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NUTRITION LABELING AND INFORMATION

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON NUTRITION

OF THE

COMMITTEE ON AGRICULTURE,

NUTRITION, AND FORESTRY

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

AUGUST 9 AND 10, 1978

PART I

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NUTRITION LABELING AND INFORMATION :

Aug. 9 and 10, 1978.—Part I.
Nov. 15, 1978.—Part II.

CONTENTS

McGovern, Hon. George, a U.S. Senator from South Dakota, opening statement -----	Page 1
--	-----------

CHRONOLOGICAL LIST OF WITNESSES

WEDNESDAY, AUGUST 9, 1978

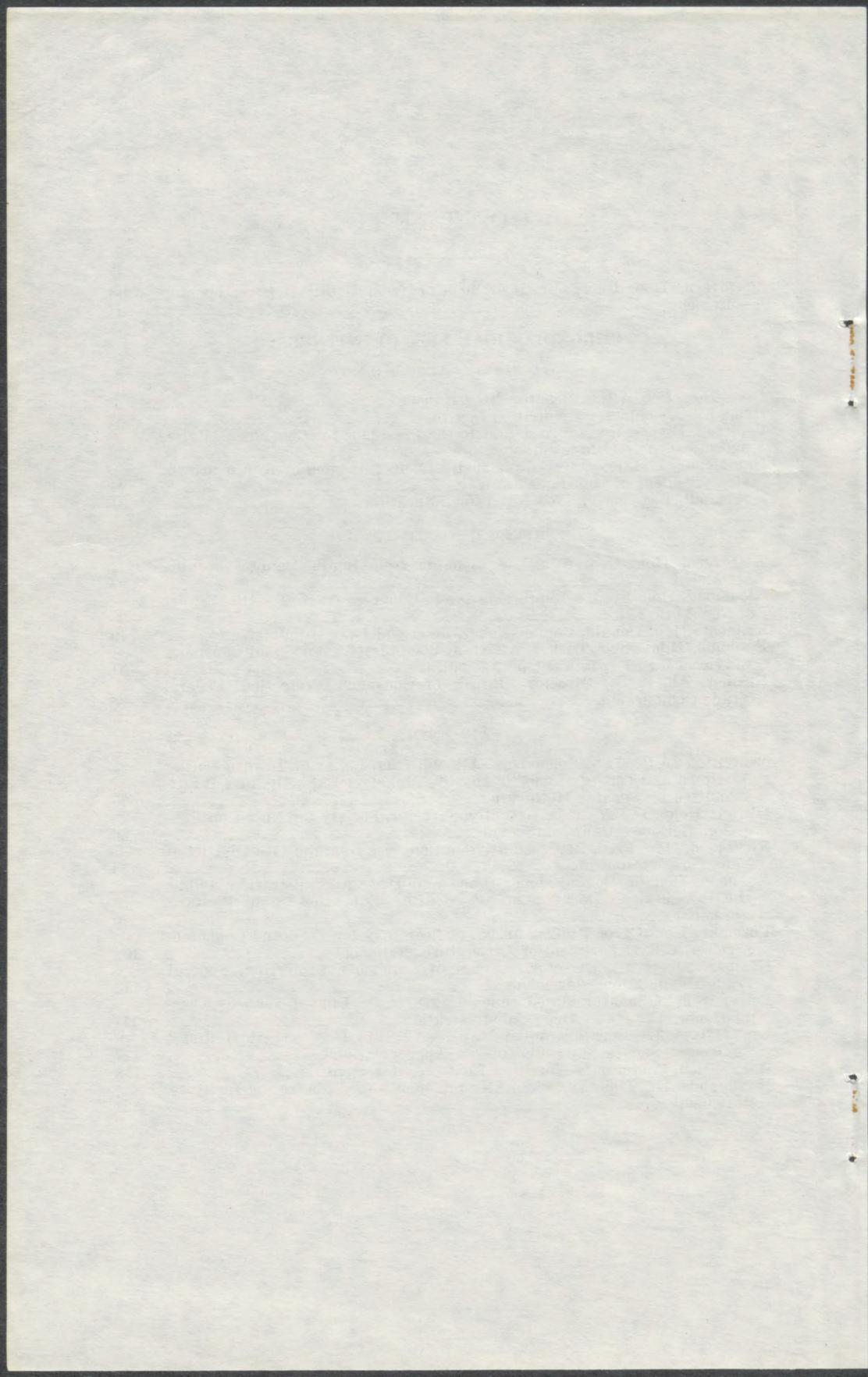
Dole, Hon. Bob, a U.S. Senator from Kansas-----	2
Haas, Ellen, Community Nutrition Institute-----	5
Peterson, Esther, Special Assistant to the President for Consumer Affairs, accompanied by Midge Shubow, press secretary-----	13
Hammonds, Tim, Food Marketing Institute, accompanied by Karen Brown, vice president of consumer affairs-----	24
McConnell, Peg, Society for Nutrition Education-----	31

THURSDAY, AUGUST 10, 1978

McGovern, Hon. George, a U.S. Senator from South Dakota, opening statement -----	37
Richmond, Hon. Fred, a Representative in Congress from the 14th District of New York-----	38
Kennedy, Hon. Donald, Commissioner, Food and Drug Administration-----	40
Foreman, Hon. Carol Tucker, Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture-----	51
Kramer, Albert H., Director, Bureau of Consumer Protection, Federal Trade Commission-----	55

APPENDIX

"Nutrition : A Study of Consumers' Attitudes and Behavior Toward Eating At Home and Out of Home," study by Yankelovich, Skelly, and White, submitted by Senator McGovern-----	65
Ullrich, Helen D., M.A.R.D., executive director, Society for Nutrition Education, Berkeley, Calif., statement-----	66
Richmond, Hon. Fred, Representative in Congress from the 14th District of New York, statement-----	68
Kennedy, Donald, Commissioner, Food and Drug Administration, Public Health Service, Department of Health, Education, and Welfare, statement -----	70
Foreman, Hon. Carol Tucker, Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture, statement-----	109
Kramer, Albert H., Director, Bureau of Consumer Protection, Federal Trade Commission, statement-----	113
Letter from 24 Senators dated June 30, 1978, to Dr. Donald Kennedy, Commissioner, Food and Drug Administration-----	117
Letter from five Senators dated May 23, 1978, to Hon. Ernest Hollings, Chairman, Senate Subcommittee on Appropriations-----	117
Haas, Ellen, Community Nutrition Institute, statement-----	118
Hammonds, Dr. Timothy, senior vice president, Food Marketing Institute, statement -----	121



NUTRITION LABELING AND INFORMATION

WEDNESDAY, AUGUST 9, 1978

U.S. SENATE,
SUBCOMMITTEE ON NUTRITION OF THE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:10 a.m., in room 324, Russell Senate Office Building, Hon. George McGovern (chairman of the subcommittee) presiding.

Present: Senators McGovern and Dole.

STATEMENT OF HON. GEORGE MCGOVERN, A U.S. SENATOR FROM SOUTH DAKOTA

Senator MCGOVERN. This morning the Nutrition Subcommittee is initiating a major series of hearings to investigate, over the next 12 to 18 months, several related nutrition issues that are of increasing importance to the American public. We begin this series of hearings with the topic of Nutrition Labeling and Information.

According to a recent survey by Yankelovich, Skelly, and White:

Interest in nutrition * * * is growing in giant leaps and bounds—with 77 percent of the consumers interviewed indicating that they are more interested in nutrition than they were a few years ago. Information about nutrition is more modest, with only 24 percent of the public indicating they consider themselves to be well-informed. * * * The appetite for more and more information on the subject is manifest.

As an indication of the public's growing appetite for nutrition information, the Congress is currently examining existing food safety and labeling laws. Beginning in August, the executive branch is initiating 10 days of public hearings on food labeling cosponsored by the Department of Agriculture, the Food and Drug Administration, and the Federal Trade Commission.

As chairman of the Nutrition Subcommittee, I am encouraged by the attention this vital area of nutrition is receiving from my congressional colleagues, and the agencies in the executive branch. Moreover, because of the broad public and governmental interest, I believe that the Congress should avail itself of the opportunity to address more fully a spectrum of related nutrition information concerns, of which labeling is only one very specific category.

As a result, today and tomorrow's hearings will begin to discuss the breadth of nutrition information issues which might be examined by the Congress in the coming months. As part of the testimony, tomorrow we will hear from the USDA, FDA, and FTC concerning the

objectives of their national hearings, as well as other related matters that were not included as topics of discussion in those hearings.

The Nutrition Subcommittee anticipates holding further hearings later this year, to provide the basis for developing a comprehensive nutrition labeling and information legislative proposal during the first session of the 96th Congress. In addition to having the agency representatives return to tell us what they discovered from their national hearings, our subsequent hearings will be open to all interested groups and individuals who wish to testify.

Since we are interested in drafting and enacting the best possible type of legislation with broad public support, I want our hearings to be sensitive to the concerns of all those who have a legitimate interest in the issues of food labeling and information, such as producers, grocers, consumers, advertisers, the media, and Government agencies.

I believe that the Congress has received a clear signal from the American people concerning their desire to know what is in their food. However, as evidenced in the decision by the USDA, FDA, and FTC to sponsor national food labeling hearings, I don't think we know yet how best to convey nutrition information, either on labels or through other media.

Thus, while it would appear that it is time to act, I believe it is the responsibility of the Congress to proceed in a comprehensive and systematic fashion that will consider the needs of all concerned parties.

Specifically, it is important to insure that short-run decisions or too narrow a perspective does not result in false starts which cripple or set back the longer term objective of encouraging Americans to be more informed through a consistent program and policy of nutrition labeling and information.

Nutrition labeling and information is an issue that will affect consumers, food producers, and manufacturers and media specialists. The right to know what is in one's food, and how to transmit effectively the information necessary for exercising that right, are of national import largely because of the potential health and economic impact.

Therefore, in addition to the heightened awareness shown by consumers, I am encouraged by the interest and enthusiasm of the food industry for this undertaking, and have every reason to believe that they will continue to contribute to the congressional deliberations.

In conclusion, I ask for unanimous consent to introduce the highlights of the Yankelovich survey into the hearing record.*

Senator Dole?

