



January 22, 2024
Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Food and Drug Administration's Strategies to Reduce Added Sugars Consumption in the United States (Docket Number: FDA-2023-N-3849)

To Whom It May Concern:

Trust for America's Health (TFAH) appreciates the opportunity to comment on the U.S. Food and Drug Administration's (FDA) strategies to reduce added sugar consumption in the United States. We believe actions are necessary at by all levels of government, private industry, and community-based organizations to reduce added sugars in the U.S. food supply, which would significantly improve nutrition for all Americans.

TFAH is a non-profit, non-partisan organization dedicated to public health policy, research, and advocacy. As an organization, we aim to promote optimal health for every person and community and make the prevention of illness and injury a national priority. We prioritize advancing evidence-based policies that improve health, including equitable access to healthy foods and supporting the nutritional health of Americans. TFAH's annual *State of Obesity* reports emphasize the need for strengthening the nutritional standards of food products to improve the diets of millions of Americans and mitigate the risk for chronic diseases. In particular, our reports highlight the significant impact that reducing added sugars in food products could have on the nutritional health of Americans.^{1,2} This comment letter focuses on efforts to implement front-of-package labeling (FOPL), beverage taxes, and rules on added sugar standards in the school lunch program.

Background

Added sugars are sugars added to foods or beverages during processing or preparation; they differ from naturally occurring sugars found in foods such as fruit or unflavored milk in that they add calories without accompanying nutritional value.³ Excess consumption of added sugar is

¹ Trust for America's Health (TFAH). *State of Obesity 2022: Better Policies for A Healthier America*. September 2022. Available at https://www.tfah.org/wp-content/uploads/2022/09/2022ObesityReport_FINAL3923.pdf

² TFAH. *State of Obesity 2023: Better Policies for A Healthier America*. September 2023. Available at <https://www.tfah.org/wp-content/uploads/2023/09/TFAH-2023-ObesityReport-FINAL.pdf>

³Centers for Disease Control and Prevention (CDC). *Know Your Limit for Added Sugars*. Updated January 13, 2022. Available at https://www.cdc.gov/healthyweight/healthy_eating/sugar.html#:~:text=What%20are%20added%20sugars%3F,milk%20are%20ot%20added%20sugars.



associated with the risk of weight gain and obesity, type 2 diabetes, and heart disease.^{4,5,6} On average, American adults consumes 40 percent more added sugars than the recommended daily limit,⁷ which contributes to a host of metabolic and cardiovascular health issues. In the U.S., the prevalence of diet-related diseases is high, with approximately 116 million U.S. adults living with hypertension,⁸ 37 million with diabetes,⁹ and 20 million with coronary heart disease.¹⁰

Risks for diet-related chronic diseases, such as obesity, are heightened within some populations of color where structural and social determinants contribute to overconsumption of added sugars. For example, low-income, rural, and members of racial and ethnic minority communities are less likely to have access to foods that support healthy dietary patterns.¹¹ Research has found that African Americans consume significantly more added sugars than their white counterparts, with 1 in 6 African Americans ingesting more than 25% of their total calories in added sugars compared with just 1 in 11 whites.¹² This is particularly concerning as Black and Latino adults live with obesity rates at 49.9 percent and 45.6 percent, respectively.¹³

Front-of-Packing Labeling, Labeling Improvements, and Impact on Added Sugars

TFAH supports and urges the FDA to establish a mandatory front-of-package labeling (FOPL) system for U.S. food products. In 2022, the White House Conference on Hunger, Nutrition, and Health prioritized reducing diet-related diseases by empowering consumers through healthier eating. As part of this strategy, the White House charged FDA with developing a FOPL to reduce excess intake of nutrients, including added sugars.¹⁴ A mandatory, nutrient-specific system highlighting calories and added sugars is a vital public health tool for reducing excessive added sugar intake.

