in America, NHANES 2017-2018. ARS USDA. [WWEIA/NHANES 2017-2018 Data Tables \(usda.gov\)](http://WWEIA/NHANES%202017-2018%20Data%20Tables%20(usda.gov))

⁶ Estimated Hypertension Prevalence, Treatment, and Control Among U.S. Adults. American Heart Association. [estimated-hypertension-prevalence.jpg \(973x836\) \(hhs.gov\)](http://estimated-hypertension-prevalence.jpg%20(973x836).%20(hhs.gov))

⁷ Type 2 Diabetes. Center for Disease Control and Prevention. 2021. [Type 2 Diabetes | CDC](http://Type%202%20Diabetes%20|%20CDC)

⁸ Heart Disease Facts. Center for Disease Control and Prevention. 2022. [Heart Disease Facts | cdc.gov](http://Heart%20Disease%20Facts%20|%20cdc.gov)

⁹ New York City Department of Health and Mental Hygiene. [Community Health Survey 2021](http://Community%20Health%20Survey%202021).

¹⁰ NYC Vital Statistics Data, 2019

DOHMH urges the FDA to take bold action to improve our nation's diet and health. We believe that implementing this evidence-based policy and developing a mandatory FOPNL system will support consumers in making healthy choices. Thank you for your consideration.

Sincerely,



Ashwin Vasan, MD PhD
Commissioner of Health
NYC Department of Health & Mental Hygiene
City of New York



Kate MacKenzie, MS, RD
Director
Mayor's Office of Food Policy
City of New York