STATEMENT OF HON. BOB DOLE, A U.S. SENATOR FROM KANSAS

Senator DOLE. Mr. Chairman, from the standpoint of nutrition labeling and information, consumers are in a peculiar fix these days. They are facing the task of planning nutritious meals with an ever-shrinking food dollar. They are asking more questions and demanding more information about the foods they buy and serve. They are finding that food products are coming under closer and closer scrutiny.

At the same time, there is clearly a wide gap between what consumers are expected to do with food labeling information and what they actually do with this aid. We would all agree, I'm sure, that while

*See p. 65.

nutrition labeling was a major advance for consumers, it has failed to meet consumer expectations and goals of increased knowledge of nutrition as it affects food choices.

I am very glad the Senate Nutrition Subcommittee is holding these 2 days of hearings. I hope discussions here will surface the many concerns people have, and also bring forth suggestions as to how these concerns can best be addressed.

Over the past several months, Congress has been considering the enactment of a variety of bills relating to establishing national standards for the labeling of foods: Representative Paul Roger's bill (H.R. 10358), Senator Kennedy's bill (S. 3117), and others. To date, however, there has been no emerging law on the subject. I feel confident that the outcome of our sessions over the next couple of days will add to deliberations on these earlier bills, and it won't be long before Congress can respond—and respond adequately—to America's food labeling and nutrition information needs.

On Thursday we will receive testimony from a colleague from the House, Congressman Fred Richmond, and the administration. I am looking forward to learning more from the upcoming public hearings around the country being sponsored by USDA, FDA, and FTC. The first public hearing will be held in my own State of Kansas—in Wichita on August 22 and 23.

This morning I am looking forward to testimony from the consumer community, the professional nutrition educators, and the food industry.

Before hearing from today's witnesses, I would like to mention some of the food labeling and information issues with which my constituents find themselves confronted.

CONSUMERS ARE DISILLUSIONED

Just last week the Wall Street Journal reported on a survey it made of those in the business of analyzing public opinion—the pollsters themselves. These opinion analysts view Americans today as “troubled and looking inward.”

The Journal reporter talked with a number of pollsters and turned up a consensus on the current national mood—one being that

People are increasingly losing faith in government's ability to solve problems. Most believe there are so much waste and inefficiency that service levels and programs can be maintained even if taxes are cut.

You know and I know, Mr. Chairman, that elected officials in Congress can ill afford to have this loss of faith attitude prevail.

CONSUMERS HAVE QUESTIONS

A cursory review of newspaper and magazine stories nowadays reveals that people have many questions and concerns about our food labeling system, and they are asking questions:

What is a nutritious food? Nutrition labeling regulations were implemented some time ago to provide consumers with sufficient factual information so that informed choices could be made from the array of processed foods on the market. Why do we still find ourselves seeking answers to meaningful standards as to what is a nutritious food?

1 What about solid weight labeling? Consumers still don't know how much solid food is in a container, when the net weight on a label of most canned fruits and vegetables include the water, syrup, or other liquids in which the product is packed. What should we do about weights labeling?

2 What about fair and truthful food advertising? Consumers want more food advertising that will give them an accurate picture of the nutritional quality of a particular food or group of foods. And they want food advertising that accurately presents the health benefits of a product.

Recognizing that the average consumer does not always have the knowledge to fully evaluate claims made in food advertising, how can we better protect consumers against advertising that is misleading in any respect, including failure to reveal the potential consequences of consumption.

3 Who owns the food label? People are asking to what extent industry should control our food labeling. Should industry's, quote, "ownership" be shared by consumers and Government? Many would say that in the precise legal sense the food label is the property of the food company. However, there are those who feel that the true owners of the food label are the buyers or consumers of the product and the Federal regulatory agencies as well. Could it be that this so-called ownership is shared by all these groups? And how can we best protect that property?

4 Other questions are being asked about:

The labeling of fresh produce, fruits, and vegetables;

The percentage of sugar, the type of fat, and the amount of sodium or salt in our food;

Ingredient and nutrition labeling on alcoholic beverages;

The availability of ingredient and nutrition information on prepared foods, as from restaurants, cafeteria, and other eating-out places.

CONSUMERS NEED ASSISTANCE

In this month's issue of Redbook magazine—August 1978—seven pages are devoted to an article titled "How To Read A Food Label," written to "translate the special language of labeling so consumers can fill their shopping carts with the best food that money can buy," the article gives the consumer a breakdown of what each part of a label means and how consumers can use this information when shopping.

Many citizens suffer dietary and health problems, and need to know how to choose those products best suited to their special dietary needs. There are approximately 30 million people with heart and blood vessel diseases in this country, over 4¼ million diabetics and another 6 million potential diabetics, over 7 million people suffering from food allergy reactions, and some 36,000 people on maintenance dialysis.

These citizens need to know what ingredients are being consumed and in what amounts. As I indicated earlier, although nutrition labeling was a major advance for consumers, it has failed to help many people meet their special dietary needs.

Mr. Chairman, some have said we must go from the current voluntary nature of Federal regulations—which provide in part that nutritional information relating to food may be included on the label

and in the labeling of a product—to a more mandatory approach—which says that nutrition information relating to food must be included on the label in the labeling of a product, but I take exception to such a move.

There has to be a reasonable mix of consumer concern, truth in labeling, voluntary compliance and other appropriate measures which will bring us to reasonable legislation governing nutrition labeling and information for American consumers.

Senator MCGOVERN. This morning's witnesses are Ms. Esther Peterson, Special Assistant to the President for Consumer Affairs; Ms. Ellen Haas, Community Nutrition Institute; Mr. Tim Hammonds, Food Marketing Institute; and Ms. Peg McConnell, Society for Nutrition Education.

I do not see Ms. Peterson in the room just yet, but if Ms. Haas is here, we can begin.

STATEMENT OF ELLEN HAAS, COMMUNITY NUTRITION INSTITUTE

Senator MCGOVERN. We are glad to welcome you to the committee as the leadoff witness in this hearing.

I think it may very well be that legislation related to this field will be the major bill that comes out of the committee in the nutrition area next year. We do not have any immediate plans for changes in the food stamp program. We have just dealt with the child nutrition legislation, including the WIC program, but it does seem that this is one area—unless something else intervenes that is not now on the horizon—where we might very well make our major legislation effort in 1979.

Ms. HAAS. I think this is an area of great need for national policy. I think that is very heartening news.

I am Ellen Haas, director of the Consumer Division of the Community Nutrition Institute, which is a nonprofit public interest organization that supports the development of a national food and nutritional policy serving consumer needs at the community level.

Mr. Chairman, I would like to summarize my statement, and I would appreciate it if my entire statement will appear in the record.*

Senator MCGOVERN. That is a very appropriate way to proceed. You can hit the highlights of your statement, briefly. We will have the entire prepared statement made a part of the record as though read.

Ms. HAAS. Thank you very much.

I would also like to say that it is a pleasure to appear at these hearings. But before getting underway, we would like to express our gratitude for the very significant and invaluable contribution made by the late Senate Select Committee on Nutrition and Human Needs, in really blazing the trail toward a greater level of nutritional awareness among the Nation's people and policymakers, particularly for its efforts to bring home to the Nation the links between diet and disease and the long-term consequences of contemporary consumption patterns which the committee deserves the gratitude of all people.

And as you spoke before, about the Yankelovich, Skelly, and White testimony, I think the way is becoming clearer that the American public is responding to the problems of nutrition and diet and health.

The disorders which have repeatedly been implicated by researchers as resulting from current dietary patterns—heart disease, stroke,

*See p. 118 for the prepared statement of Ms. Haas.

cancer, obesity, and hypertension—place a tremendous collective strain on society in increased medical costs, human disability, premature death, and decreased human potential during much of life. More importantly, the diseases are not easily cured—they will be controlled successfully through increased efforts of prevention.

In our opinion, prevention emphasizes two summary facets: One, increased efforts to educate consumers of the links between diet, health and human productivity and, two, providing information to consumers which can effectively be used as tools to properly implement the knowledge gained through education.

As you stated at the beginning of this hearing, the public is now becoming aware of the relationship between diet and health. And by and large, people are clamoring for more and better information on which they can base intelligent buying decisions.

I find that the Yankelovich, Skelly, and White survey that you spoke of is a very important contribution to the state of American public opinion in this area.

I would like to continue with some other statistics from the survey which I think are equally important as the ones you cited.

Seventy percent of those interviewed felt more information on the ingredients contained was needed and almost 60 percent said the information given was useful in obtaining a measure of nutrition for the dollar.

The label is perhaps the most important vehicle by which an increasing understanding of the importance of nutrition can be put to use. It is the means by which specific information on individual products can be communicated, and thus the vehicle through which comparative shopping can be facilitated.

I would like to emphasize, moreover, that the concept of a usable nutrition label does not exist in a vacuum. It must be integrated as a component of a comprehensive food policy structured with health concerns at the center. For too long, health objectives have been assigned only a supporting role to the economic concerns of the food system. Its structure must be realigned to reflect the influence of diet on health about which we are learning more and more.

Furthermore, the information which is currently communicated through the label is often confusing or misleading.

I brought some show-and-tell with me this morning, because I think it helps in illustrating the facts.

Consumers are presently taught to consider the value of foods in terms of vitamin and mineral content as represented by portions of the USRDA. As you notice on this package of Fruit Loops, right in front, so that the consumers can see it is the signal, "Fortified with 10 essential vitamins and minerals."

Or this package of Tang, right up front, "Full day's supply of vitamin C."

Yet in terms of communicating the information necessary for disease prevention, these values are easily the least important and clearly the most confusing aspect of the food label. If the label is to be molded into a useful tool, it must be restructured to reflect this fact. For example, if a package of commercial cereal—let us take old Fruit Loops again—were required to list percentages of sugar, a person who would ordinarily buy such a product, due to the presence of seven

or eight synthetic sprayed-on vitamins—which are found on the side of the panel—might think twice before doing so, particularly if the contents included percentage ingredient labeling which said 60 percent sugar content.

We urge that the formation of labeling strategy be considered from a holistic perspective, as an integral component of a health-oriented food policy. In this light, we must, one, determine which aspects of nutrition are most critical to proper health maintenance and disease prevention; two, evaluate what the resulting informational needs of consumers are; and, three, pinpoint how these needs can best be accommodated through a usable labeling format.