⁴ CDC. Get the Facts: Added Sugars. Updated November 28, 2021. Available at <https://www.cdc.gov/nutrition/data-statistics/added-sugars.html#:~:text=Americans%20are%20eating%20and%20drinking,2%20diabetes%2C%20and%20heart%20disease.>

⁵ Gupta, L. Khandelwal, D. Dutta, D. Kalra, S. Lal, P. Gupta, Y. (2018). The Twin White Herring: Salt and Sugar. *Indian Journal of Endocrinology and Metabolism*. 22(4): 542–551. doi: 10.4103/ijem.IJEM_117_18.

⁶ Kuller, L. (1997). Dietary fat and chronic diseases: epidemiologic overview. *Journal of the American Dietetic Association*. 97(7 Suppl):S9-15. doi: 10.1016/s0002-8223(97)00724-4.

⁷ National Health and Nutrition Examination Survey (NHANES). Food Patterns Equivalent Intakes from Food: Consumed per Individual. Available at https://www.ars.usda.gov/ARSUserFiles/80400530/pdf/FPED/tables_1-4_FPED_1718.pdf

⁸ Department of Health and Human Services (HHS). Million Hearts. Estimated Hypertension Prevalence, Treatment, and Control Among U.S. Adults. Updated May 12, 2023. Available at <https://millionhearts.hhs.gov/images/estimated-hypertension-prevalence.jpg>.

⁹ CDC. Type 2 Diabetes. April 18, 2023. Available at <https://www.cdc.gov/diabetes/basics/type2.html>.

¹⁰ CDC. Heart Disease Facts. May 15, 2023. Available at <https://www.cdc.gov/heartdisease/facts.htm>

¹¹ Healthy People 2030. Access to Foods That Support Healthy Dietary Patterns.

<https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/access-foods-support-healthy-dietary-patterns>

¹² Saab K.R., Kendrick J., Yracheta J.M., Lanaspá M.A., Pollard M., Johnson R.J. New insights on the risk for cardiovascular disease in African Americans: the role of added sugars. *J Am Soc Nephrol*. 2015;26(2):247-257. doi:10.1681/ASN.2014040393

¹³ TFAH. State of Obesity 2023: Better Policies for A Healthier America. September 2023. Available at <https://www.tfah.org/wp-content/uploads/2023/09/TFah-2023-ObesityReport-FINAL.pdf>

¹⁴ The White House “Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health.” September 2022. Available at <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-HungerNutrition-and-Health-FINAL.pdf>.

Mandatory FOPL would facilitate consumer decision-making and more easily allow consumers to make healthier food choices. The Nutrition Facts labeling system currently mandated by the FDA primarily resides on the back of packages, while manufacturers tend to include other nutritional and health claims on the front of packages to sway consumers' purchasing decisions. Research suggests that individuals with higher educational attainment and health literacy better understand the current Nutrition Facts label compared to those without higher educational attainment.^{15,16} The absence of mandatory FOPL labeling inhibits informed consumer choices.

Internationally, FOPL systems have demonstrated their efficacy in improving shoppers' food choices and reducing consumption of added sugars. For instance, Europe's FOPL system, Nutri-Score, has proven effective in enabling consumers to accurately rank products based on nutritional value.¹⁷ After its implementation, over 50 percent of French consumers adjusted at least one of their food purchasing habits, showcasing its impact.¹⁸ In Chile, mandatory FOPL on packaged foods yielded positive results in reducing consumption of added sugars. In a study examining the system, researchers found significant decreases in daily per capita purchases of calories (-3.5%) and calories from sugar (-10.2%).¹⁹ Implementing FOPL in the U.S. system can be a strategic step in reducing consumption of added sugars, while simultaneously advancing health equity and addressing the systemic barriers to a balanced diet.

Labeling improvements are also needed to reduce sugar consumption for young children. A 2021 study found that the Latino community has been targeted by the industry's marketing efforts around "toddler milk"—milk products that have high levels of added sugars but are nutritionally inferior to milk or formula. Latino parents are generally more likely to purchase toddler milk than non-Latino parents.²⁰ These drinks are being cross-promoted with infant formula, resulting in consumer confusion and the dangerous practice of feeding these drinks to infants, even though they do not meet infants' unique nutritional needs.²¹ FDA should establish clear and consistent labeling requirements for "toddler milks," which can confuse parents into buying nutritionally inferior products for their young children. FDA should also examine the need to regulate marketing strategies in retail environments, both in-person and online, that may be promoting inaccurate information about products to children.