At this time there are so many specific issues to address concerning food labeling, but I would like to highlight those which we feel are most important to the development of a national labeling policy.

Ingredient labeling: It is generally agreed that the labeling provisions which apply to foods covered by standards of identities effectively hide pertinent information necessary for nutrition and healthful food choice from consumers. These provisions have also been responsible for the increase in consumer confusion over processed foods in recent years. We strongly recommend, therefore, that all ingredients in all food products be listed by percentage.

Listing ingredients in order of predominance is often confusing. Even for those consumers who do understand that lists of ingredients are arranged in some sort of order, consumers can easily be misled when making comparisons between products and brands.

For example, amounts of beef could vary between different brands of beef stew without being evident from comparison of two labels, and whereas a type of chicken noodle soup could contain—if you look at the label in order of predominance—“Water, noodles, chicken, et cetera.” The fact that the product need only contain 2 percent chicken would remain hidden. There is no way of knowing who has more chicken in the chicken noodle soup than the other comparison.

Open dating: In survey after survey, consumers indicate that they want access to information concerning the freshness of products for sale, as indicated by open dating or by the date by which a product should be sold. For example, a 1976 USDA survey of over 1,400 consumers found that 90 percent believed open dates on food packages to be very useful, and the 1978 Yankelovich study cited earlier found that 74 percent of over 1,100 shoppers surveyed felt that dating “made a lot of difference” in making purchase decisions.

Another area to consider is listings of colorings, flavorings, and other additives. Not only does the consumer have the right to know the identity of the specific colorings and flavorings used, but often this information is important for health reasons. The safety of many additives is subject to doubt, and few are given the indepth evaluations necessary to certify safety. Many of the flavorings are known to cause allergic reactions, and some are believed to contribute to the hyperactive state of some children. Therefore, this information is basic and needed, for consumers, on labels.

Another interest which has arisen in the food labeling policy is the use of symbols on front display panels. For no other aspect of the comprehensive food label must we be more careful to avoid “information overload” than with the symbols which appear on front

display panels. Information overload is very important to address. We only want that information which is most important.

Whereas we feel indicators of excessive amounts of fats, refined sugars, or sodium should be required to appear on display panels, we urge caution in defining the term "excessive." A strict interpretation of the term could well cause 90 percent of the processed foods which appear on grocery store shelves to be adorned with one or more display panel symbols, thus removing the unfavorable connotation associated with the symbols, and defeating the purpose of their use. So while we say that symbols are important—and it is an area that we do support also—let us proceed in this area cautiously.

Labeling of food sold in restaurants: Currently over one-quarter of the food dollar is spent on away-from-home eating, and in coming years this figure is predicted to grow by great strides. Information on foods sold in restaurants, such as McDonald's, Burger Chef, what have you, is every bit as important as that on food sold at the retail level. In coming years, the vehicle to transmit this information will become increasingly important.

Senator McGOVERN. On that point, Ms. Haas, I can see how a big restaurant chain like McDonald's, and others, might be able to comply with that kind of suggestion. But how would a little corner restaurant, of the mom and pop variety, how would they know how to label everything on the menu—what the nutritional content is?

Ms. HAAS. One thing we suggested was having an auxiliary menu available. I think that you might have an exemption in there, based on volume. The chains that are national in scope, and franchises, will be the ones who initially get into the nutrition information area.

And I think that you can look down the road and see this program expand. But to begin with, we want to start with the larger ones.

I also think that we are making this as a suggestion. We are not saying in concrete what the way to go is. But the important fact is that the consumers who eat away from home, who eat in restaurants, have the same right to know as the consumer who shops in supermarkets.

And as more and more food dollars are spent in restaurants, and more and more eating takes place in restaurants, then the information has got to be there too.

In the coming months, we need to explore what is the best possibility, what is the best way available, for transmitting that nutrition information.

Senator McGOVERN. I think your point is well taken. I am sure you recognize that it is one thing to ask the Kellogg Co. to properly label a package, and quite another thing to ask the literally hundreds of thousands of little restaurants, all over the country, to come into compliance with the same kind of labeling.

You have to agree that that is somewhat down the road.

Ms. HAAS. Yes; that is what I am saying. But it is something else to ask a McDonald's, Burger Chef, and Marriott chain—and there are enough restaurants and fast-food operations that do have the financial capabilities to provide adequate consumer information.

On to the fact of nutrition labeling itself.

Easily the most important component of the food label is that which conveys information on the nutritional character of the food product.

The information presented can be highly influential in determining just which food products are purchased and, more importantly, provide the mechanism by which an understanding of nutrition can be utilized.

In determining what the proper label should look like, we must keep in mind the purpose of labeling in the overall context of nutritional awareness and health maintenance. Any label must be bound by the principles that we spoke of earlier. Those aspects of nutrition most critical to sound health must be determined and appropriate information on certain foods must be developed and presented through labeling in a useful manner.

Today's nutrition label, if we take a look at that, contains information on calories, as well as on the content of protein, carbohydrates, and fat; but concentrates most on the values for vitamins and minerals, expressed as percentages of the recommended daily allowances. At the time the present nutrition label was developed, nutrition policymakers felt vitamin and mineral content was the most important aspect of food, and these values were emphasized because educating the public, in order to prevent nutrient deficiencies, was considered primary.

Today, however, 1978, we have a completely different set of health and dietary concerns. Excessive caloric consumption, overconsumption of fats, salt, and refined sugars, and increasing dependence upon processed foods have created a new set of nutrition-related health problems: Obesity, heart disease, stroke, hypertension, and cancer. Equally important, the problems related to conventional nutrient deficiencies are all but nonexistent.

Thus, the current information format of our label is inappropriate for our times. Designed in another age, with a different set of public health objectives, it does not convey the information necessary to reduce contemporary nutritional problems.

We would like to make two general suggestions in designing the format and formulating policy for the most appropriate and useful label possible. There are two important things to keep in mind at the outset. One, the Secretary of USDA must be given concurrent responsibility with the Secretary of HEW for the development of the food label. It must be kept in mind that the role of the label in food policy is supported by nutrition research and dependent upon nutrition education. Both activities are centered in USDA, designated by Congress last year as the "Lead Nutrition Research and Education Agency."

In addition—and this point I think is important—USDA retains responsibility for the marketing of poultry and meats as well as fresh fruits and vegetables. Right now, when you walk into a store, this cabbage, this tomato, and this green pepper are void of any nutritional information. These are foods that are healthful to eat, and it is important that these foods receive nutrition information as well.

I would like to clarify that I do not mean that this green pepper needs a nutritional label on it. But at the point of purchase, it is important that nutrition information is available in the store, about the relative value of foods in our marketplace.

And today, where half of the foods are processed, the other half of the food selection is the area where the consumers do not have that nutrition information available. And for nutrition information labeling to be effective, it must be on all foods.

Two, the existing labeling format should be required to undergo review every 8 years. The review should be required by law and changes or modifications should be investigated to accommodate for the nutrition-based health concerns which will have developed as well as the usefulness of the design through which the information is presented. Just as our concerns about the nutrition status of the Nation differ greatly from those of 10 to 15 years ago, so will they be completely different after the next decade.

The state of this country's health and nutrition awareness is in constant flux, and the labeling design through which we choose to present information on individual foods must reflect this fact. We must recognize that the label is a dynamic instrument, and for best use, it must be tuned and adjusted periodically to reflect the change in needs.

The concept of the definitive label for all times is a fantasy. The best we can do is to legislate a system responsive to consumer needs whereby the purpose and usefulness of the food label, to consumers, is primary, and then insure that the label is reviewed every 8 years and changes are made as needed.

Critical to this effort, moreover, is the active and complete participation of public representatives to insure an accurate representation of the public viewpoint.

At the present time we should push toward the development of a policy that will address the factors concerning food consumption that most directly relate to health maintenance and disease prevention. Through the course of the work you have begun today, as well as the administrative hearings scheduled for the fall—by USDA, FDA, and FTC—I feel confident that we will successfully develop the labeling format that can serve this integral and fundamental function as a component of a holistic food policy strategy. I am certain that the format we design will be relevant, realistic, and above all, responsive to consumer needs.

I thank you very much.

Senator McGOVERN. Thank you, Ms. Haas.

With regard to your opening tribute to what used to be called the Select Committee on Nutrition and Human Needs, we appreciate your kind words. I might just say to you that I think that the committee was absolutely essential, at the time it was created, in giving a special focus to the nutrition concerns of the country, and doing it in the broadest possible context.

But recognizing that both Senator Dole and other members of the select committee voted against the transfer of that committee's responsibilities to the Agriculture Committee, I would think we would all agree that in actual practice it has worked out very well. We have had total cooperation of the members of the full Committee on Agriculture. The staff director, Henry Casso, and his associates, could not have been more supportive and helpful to us. And I think in the long run, it may turn out that the case of nutrition is going to be best served in the way we are presently structured as a Subcommittee of the Agriculture, Nutrition, and Forestry Committee.

We have had in mind, for a long time, trying to broaden the concepts of the Department of Agriculture. And I think people in the Department are in agreement with that.

I have thought at times we ought to call it the Department of Food and Agriculture. We have this world organization, the Food and

Agriculture Organization. And by that, I mean that agricultural policy—and I am sure this is the view of Secretary Bergland—becomes something more than a producer operation, although that is crucial. It becomes a coherent, comprehensive effort to develop a good, sound, nutrition, and food policy for the Nation, which is integrated with what we are doing on the production side.

Ms. HAAS. I share your optimism about integration and the inter-relationship between nutrition and agriculture to form a food policy. And I do see very positive signs, both in the Department and through the committee's work, that this is—our long-time goal.

And I think it is working. I have served for the last couple of weeks as a living example of how the producer and consumer can work together. Commodity organizations and farm groups joined together with consumer groups and hunger organizations to form a coalition to save the school lunch program from being transferred over to the Department of Education.

The coalition includes 18 groups, and, I would say, half producer and half consumer. And so far, it looks like we are going to be somewhat successful.

I do not know what happened this morning, but it is an example how both share a concern about nutrition. And the producer and consumer can work together.

Senator McGOVERN. Well, I appreciate what you have said in your prepared statement at the bottom of page 8:

It must be kept in mind that the role of the label in food policy is supported by nutrition research, and depends upon nutrition education. Both activities are centered in USDA, designated by Congress last year as the lead nutrition research and education agency.

In my judgment, this controversy that is now going on, about the possible transfer of programs that relates to nutrition, out of the Department of Agriculture, flies directly in the face of what we are trying to do in integrating our farm policies more closely with a sound food policy.

I do not know anybody that is opposed to the Department of Education doing its job, and doing it as effectively as possible. Because food policy has to be integrated, I regard the proposal to strip the Department of Agriculture of its nutrition functions and its education and labeling functions as a fracturing move. Our food policy has to be comprehensive if it is going to serve the interests of the American public.

So I am pleased to see that statement in your prepared testimony.

Ms. HAAS. Thank you.

Senator McGOVERN. Just one or two questions: Do you believe that in addition to the labeling authority, legislation is required in order to encourage the dissemination of nutrition information, through the media, in restaurants and other relevant areas?

And do you have any advice to the committee as to how we can best shape that legislation?

Ms. HAAS. I think perhaps, if we think of transmitting nutrition information, we should think of it as a multifaceted program. If our goal is the improvement of nutrition awareness of consumers, then we have got to go at it from many different directions.

If we rely only on the nutrition label for nutrition education, and ignore TV and mass media, then we are not going to get very far in raising nutrition awareness.

However, if we go at it as interrelated and multifaceted, with communications being stressed—TV and radio being used widely—the use of labeling programs authorized by the Congress, and also nutrition education which could go on, funded well, so that it can support the education of how to use the label and how to acquire more nutrition information can be accomplished. And that kind of education program needs to be on TV and radio, and it needs to be in the mass media in general.

So we do support that, and we feel that any kind of nutrition information bill that eventually comes out, should be multifaceted. I did not address it in my testimony, only because there is only so much we can say. And we wanted to center our attention on labeling.

Senator MCGOVERN. Senator Dole?

Senator DOLE. I think the chairman has covered the comments concerning the select committee, which I appreciate too.

Ms. HAAS, have you consulted anybody in the restaurant industry on that—nutrition labeling or information?

Ms. HAAS. We are beginning to talk with representatives of the National Restaurant Association. I am also going to give a speech in October to the National Meat Purveyors Association. And we work closely with the restaurants.

This is not something that we have really structured yet, as a formal recommendation, but we will begin to.

Also may I say that there are some representatives of the Food Service and Restaurant Organizations who attended our conference on nutrition and the American food system. But I would like to follow up by speaking to them.

Senator DOLE. With reference to your suggestions that all ingredients be listed by percentages. Is that based on research—you have surveys that indicate that is the better way to go.

Ms. HAAS. Yes; last year the Marketing Science Institute of Harvard University did a survey that was presented again at our conference, and it included nutritionists, consumers, farmers, Government officials.

And I believe I can have it sent to you for the record. Over 90 percent felt that percentage of ingredient labeling was the most appropriate way to give consumers the most information.

I think the Yankelovich study, too, reinforces that, because consumers want more information about what is in the food, ingredients in it. And just by having it in order of predominance is not enough. People do not know that it is in some kind of order.

The FDA has been doing some surveys, and I know that the public food labeling hearings will be addressing that particular question. Percentage of ingredient labeling is one of the questions they are asking people to comment on.

Senator DOLE. Thank you.

Senator MCGOVERN. All right. I see Ms. Esther Peterson, Special Assistant to the President for Consumer Affairs, and a woman who has long been interested in the whole field of nutrition and agriculture and consumer affairs.

We are very happy to welcome you to the committee.

**STATEMENT OF ESTHER PETERSON, SPECIAL ASSISTANT TO THE
PRESIDENT FOR CONSUMER AFFAIRS, ACCOMPANIED BY MIDGE
SHUBOW, PRESS SECRETARY**

Ms. PETERSON. I am very pleased to be here. I am sorry I was not on time.

But I also want to say that I appreciate the opportunity of having heard my coworker—that I worked with for a long time—Ellen, made many of the points which I think are important points that I want to stress.

I also want to congratulate you on your statement relative to the select committee. It is extremely important.

I am pleased to be here at your preliminary hearings on food labeling and nutrition information. It is both encouraging and gratifying to see this subcommittee continue to expand upon the outstanding work begun by the Senate Select Committee on Nutrition and Human Needs. On behalf of all consumers, I applaud you for your leadership in bringing food and nutrition issues before the public, just as you have done so many times before. You and your committee have made this a national issue.

These are not easy times for American consumers. Rising food prices have been one of the most persistent aspects of inflation in recent years. Food prices have more than doubled since 1967 and have risen 15 percent in the past year alone. The Government has a tremendous responsibility to make sure its regulations both maintain vigorous competition and do not add to food prices, while at the same time protecting the health and safety of our citizens.

Many of the increases in food prices, of course, are beyond the control of the Government, farmers, or anyone else. They are the result of many complex factors—floods, droughts, and other weather problems have caused many crop shortages and price increases. Some food prices move up and down even in the absence of major shocks. For example, beef, now leading the list of inflationary food items, is moving in a predictable cycle which corresponds to the build up and liquidation of cattle herds. With all these factors coming into play, it would be naive to think that one single plan or one single action will wipe out food price inflation. But, it would be irresponsible of our Government to fail to take action where and when it can. As we all know, food is something that consumers cannot put off buying until prices come down as they can with many other purchases. Grocery prices are constantly on consumers' minds and if we fail to take aggressive action to keep them down, we will face the consequences.

I have long believed that one of the best anti-inflation weapons consumers have is information. These hearings today, coupled with other recent actions I will detail in a minute, demonstrate what I feel is a new Government-wide commitment to giving consumers the kind of information they need, not only to fight food price inflation, but to eat better and healthier as well.

It is the Government's responsibility to make sure consumers have all the information they need to make intelligent purchasing decisions. In the final analysis, their individual choices are up to them,

but it is our job to provide consumers with all the relevant information and to educate them about what that information means.

After many years of sporadic accomplishment in this area, great progress is finally being made. This is an exciting transitional period for those of us who have been working long and hard to formulate sound public policy on nutrition and labeling issues. After many years of diffuse, uncoordinated activity by Congress, the administration, the agencies, industry, health professionals, and consumer organizations, we are finally beginning to put all the pieces together.

Congress is working on several specific pieces of legislation. While I do not support them all, they do show that Congress is working aggressively on nutrition and the administration will be happy to furnish a position on bills you want to move. The President's reorganization project has a task force at work now on evaluating reorganization concepts for our food system and plans to make its recommendations to President Carter late this year or very early in 1979. And, the Food and Drug Administration, the U.S. Department of Agriculture, and the Federal Trade Commission will hold joint hearings beginning this month in five cities on food labeling issues. In all these efforts, we need constant coordination and communication. We don't want to waste precious time reinventing the wheel.

However, these actions, when taken together do demonstrate our Government's commitment to reaching an agreement on where we should and must go on nutrition and labeling issues, and on the vital issue of creating a national food policy. I hope this agreement will be reached as expeditiously as possible. Both consumers and industry are being harmed by the lack of decisions in several crucial areas. Consumers are disadvantaged because they still do not have all the information they need and what they do have is not in an easily understandable fashion and industry is hamstrung because it is difficult to plan ahead when one is not certain what laws will soon demand compliance.

Hopefully, the upcoming public hearings on food labeling will give policymakers the information they need to reach sound conclusions in this area. Following these hearings, we will have, for perhaps the first time in history, a broad overview of what label information consumers want, need, and will use. But, I would like to inject an early word of caution to everyone who will be charged with evaluating the public comment from these hearings. Please keep in mind that our own weaknesses and failures are likely to be reflected in public testimony. For our Government's inaction in nutrition education has left a public information vacuum that was readily filled by both some sectors of the food industry and food faddists. In some cases, the information they have provided has been helpful. In other cases, it has been negatively related to both our citizens health needs and their pocketbooks.

As a result, many consumers are, at this point in time, confused and even mystified by nutrition. Many do not know what good nutrition is, relying on the limited information available about recommended daily allowances and the four basic food groups. We have amassed a wealth of new information since these concepts were developed, but the public, by and large, remains in the dark. Even the people who do know about nutrition often have trouble translating their knowledge into well balanced and economical diets for their families.

We would, therefore, be wise to use these upcoming hearings not only as a gage of consumers' current desires, but as a barometer of the state of nutrition literacy in our country as well. The more we educate, the more our citizens will be able to use the tools available to them. You cannot give a hammer, some wood, and some nails to a person who knows nothing about carpentry and expect that person to build a proper house. Similarly, you cannot give open dating, use, and sell by dating, net weight, percentage of ingredient labeling and nutrition labeling to people who know little about food value and expect them to be able to construct a nutritious and economical menu plan.

So, we see that there is much work to do as we begin what I like to call our new sunshine era that will give consumers truthful, informative, and reliable information about food quality and safety. But, even before we can begin to develop specifics, we must make a serious attempt at establishing credibility. Consumers simply do not know who or what to believe any more. A telling illustration comes from a recent article in a popular tabloid which reported that the two types of books most prominent on national best seller lists are those about diet and sex. Why is this happening? In his 1973 book, "Health Foods—Facts and Fakes," Sidney Margolius, the syndicated columnist, sheds some light that remains true today:

(People) have become alarmed by a relentless stream of reports of misuses of chemical additives, pesticides, and fertilizers; by repeated charges of "poisons" in our food; by botulism incidents among some of the country's most trusted brand names; by revelations of fish contaminated by mercury, chicken by synthetic chemicals, powdered milk by salmonella organisms, and beef by growth hormones; by the ban on cyclamates and the review of saccharin—in general, a constant bombardment of the public's nerves, let alone its intestinal tract . . . Many other people, even if not panicky about chemical additives, are finding that some nutritional beliefs they were raised on suddenly have crumbled. What can be healthier than an egg? . . . The savory hot dog of your youth? . . . Milk, butter, and sugar have been likened to heart disease . . . Rats have starved on white bread . . .

Senator McGOVERN. I heard one of the comedians say the other day that we have to get rid of these white rats, before they take everything off the menu.