¹⁵ Blitstein, J. L. & Evans, W. D. (2006). Use of nutrition facts panels among adults who make household food purchasing decisions. *Journal of Nutrition and Education Behavior*, 38(6), 360-364. <https://doi.org/10.1016/j.jneb.2006.02.009>.

¹⁶ Sharif, M. Z., Rizzo, S., Prelip, M. L., Glik, D. C., Belin, T. R., Langellier, B. A., Kuo, A. A., Garza, J. R. & Ortega, A. N. (2014). The association between nutrition facts label utilization and comprehension among Latinos in two east Los Angeles neighborhoods. *Journal of the Academy of Nutrition and Dietetics*, 114(12), 1915-1922. <https://doi.org/10.1016/j.jand.2014.05.004>.

¹⁷ Champagne B, Arora M, ElSayed A, et al. World Heart Federation Policy Brief: Front-Of-Pack Labelling: Unhealthy Changes in the Global Food System. *Glob Heart*. 2020;15(1):70. Published 2020 Oct 16. doi:10.5334/gh.935

¹⁸ Nutri-Score: Assessment Report After Three-Year of Nutri-Score Implementation. Ministre de la Santé et de la Prévention. February 2021. Available at https://sante.gouv.fr/IMG/pdf/nutri-score_follow-up_report_3_years_26juillet2021.pdf

¹⁹ Front-of-Package Nutrition Labeling: Leveraging food labels to inform consumers and promote public health. Center for Science in the Public Interest. January 1, 2023. Available at https://www.cspinet.org/sites/default/files/2023-01/FOPNL%20Fact%20Sheet_1.10.23_final.pdf

²⁰ TFAH. State of Obesity 2022: Better Policies for A Healthier America. September 2022. Available at https://www.tfah.org/wp-content/uploads/2022/09/2022ObesityReport_FINAL3923.pdf

²¹ *Ibid.*

Rules on added sugar standards in the school lunch program

We appreciate that FDA’s request for comment understands that a whole-of-government approach is necessary to reduce consumption of added sugars. TFAH urges the U.S. Department of Agriculture (USDA) to take meaningful action to combat excess consumption of added sugars by finalizing its proposed rule that would create limits on added sugars in the school lunch program. Childhood obesity in the U.S. is a serious health problem impacting one in five children and adolescents.²² Between 2017–2020, the prevalence of obesity was approximately 12.7 percent among children ages 2 to 5, 20.7 percent among children ages 6 to 11, and 22.2 percent among children ages 12 to 19.²³

The USDA’s proposed rule in March 2023 is an important and historical step to curtail added sugars for children and adolescents, focusing efforts on school settings.²⁴ This rule aims to limit added sugars in the most common school meals, such as breakfast cereals, flavored milks, grain-based desserts, and yogurt by fall 2025. By fall 2027, the proposal aims to cap the overall added sugars across the weekly menu to less than 10% of calories per meal to better align with the *Dietary Guidelines for Americans* recommendations.²⁵ Implementing these measures in schools will be critical for reducing added sugars and significantly enhancing the nutritional health of American children and adolescents.

Expanding Public Health Efforts to Improve Nutrition

TFAH also supports the work being led by the Centers for Disease Control and Prevention (CDC) Division of Nutrition, Physical Activity, and Obesity (DNPAO) to conduct surveillance on added sugars consumption, support programs that improve nutrition, and communicate with the public about added sugar and nutrition. Despite obesity being among the leading drivers of healthcare costs, CDC’s State Physical Activity and Nutrition (SPAN) grants only receive enough funding to reach 17 states.²⁶ Similarly, the Racial and Ethnic Approaches to Community Health (REACH) funds 50 recipients but has a long list of approved-but-unfunded applicants.²⁷ These program recipients are working to implement food service guidelines, promote breastfeeding, and improve nutrition practices in early care and education programs. TFAH supports funding these programs at sufficient levels to reach all approved applicants.