Ms. PETERSON. Well, the list goes on and on. Margolius concluded by stating, "But perhaps most significantly, many people no longer wholly trust the Government let alone the food industry, to properly police the wholesomeness and nutritional quality of food."

We must regain the public trust. We must make three things clear to the public—what we do know, what science tells us the probabilities are, and what we do not know.

Senator McGOVERN. Ms. Peterson, before you came in today, I stressed that those are the very guidelines we want to use in these hearings.

Ms. PETERSON. Oh, good.

Senator McGOVERN. I want to stress again that we want to hear all points of view, because we are trying to really develop a broad based understanding of what the problem is, and what the most practical possibilities are to deal with it.

We approached the dietary goals publication that came out under the select committee's auspices a couple of years ago in the same spirit because, I think you have put your finger on it, a very important

problem here, is the fact that the public is very much interested in this whole field of nutrition and health.

But they must be bewildered as to where to turn for reliable information. I am hopeful that this committee will not put its name on anything that is not soundly conceived, and does not represent the best information we can bring to bear on it.

I suppose there is always an area where you have to stop short of absolute scientific proof. But you have been thinking about these matters for a long time.

Do you think the effort we made on the dietary goals, and this continuing effort on nutrition labeling and information and education, that it is possible to carry on efforts like that in a public forum, and do it in a way that does not add to the public's confusion?

Ms. PETERSON. That is why I wanted to emphasize that point on credibility. I think if we have consistent, sound data back of what we say, that if we have consulted all the people that we should on the real problems, and just deal honestly with them—yes, I think we can. And I think the public is ready for it.

And as I go around the country, and in the letters that I get, these are the questions that people ask me: Who can we believe?

They want to believe the Government, and—I get a warm feeling toward what you people have accomplished already. And I think we can do that; yes.

Senator McGOVERN. Do you think the dietary goals publication met that criteria?

Ms. PETERSON. I think it began to, but I think it has to be amplified, just as Ellen Haas was saying. We have to do lots more to see that this information—it is a base, and it is from that base that we have to build. And I think therefore it is a great step ahead.

Senator McGOVERN. Thank you.

Ms. PETERSON. Just what is to blame for the public's cynicism and confusion? To some degree it is our Government which includes exemptions for special interests in most of its food laws. Our food laws are also rife with contradictions. Artificial color must be labeled on process cheese food and cheese spread—as "imitation" food—but unlabeled on standardized process cheese.

Why should butter be colored part of the year and go unlabeled, because for the remainder of the year it isn't colored? What does artificial color mean anyway?

Some of them are what consumers might call natural colors, but the law reads that anything added that is not natural to the product is an artificial color—even if it comes from a vegetable source. This is hard for experts to understand—therefore, imagine the difficulty experienced by the lay person.

Another serious problem relates to some standards for meat and poultry promulgated by the U.S. Department of Agriculture. For example, "chili con carne" must contain 40 percent meat, while "chili con carne with beans" must contain 25 percent meat.

Standards for red meat products are based on fresh uncooked meat, while standards for poultry products are based on cooked deboned poultry. So, "beef and dumplings in sauce" must contain 25-percent cooked meat, while "poultry with noodles or dumplings" must contain 15-percent uncooked poultry.

And I would like to say at this time, when I am going around to the supermarkets and working on this—and people will say: Well, how do we know?

And of course we have had officials say that it is in the standards of identity. You can look at the standards of identity. I ask you: Has anyone seen anyone carry this (CFR) into the supermarket so he can tell what is in the recipes of what you are buying?

You see, it is an insult to the intelligence of the American consumer, not to give them the information, in the usual method, at the point of purchase.

For most products, unless a company elects to put the percentage of ingredients on the package, the consumer has no way of determining how much beef is in beef stew, for example. Furthermore, USDA needs to approve all labels containing meat or poultry before they are printed, and this can be a long and arduous process, especially if nutritional claims are made.

I have had personal experience with that, and I know how hard it is.

The Food and Drug Administration promulgates so-called standards of identity for many common foods. These standards are almost complete recipes, and were originally intended to protect consumers from fraud—that was a good thing at that moment of history. I want to say very clearly, that was important—but they ended up putting information into regulations rather than onto labels, since in most cases, if foods meet standards, they do not have to list mandatory ingredients.

For example, “natural cheeses,” such as cheddar or Swiss cheeses, do not need to list ingredients. Meanwhile, “pasteurized process cheese food” and “cheese spread” must list all ingredients, but “pasteurized process cheese” must list all ingredients except color, because of a special exemption. These are some of the examples of the kind of inconsistencies which makes it awfully difficult for the consumer.

To be called mayonnaise a product must contain 65 percent vegetable oil—the standard does not designate or disclose what kind of vegetable oil—“one or both acidifying ingredients” and “one or more egg yolk containing ingredients,” and then it can contain certain optional ingredients.

Now the Government certainly spends taxpayer dollars to establish standards of identity, yet the only place the information is found, unless given voluntarily, is in the Code of Federal Regulations. How many people carry these reference volumes with them when shopping?

Consumers want and need complete ingredient information on the package. How else can they know what they are buying? The fact is that most current food labels are just not that helpful. Currently, my office is preparing an inflation guide for consumers and one of the major sections is on food; how to stretch your food dollar. In good conscience, under our present system, I could not tell people that reading labels would help them to use nutritional labeling as a comparison shopping tool.

Yes; there is an increasing amount of nutrition labeling on cans and on packaged goods. Our laws only require that nutritional labeling be used if a product has added nutrients or makes a nutritional claim, such as “low calorie.” Most meat, poultry, fresh fruits, and vegetables are not labeled at all, although some 75 meat companies now have

voluntarily instituted nutritional labeling programs. Therefore, a consumer is inhibited in ability to shop around for the best low cost sources of protein, for example. They cannot easily compare the protein values of red meat and peanut butter.

In addition to inconsistent laws, we have failed to educate the public about the decisionmaking process Government follows. The furor over saccharin is an obvious case in point. Conclusions drawn from high dosage tests on laboratory rats are not understood by consumers. Time and again as I travel throughout the country, consumers ask me to explain why saccharin is considered dangerous if it takes thousands of bottles of diet soda per day to equal the amount given to the test animals that developed tumors. There is an explanation that includes factoring in life spans and body weight, but consumers again, do not know whom to believe. We need to educate consumers about the whole process of testing as well as about additives themselves. And, science is advancing so rapidly, we must find ways to keep consumers informed. They must have assurance that someone is watching—and caring—and there is always a constant reliable source of information to turn to.

Another part of the problem has to do with technicians. Scientists are used to talking with their colleagues and employing technical terms and concepts that mean nothing to consumers. Their terms and words are not a part of the consumers' daily language. President Carter has made efforts to translate all rules and regulations into plain English, but his directive has yet to be followed by food scientists.

Technicians play a part in another problem area I would like to mention—the inflexibility of Government regulation which can stifle innovative approaches to nutrition education and information programs.

I have been impressed in the private sector with the number of firms that want to move and want to experiment in the giving of food information. And I am disturbed when they are hampered by the kinds of regulations that make it impossible for them to move into innovative areas.

Let me give you an example. When I was working in the supermarket industry, our consumer affairs office printed a series of posters on the nutritional value of fruits and vegetables. We wanted to place these posters in stores, but the regulations were too stringent and we couldn't go ahead with it. When selling retail, producers of basic agricultural products such as fruits, vegetables, and meats were not allowed to use the data from Agricultural Handbook No. 8, because the data were not specific enough for the product as sold. In English, this means that a potato from Maine may not be nutritionally identical to a potato from Idaho. Therefore, the information might not be available, and we could not use it.

Because the Handbook No. 8 data were unspecific, we were not able to provide data on specific raw products. FDA and USDA are making progress in these areas, but we still have no program which encourages retailers to display information or to describe how they can develop such programs.

Technicians often insist on information that is overly precise. Many of the problems we and small manufacturers have with nutritional labeling stems from their overly cautious precision. Even with the new information available from the nutrient data bank at the USDA,

which I will go into in a minute, manufacturers will never be able to list the exact amounts of nutrients in every can of peas. There are simply too many variables. I feel it is time to allow and promote some generalities based on the best available information—within the ball park of sufficient accuracy.

As a result of these requests, the big food manufacturers who have the data banks have been able to nutrition label while the basic agricultural producers and small manufacturers have not. This problem was partially recognized by the regulators, but their legal advisers convinced them that the only way to keep the industry honest—a worthy motive—was to be specific. The poor consumers, not to mention the agricultural producers, were left out in the cold. Half of the products consumers purchase could not be labeled on the product itself, but the information could be at the point of purchase for them.

Consumer understanding of nutritional labeling was dealt a serious blow. And now, 7 years later, we still don't have this labeling. I would like to applaud the efforts of the food industry and Government in setting up a data bank from which small manufacturing and agricultural producers can gather labeling information. This is the kind of cooperation we need. And I am very pleased that is moving ahead.

There is just one other area I would like to touch on, but it is one that illustrates all the areas I have already covered. It is the question of what we are doing to publicize, promote, and educate consumers about the dietary goals of the United States—the very point you addressed yourself, Senator.

What are we doing within our own Government agencies to follow up on the goals? These goals are probably the most important nutrition advance in my memory. Furthermore, they are simple to understand.

Even while the experts continue to bicker about exact amounts of grams of salt or sugar that should be consumed each day, the goals make important general statements about the advisability of reducing the amount of fat, sugar, salt, and cholesterol. I am aware that the goals have been criticized for saying we eat too much of certain things without providing qualitative estimates. Experts, such as Dr. Mark Hegsted of the Harvard School of Public Health, have stated, "You cannot translate the goals into a dietary pattern without at least suggesting what is meant by too much and what might be a reasonable intake."

I respectfully disagree. While it is true that specifics are needed, few people are so uninformed that they don't know what too much means. By using and educating the public about the dietary goals, all consumers will begin to think about cutting down from the amount of fat, sugar, cholesterol, and salt they are now eating. You know, nutritionists spend their lifetimes studying food, but it doesn't take long to learn the elements of a healthy diet based on the dietary goals. A good diet, pure and simple, is based largely on fruits, vegetables, whole grains, low-fat dairy products and low-fat meats, protein sources including fish and poultry.

This is the message to get out. Yet, this is the message that some sectors of the food industry apparently do not want to get out. I feel it is time to match nutrition misinformation with equal amounts of sound nutrition information. A massive public education campaign stressing the dietary goals will do each of our citizens a great service.

Today, I have left you with a lot of problems and very few concrete answers. I want to conclude by urging your support of efforts to get consumers involved in all stages of the decisionmaking process.

Secretary Bergland has begun development of an office of public participation at USDA which will open the decision process more to farmers—especially small farmers—food processors and consumers. There is, surprisingly, some resentment among the program bureaucrats and some resistance in the Congress to this new opportunity for participation. I urge your support of Secretary Bergland and his new project. It is one of several efforts underway to respond to the renewed public interest in food policy—in nutrition as it affects the consumer. We have made great strides in this area.

The public is involved and there is a tremendous new sensitivity by legislators and by the food industry in this area.

Keep up the good work and I look forward to working closely with you in the near future as we begin to make the difficult specific decisions that will lead us to a true national food policy based, I hope, on nutrition consumption, which, in the final analysis, is what food is all about.

Senator McGOVERN. Well, thank you very much, Ms. Peterson, for an excellent statement.

One of the concerns I think the food industry has—if we are not careful about how we proceed on this matter of labeling and information—is that we will increase the cost of putting that package on the shelf.

Food inflation, as you know better than most of us, is already maybe the most sensitive issue we have right now with the public. I think a lot of this tax revolt is really a revolt against inflation.

But people cannot get at the costs of things they buy. They can get at the tax matter.

Now, you make an interesting statement: "I have long believed that one of the best anti-inflation weapons consumers have is information."

Can you enlarge on that?

You seem to say just the opposite, that a stronger information and labeling program would combat inflation, rather than aggravate it.

Ms. PETERSON. Let me answer it, if I may, in two parts. On the question of costs, first: One thing I feel about it is that we have to think of the high cost if we do not give the right information to people, if they get misinformation—in my experience—I find that the costs frequently are exaggerated. I think we have to really look at that very carefully. I have watched carefully, since my involvement in the packing and labeling hearings, how these costs are estimated.

As we analyzed some of these cost factors, we found that very often they were based on a false premise, which I can go into.

Also we kept track of how many times label changes were made, to the advantage of the producer.

I think we have to be careful. And there again, we have to use reasonableness when we do.

I know from experience that you have grandfather clauses in the way you use up the labels. You have provisions that you work out.

And then again, if we can help standardize it so that all people know the format, and that the industry does not say: "Oh, dear, I have to change that in another month. Will I have to adjust the cost?"

That is what causes so many problems. We have to think what the cost is if we do not give the proper information. And I think we want to be absolutely sure that those costs are valid.

Senator McGOVERN. I notice that you underscored in your testimony the fact that some of the regulations that are now operative actually discourage the efforts on the part of the food industry to do a better job.

Ms. PETERSON. They do. That is what really bothers me. I know—and I meet with the industry, and I try to say that I applaud the leaders in the food industry that want to do this, the way they move voluntarily to do this.

But I also know the problems of the danger of the specifics not being met in every case.

Relative to it being inflationary, having information, I think there again that if people can tell that they are getting nutritious food for the money that they spend, and things that will really help them reduce costs, they can make comparisons about food.

I have to talk from my own experience, Senator, of what I had. And I cannot forget when we put the labels and the food information in the supermarket where I worked, how it affected the actual purchase of many of these healthy items, when people had the information they could use.

Senator McGOVERN. Well, based on your experience with the private food industry, as well as what you have done on the public side, do you think a well-conceived food labeling and information system would be generally accepted by the food industry?

Ms. PETERSON. But only by working with the food industry. We have found that once you get them all together, that there is a tremendous wealth of information and good will to want to do the right thing. I think we have got to get together on what we think is best.

There is a genuine feeling of cooperation. I think that they must be involved in it. I cannot but tell you the experiences we had in bringing consumers into the decisionmaking, when some of our producers were terribly afraid.

And when the consumers learned what the problems were, they said: "Let us wait awhile until we get more information."

If you share the decisionmaking, there is more responsibility and more reasonableness. And I am confident that if we involve the people—that is why I want public participation—that a good plan could be worked out.

Senator McGOVERN. Well, do you think we should have full disclosure of ingredients on all packaged food?

Ms. PETERSON. I think we have to use a little reasonableness. I am so afraid of getting things so tight that you cannot adjust. I think our free market means flexibility.

But I think we have to have the important things, the predominant, the principal ingredients, for example. I think there again we have to have consumer input and the techniques as to what is reasonable and what is needed.

It is not easy. But therefore again, I applaud looking at these things from time to time. Let us not freeze into concrete positions where we find that the technology is increasing and we are moving.

But I think it can be done. We can do far more than what we have done. And that is why I said that we do want to be accurate, and we do not want to have some of the people that are not as careful—you know, we have different kinds of producers. We have got to have that ballpark area.

But I like this whole thing that we have said. There are generally good sources of a lot of the information and, for people who need the specific information, it should be there on the label.

But we have a broad education part to do, so I guess what I am saying is that it is not the total thing, but it is a matter of reasonableness in knowing that those are the areas where we need to be focusing our attention.

Senator McGOVERN. Senator Dole?

Senator DOLE. You mentioned the booklet on how to stretch your food dollars. We have had those before. Is there some new concept?

Ms. PETERSON. I am not saying, Senator, that this is an answer to the inflation thing. You cannot do that. Because technologies have changed, there are some items that we are looking at carefully, and we are having consumers talk to us of the new techniques.

But we are not saying this is an answer to inflation. We cannot do that.

But what we can do is to try to give information. When I do my shopping, people are constantly talking to me about these things. They want help and information and they need it. And it does not mean that it is an answer, but it helps.

And when one can give—that is why I like the information so well.

Unit pricing, for example, can be valuable because you can compare nutrient content by the unit much better. Unit pricing facilitates comparison shopping.

Now a lot of people need this. But it is again a matter of constantly reiterating.

But I want to make very clear that our booklet is not any great new solution. It is helping people where we are. The inflation question is so deep and so difficult that if we do not each try, in a little area, and give tools to the people who are walking the supermarket aisles—is the kind of thing that I think is terribly important. Not that it is a final answer, not at all.

Senator DOLE. Are you on our side, or on the other side on transferring the child nutrition program?

Ms. PETERSON. I want to be very, very careful. I will have to look at that carefully. I notice the question that you asked on that.

The thing that I wanted to do is develop a good policy, food policy. I think it is terribly based on consumption, and I am concerned about it—I have got to see the pros and cons.

I do not want to make a decision yet but I will—

Senator DOLE. I do not want to put you on the spot. It is us or them, again.

Ms. PETERSON. The point is: What we all want is more efficient government, and we want government that is better and will accomplish it. I am concerned that we develop a food policy based on consumption and nutrition.

Well, I am not ready to make a decision on which side I am on, on that exactly. If you do not mind, I really want to look at that very carefully before I decide.

Senator DOLE. There is a view that some of us hold that transferring all those programs might give them a big asset, in the Department of Education, that they might need.

Ms. PETERSON. I need to see administratively whether it would mean a great deal, and more efficient; whether it can cut down on some of the problems of duplicating; bureaucratic areas—I think I have to look at that very carefully.

I think there are many good arguments, and I will want to look at that very, very carefully.

If we assume that the nutrition program in the schools would be used, and if administratively it is feasible, then I think—we have got to be careful that we are flexible and we move ahead in the right areas.

Senator DOLE. I think there is general agreement that the USDA has done a good job.

Ms. PETERSON. I am very pleased with them. And I think, as I go around, this whole awareness of the school lunch program as a source of nutrition, and the kinds of things they are doing, is good in all of these areas. I do not know if we can do it any better.

Senator DOLE. We may have a parochial view, because we might lose some jurisdiction if suddenly all those programs were transferred.

Ms. PETERSON. I would not say—

Senator MCGOVERN. Ms. Peterson might lose some jurisdiction if we force her to come out against the President in reorganization.

Ms. PETERSON. The turf problem, you know, has never bothered me. I will tell you honestly what I think. And I will be happy to look into this most carefully. I would have to look at it carefully, Senator.

Senator DOLE. I do not expect you to address it, but I think it is going to be a very hot issue for some of us.

Ms. PETERSON. Well, of course, and I understand it. And I hope I can come down on the side—if you can convince me one way or the other.

Senator DOLE. The right side.

Ms. PETERSON. I hope to be independent, as I have always tried to be. And I will be on this issue as well.

Senator DOLE. Thank you very much.

Senator MCGOVERN. In the deliberations that are now going on, involving HEW and USDA development of national dietary guidelines, do you have some input on that?

Ms. PETERSON. I have not at this moment. I do think that I will have. The President has given me some enlarged responsibilities, now, in the decisionmaking process.

So I will have an opportunity to be part of that decisionmaking, which I have not yet done. But I will, and I look forward to that.

Senator MCGOVERN. When you talk about labeling meats and poultry and fish, fresh fruits and vegetables, do you think it might be practical to begin anything that we recommend in that area, on a kind of pilot basis, to see how it works?

Ms. PETERSON. I am all for that. I am all for testing. And I think, there again, I did not go into it, but I would hope that some industries that come up with innovative plans, that we would say, within this boundary. "Try this, and let us know how it works."

Yes, I think our little experience that we have had, and many supermarkets now have had, are very good. And we should encourage that. We can tell lots better what the problems are after we have tried little samples.

I am for that.

Senator MCGOVERN. Thank you very much, Ms. Peterson, for your testimony.

Our next witness is Mr. Tim Hammonds of the Food Marketing Institute.

Mr. Hammonds, I am happy to welcome you to the committee, and you can proceed in any way you see fit.

**STATEMENT OF TIM HAMMONDS, FOOD MARKETING INSTITUTE,
ACCOMPANIED BY KAREN BROWN, VICE PRESIDENT OF CONSUMER AFFAIRS**

Mr. HAMMONDS. And I have some sample labels that we have experimented with here.

We are happy to be here this morning; the Food Marketing Institute has been interested in the issue of nutrition for quite sometime, now, and our board of directors have identified this as a priority issue for us.

The MSI studies, and the Yankelovich study cited earlier were developed in conjunction with conferences that we have held jointly with Community Nutrition Institute and Family Circle magazine during the last 2 years.