Beverage Taxes

TFAH also notes the importance of implementing beverage taxes as a strategy to reduce added sugar consumption. Taxes on sugar-sweetened beverages have emerged as a strategy in combating health risks associated with excessive sugar intake. This approach has been

²² CCD. Childhood Overweight & Obesity. April 1, 2022. Available at <https://www.cdc.gov/obesity/childhood/index.html>

²³ TFAH. State of Obesity 2023: Better Policies for A Healthier America. September 2023. Available at <https://www.tfah.org/wp-content/uploads/2023/09/TFAH-2023-ObesityReport-FINAL.pdf>

²⁴ U.S. Department of Agriculture (USDA). Added Sugars. Updated March 29, 2023. Available at <https://www.fns.usda.gov/cn/nutrition-standards-proposed-rule-added-sugars>

²⁵ *Ibid.*

²⁶ CDC. SPAN 1807 Recipients. <https://www.cdc.gov/nccdphp/dnpao/state-local-programs/span/span-1807-recipients.html>.

²⁷ CDC. Racial and Ethnic Approaches to Community Health (REACH), 2023 – 2028. <https://www.cdc.gov/nccdphp/dnpao/state-local-programs/reach/reach-2023-2028.html>

recommended by the World Health Organization (WHO) and implemented in more than 85 countries.²⁸ In the United States, where sugary beverages are prominent contributors to added sugar in diets, researchers have identified taxing these beverages as a cost-effective strategy for addressing increasing rates of obesity.²⁹

Notably, eight U.S. cities – including Boulder, Colorado; the District of Columbia; Philadelphia, Pennsylvania; Seattle, Washington; and four California cities: Albany, Berkeley, Oakland, and San Francisco – have instituted sugar sweetened beverage taxes (SSB), which demonstrate positive short-term impacts on reducing added sugar consumption.^{30,31} Two studies focusing on Seattle’s sugar sweetened beverage tax implementation demonstrated sustained decreases in SSB consumption.³² The evidence from global and national research suggests that, while challenges exist in implementing and sustaining beverage taxes, they serve as a potential tool in reducing sugar consumption, raising public awareness about their health impact, and may drive industry reformulation toward healthier beverage options.

Conclusion

TFAH appreciates the opportunity to comment on strategies to reduce added sugar consumption in the United States. New approaches are particularly important to address the significant and persistent racial and ethnic disparities in hypertension, obesity, and diabetes. Implementation of a national FOPL system and beverage taxes have great potential to curb added sugar consumption, especially for some populations of color who have a greater consumption of added sugars. Additionally, finalizing the USDA’s proposed rules on added sugars is an important first step toward reducing added sugar intake in children and adolescents.

²⁸ TFAH. State of Obesity 2023: Better Policies for A Healthier America. September 2023. Available at <https://www.tfah.org/wp-content/uploads/2023/09/TFAH-2023-ObesityReport-FINAL.pdf>

²⁹ TFAH. State of Obesity 2022: Better Policies for A Healthier America. September 2022. Available at https://www.tfah.org/wp-content/uploads/2022/09/2022ObesityReport_FINAL3923.pdf

³⁰ Tax Policy Center (TPC). The State of State (and Local) Tax Policy: How do state and local soda taxes work?. Updated May 2020. Available at <https://www.taxpolicycenter.org/briefing-book/how-do-state-and-local-soda-taxes-work#:~:text=No%20state%20currently%20has%20an,%2C%20Oakland%2C%20and%20San%20Francisco.>

³¹ TFAH. State of Obesity 2023: Better Policies for A Healthier America. September 2023. Available at <https://www.tfah.org/wp-content/uploads/2023/09/TFAH-2023-ObesityReport-FINAL.pdf>

³² TFAH. State of Obesity 2022: Better Policies for A Healthier America. September 2022. Available at https://www.tfah.org/wp-content/uploads/2022/09/2022ObesityReport_FINAL3923.pdf

We look forward to further discussions about how to best reduce consumption of added sugars. Please contact Madison West, Government Relations Manager, at mwest@tfah.org with any questions or for additional information.

Sincerely,

A handwritten signature in black ink that reads "J. Nadine Gracia". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. Nadine Gracia, MD, MSCE
President and CEO
Trust for America's Health