Food retailers and wholesalers feel that our position in the industry has a unique feature, and that is, that since we are not producers of any specific agricultural product, we are not process specific or product specific. This gives us a great deal of flexibility in speaking on the issues.

Our consumers tell us, through our surveys, that they are confused about nutrition information in the marketplace, and they are confused about information that is printed on labels, as they currently exist.

To the end of exploring how that information flow might be improved, we have undertaken a series of research projects over the last 2 years.

What I would like to do this morning is highlight that series of research projects for you. I have a more detailed attachment to my testimony * that talks about the methodology and gives additional background on those studies.

We felt that more than expert opinion would be needed before this issue could be resolved. We feel very strongly in the right of the consumer to freedom of choice in the marketplace. But we also feel, that if that right of freedom of choice is to be preserved it must be an informed choice, and that food retailers and wholesalers have a responsibility to help provide the information to make that informed choice workable.

We also feel that the consumer must be the starting point for this. And our main concern, in looking at the information currently available, was that there was no current research which had actually gone to the consumer and explored how they were using the labels to find out directly what sort of information would be relevant and useful to them.

So with that in mind, we undertook two research projects, in January of this year, to discover what the public really wanted to know, and how that information might be made more readily understandable.

*See p. 121 for the prepared statement of Mr. Hammonds.

We learned quickly that nutrition information comes from a variety of sources, and there is no single solution that is going to accomplish the whole job. We are going to need educational programs, media programs, and label formats which are all consistent and reinforce one another.

It would be a mistake to think that any one piece would accomplish the whole task. And in particular, it would be a mistake to think that the entire educational job could be done solely on the food label.

Before broader educational programs can be effective, customers must be able to readily identify what is in the products they buy. They do not feel they can do this with current food labels. Since our research indicated that the label was the focal point of much consumer concern, we experimented with a variety of alternative formats.

To illustrate the formats, we will use a sample hot dog label. We tested many other products, but the hot dog label was selected because it is a popular product which fits the category of food that people are most interested in from a nutrition information perspective, and that is, processed main meal, main item foods.

I would like to emphasize that our research was at least as important for our findings as to what customers did not like as for our findings concerning what they did like.

Since the list of ingredients seemed to be of primary importance, we experimented with a variety of alternative presentations. In each case we gave our sample focus group participants large mockups, where we needed to go through an explanation of what they were going to see. But then they were given an actual label size mockup for comment and behavior observation, so they had some idea of what they would like on an actual product.

Here is an example of what might be a current hot dog label. We do not intend this to represent any specific current label, and we have altered the content somewhat. We tried to avoid any inadvertent comparison with an actual product.

The visual emphasis on current labels is on vitamins and minerals, a category which we found to be of very little use to consumers.

But even greater importance is that the list of ingredients, which we found to be of major interest to consumers, receives very little emphasis on the label.

Since graphic labels are currently the topic of so much discussion, we started with some sample bar graphs—

Senator MCGOVERN. Before you leave that, do you know the history of how this largely voluntary system of labeling developed, Mr. Hammonds? How did the industry move into this pattern of using mineral and vitamin breakdown?

Maybe you are not aware of the story. I am just asking for information as to how this system developed. It was not done under Government prodding; was it?

Mr. HAMMONDS. Well, I am not fully familiar with the history. I believe that was developed primarily with an eye toward eliminating diet deficiencies in this country. And for that reason, vitamins and minerals, at that time in history, were very important.

Our findings indicate now most people feel they have an adequate diet, from a vitamin and mineral standpoint, and have a good deal of faith their diet is sufficient from that point of view. They spend very

little time looking at specific minerals—perhaps a little vitamin A and C.

But I think the focus was developed primarily on diet deficiencies and vitamins and minerals.

Senator McGOVERN. Thank you.

Mr. HAMMONDS. When we looked at various ways, alternative ways of presenting ingredients, a simple bar chart was used, as well as the simple pie graph—which you also see—the same type of information in a slightly different form.

We found that typical reactions to that type of graphic label were negative. The comment we commonly heard was: “That makes it hard to see the small percentage ingredients.”

It tends to confine the minor percentage ingredients to a very small part of the graph and to make it difficult to read, and a very important observation on the part of customers in our focus group: “A label of that type would tend to make me lazy,” that is, it creates a tendency to look at the main ingredient only.

These were observations from medium to low income, and medium to low education level individuals.

We found very quickly that the level of information available in the country on diet and nutrition was considerably higher than we had hypothesized it would be at the beginning of the research.

We also found very quickly that people wanted more than a simple presentation of a list of ingredients. We had assumed at the beginning that was their primary concern, and therefore their primary interest. But we learned very quickly they were interested in more than what was on the list of ingredients.

Their problem, with information currently on labels, is that the information is poorly organized and very difficult to use. With that in mind, we broadened our scope to include nutritional information.

There is now in use a graphic label popularly called the Albert Heijn label, or Dutch label.

I might point out that Albert Heijn is a member of the FMI board of directors.

We created a hot dog label that would be as close to our translation of the Albert Heijn label as we could develop. Now in preparation for the testing of that version with the customers, we prepared an extensive explanation—which I am not going to have time to repeat here. But put very simply, this graphic represents the nutritional content or density of products by depicting relationships between nutrients and calories.

The top half contains a wedge representing nutrient contents, with the bottom half wedge representing total calories. The idea is to present a rapid visual means of determining whether a product is heavy on nutrients or heavy on calories.

We found that while that label may work well in the Netherlands, and there is a variety of reasons why it may work better there than it would in the United States, and is the subject of much discussion over here, it was a disaster in our focus group.

This was a major surprise to us because we had hypothesized this would be well received going into the research.

The typical reaction was: “My God, it looks like a test.” Other initial reactions indicated that there was no obvious entry point, the

format was too complex, and it was too difficult to know where to start—

Senator MCGOVERN. On that point, do you think it is possible that the reason people reacted as unfavorably as they did was not because of the error in using the nutrient density concept, but because the graph itself is not well done?

Mr. HAMMONDS. That is certainly a part of it. It tends to be confusing, as is the current label system.

Senator MCGOVERN. I am trying to figure out myself what that chart means.

Ms. BROWN. If you had four of these circles filled, you would have all your vitamin A requirement for the day. So what you do is add up all these pieces, and figure out how much of a percentage you have.

If you want to go to the store and see if you had a balanced diet, based on having a percentage requirement for all your vitamins, you would have to literally gather all the products and try to match them up.

Senator MCGOVERN. It seems to me that the trouble is not the concept of nutrient density, but the fact that the artist was no very imaginative, and the designer was not very imaginative.

Mr. HAMMONDS. We did get some comment on the nutritional density, on the nutrient content half of the circle, the wedge on the top part.

The consumers were very concerned that the method for calculating that might not reflect their own lifestyles, with their own budget and their own family tastes. And they were worried, for example, that a single standard which reduced nutrient information to a single graph of that sort, might lead them to a situation where you face the dilemma of a nutrient standard on a product that might not fit the family who is heavily engaged in manual labor, and at the same time, the family who was engaged primarily in office work.

So they recognized a need for different nutritional content of the diet for different lifestyles. That is a problem which did come out.

As a further exploration of the graphics, we designed a system, through our research group, which seemed to incorporate many of the comments we were hearing. We have gone back to the bar graph on this one, to try to be a little bit more imaginative on how the information was depicted—and added information on suggested upper limits for sugar, salt, and saturated fats.

Now at this point in the research, we did not spend any time looking at the technical feasibility of establishing those upper limits. We were merely sampling consumer opinion to see if a move in that direction would be useful to them.

We found that people did not relate well to this label either. One problem was the tendency to translate the recommended daily amounts as upper limits. On other products, where the bar on protein, for example, in that product, came close to the recommended daily amount, people tended to be of the opinion that they should not eat other high protein products during the day, they had difficulty making the transition between the recommended daily amount and an upper limit.

Beyond that, there was a fundamental concern which came out with this label, that is, a fundamental mistrust of specific recommendations by experts who advocate actual product choice decisions or trade offs

instead of leaving these to the public. It is one thing to present a variety of recommendations from independent sources subject to public judgment, and quite another to institutionalize one particular set of judgments on the label.

That was their specific objection to the three bars at the bottom of this format. It was through this line of reasoning that the basic problem with graphics finally came out.

Our consumer groups felt that graphics tend to editorialize. That is, by their nature, the design tends to predispose some products to look good and others to look bad. This is particularly significant since different consumers in our focus groups clearly used different judgment criteria in their own product decisions.

Senator MCGOVERN. Is it your conclusion that this tendency of the graphics to editorialize, that that is indeed a fact? Are there other surveys to support your findings? And do you personally believe this is inherent in the use of graphics, that they would tend to editorialize rather than providing objective information?

Mr. HAMMONDS. We think, to the best of our ability to test this, to cross-check the information with national projectable samples through the Yankelovich organization, that is a reasonable presumption at this point in time.

There are two specific problems people had with that. One is, they are worried that oversimplification could lead you into a system where selective fortification of foods would make almost any product look good. There is a danger in reducing information to oversimplification.

Second, there was a great fear of institutionalizing a set of judgments, such as we have on the lower part of this sample format—on the label. What our people in the focus group were clearly telling us was that they need to make their own trade offs within their own budgets. And the lower income consumers were particularly sensitive about this.

So I think it is a reasonable hypothesis at this point in time.

Now, not being quite ready to give up with systems which simplify, we tried a currently available nongraphic indicator. Dr. Michael Jacobson's nutritional scoreboard.

This again was a label needing a good deal of explanation, and here is just a few sample pieces we put together. One piece was taken from Dr. Jacobson's writings, his particular scoreboard—you will see the variety of products each receiving a numerical ranking.

We also put together a sample advertisement to indicate how the information might be used, so the consumer had a feel for how this might be presented. And then the label itself, we found, again, although this may work well for some consumers, it was very, very poorly received in our focus groups. This was primarily for the same reason that the other simplified indicators was poorly received and, that is, they do tend to editorialize.

There was great concern over whether or not such a system would reflect their own lifestyles. Comments such as: "We would all have to be reeducated." and "We can make our decisions for ourselves."

We learned that people were not looking for oversimplification. They do recognize the complexity of nutrition issues and the trade offs versus their own budgets and lifestyles.

We also learned that better organization of the information currently available would be favorably received by consumers.

And we learned that the approach most favored seems to be the presentation of basic information leaving actual product choice decisions to the individual.

It is easy to see why better organization is important to people. We have been dealing with a reasonably simple product in our illustrations, but consider another product we also tested, frozen waffles. You will notice how long and how confusing this list is. People ask how the information may be sorted into meaningful categories.

When we explored basic information needs more thoroughly, we found three basic categories which appear to be generally useful to people.

First, a list of characterizing ingredients which our focus group panels felt should include percentages by weight. Esther Peterson called it the predominant or principal ingredients in her testimony.

Second, a list of additives and artificial flavoring or coloring agents. The presence or absence of these agents seemed to be sufficient for those concerned with this category. Percentages were not found to be a useful supplement.

And third, a list of nutrient facts which seem to be most usefully presented in grams.

In addition, we found that people preferred the total list of ingredients to be as complete as possible. One woman gave the example of corn syrup. She was allergic to this particular ingredient, and her doctor had told her not to buy any product which merely listed "other sweeteners" without spelling out what these were.

Observing how people tend to use labels and how they think about nutritional information led our Kelly Nason researchers to evolve the format which I call the organized label.

As you can see, it is easy to use and proceeds in a logical order. Major ingredients are listed by percentage content and minor ingredients are named, even though not listed by percentage. Additives, coloring agents, and flavoring agents are highlighted separately.

Highlighting those items of most interest to our population sample: Calories, protein, carbohydrates, fat, total sweeteners, and cholesterol—this label was well received by every focus group, regardless of the order in which it was presented.

I feel I should add at this point that we are not proposing this as a final solution, there are a variety of other formats which may prove to be as useful or more useful.

In exploring the vitamins and minerals component of the label, it would appear from our research that these would be best treated separately at some other position. Although people seem to like the idea that this information is available, it is currently of less importance than the information already highlighted.

As you can see, vitamins and minerals appear as they do in current label formats, except that protein has been moved to the nutritional information part of the organized format. This was done because including it with vitamins and minerals tended to lead people to think that vitamin A or B was equally as important as protein.

This is the organized label format, which evolved from stated consumer preferences and observed consumer behavior. It has not been

tested for technical or economic feasibility. We feel it is a solid beginning to discussion, but not a final solution or the end of debate.

It is well received, but we clearly need further research and discussion as to where we are going from here.

Other formats may prove even more useful. If any new programs are to be developed, they must—and I underscore must—be developed with the full cooperation of consumers and the entire food industry. Those who are closest to the consumers and who best understand their needs and concerns are an essential part of this process.

Therefore, we would encourage you, Mr. Chairman, to seek input from industry and consumers as you develop ideas in this program area.

We feel our key findings we have to offer are: People do not need a radically different or exotic graphic format; any new system must leave room for what people in our focus group call the fun foods, because one of our greatest consumer concerns was that any new labeling system would force popular products off the marketplace or price them out of reach.

People are concerned about making their own decisions, based on the type of information presented. They want facts.

Senator MCGOVERN. On that question, Mr. Hammonds, that forcing the so-called fun foods off the market, if you are careful to preserve the principle of choice, simply give the customer, you know, all reasonable information, why would that force any food off the market?

Mr. HAMMONDS. That approach would not necessarily force any food off the market. What our groups were telling us, especially the low-income focus groups, was a fear that in the process of rethinking labeling or nutrition information, someone might decide what a list of "bad products" would be, and require them to be removed from the marketplace, or that any new system might be so complex and so difficult to comply with that the cost would force some products off the marketplace.

They seemed very comfortable with the idea of their own ability to make choices, given relevant information, and would not be concerned this alone would drive products from the marketplace which they wanted to see survive.

Senator MCGOVERN. I think I speak for everybody on the committee, we certainly want to preserve, in any kind of guidelines that are laid down, the consumer's freedom of choice. If our responsibility extends to providing accurate information, effective labeling, it certainly does not extend to the point of telling people what they can choose off the shelves, and what foods can go on the shelves.

That is really the function of the Food and Drug Administration, not the direct acts of Congress.

Mr. HAMMONDS. Well, that has been a fundamental belief of ours, going into the research. We are pleased to see consumers themselves reinforcing that.

A few more points, very quickly: We need coordination of programs currently underway—I understand there are now more than 30 Federal entities with nutrition education information responsibilities.

We do need experimentation with different ways of presenting nutrition information and labeling in the marketplace. Both Ellen Haas and Esther Peterson spoke to this. Right now, companies are restricted

in this area, because of regulations already in place. Perhaps there should be a controlled moratorium for a period of time on nutritional labeling and information regulations to provide for such marketplace experimentation.

We need to insure that major nutrition education and information programs, aimed at the public, be pilot tested for effectiveness.

Senator MCGOVERN. I think that is an important recommendation, and I noticed that Esther Peterson readily endorsed that concept to proceed with pilot programs before we attempt to go into an all-out effort.

Mr. HAMMONDS. Our final point was on information overload, and the need to exercise care in making public statements about various projects. But I feel your opening remarks addressed that point very well, so I am not concerned about that in detail.

Thank you.

Senator MCGOVERN. On this point you make in your prepared statement, Mr. Hammonds, that we need to insure that labeling does not become a divisive issue among food industry segments. I fully agree with that, and I thought that Ms. Peterson underscored that very well, too, that we are not trying to trigger a war here. We are trying to set in motion the kind of hearings and investigation that can bring the various interests together on a program that is reasonable and practical, and one that I think will serve the interests of every aspect of the food industry.

Just one additional question that I have not raised as you have gone through your testimony: Is there any reason not to assume that the various segments of the food production industry will help us in our hearings, and help us develop concepts for a labeling system that meets the criteria that you have cited, namely that it be a practical and economically feasible system?

Mr. HAMMONDS. Our feeling is, and our feedback from other groups is, that the food industry is very anxious to play a role in this process. Their concern is that whatever is developed be developed with their cooperation.

So I have every reason to expect the industry to be cooperative in that process.

Senator MCGOVERN. I want to assure you and your associates that the desire of this committee is that we work with all aspects of the industry and legitimate groups that have an interest in this field.

We do appreciate your appearing here this morning.

Our final witness today is Peg McConnell of the Society for Nutrition Education.

Ms. McConnell, we are happy to welcome you as our final witness at the hearing today. You can proceed in any way you wish.

STATEMENT OF PEG MCCONNELL, SOCIETY FOR NUTRITION EDUCATION

Ms. MCCONNELL. I would like to say that we are delighted that the subcommittee is holding hearings on this very complex issue, and we look forward to the same indepth study of the issue as the Senate Select Committee has done in the past.

Helen Ullrich regrets that she was unable to be here today, but as a nonprofit organization that is funded primarily through membership dues, the Society for Nutrition Education is unable to cover expenses for members to testify at hearings. If these hearings, as well as other Government agency hearings, are to be truly representative of our diverse population, including geography, income, age, sex, and race, Congress is going to have to realize that community groups and individual citizens will need financial assistance that covers their expenses to participate.

I am speaking, therefore, on behalf of Helen Ullrich. Neither Helen's written testimony* nor my comments represent the positions of the Society for Nutrition Education. Both of our statements represent our individual views.

Again, as the previous speakers have testified, consumers are confused. They feel that their information is fragmented and that often times it is contradictory. It is difficult for them to make judgments that will help them make decisions that will benefit their health.

Since the other speakers have focused on nutrition information, I would like to target this testimony mainly at media and the role media plays.

Nutrition information available via the mass media has contributed to this situation of confusion. The bulk of information about food is provided through advertising in the media. Studies have shown that the highest portion of advertising on TV provides, for the most part, a nutrition message which promotes unhealthy, one-sided diets predominantly high in sugar, fats, and salt.

Last year, Judith Brown of the University of Minnesota reported a study by her graduate students which analyzed the food advertising aimed at children and adults during different times of the day. They assigned a plus 1, zero, or minus 1 score for the nutritional quality of the food advertised. It is interesting to note that the nutrition score got better as the day went on. The Saturday morning children's programs from 9 a.m. to 12 noon had a mean nutrition score of minus 22.3. The ads on the 11 a.m. to 2 p.m. time slot predominantly aimed at homemakers had a score of minus 1.7, while the adult 9 p.m. to midnight programing contained ads averaging a plus 2.0 score. They also found that advertisements for food products comprised 44 percent of the total commercials. People are getting quite a good deal of food information through television. Because the commercial advertisements do not provide a full spectrum of information for making informed food choices, public service announcements (PSA's) have been considered to be the major vehicle for disseminating a positive nutrition message.

SNE has recently reviewed the availability of such messages and tried to assess their use. While the study does not presume to be all inclusive, it does give an overview of the state of the art.

We estimate that possibly 200 PSA TV messages have been prepared in the United States over the last 5 years. Of these, less than 50 percent have had any kind of national distribution. This may seem like quite a few messages, but Judith Brown's students recorded approximately the same number of food product commercials, 200, in a 3-hour span in 1 day. The number of PSA's available is in no way competitive with commercial advertising.

*See p. 66 for the prepared statement of Helen Ullrich.

When we look at the PSA's, I think we need to look at the type of PSA's' that are available. And again, as the testimony has pointed out, there are several categories of messages. One is the multifaceted intervention campaign, and the Stanford heart disease program is probably the best well known of this kind.

Another is a single concept, "creating an awareness" concept—trying to get people to be alerted to a booklet, or a pamphlet that they can write to.

A third is the promotion of a particular nutrient that might tell people about why vitamin C is important and what food they can find it in.

A fourth is helping people in the selection of certain foods for certain meals, giving them ideas for foods that they can use for snacks.

A fifth might be the promotion of certain eating patterns, such as what should you eat for breakfast, what should you eat for lunch.

Another category is a general message about selecting foods from the basic four, eat a variety of foods to stay healthy.

And then the last category that has been done is taking specific issues, such as those featured on "food day," and developing nutrition awareness campaigns around specific issues.

Senator McGOVERN. Ms. McConnell, you make the point that there is an enormous volume of commercial advertising of food that overwhelms the public service announcements. However, is it not a fact that sometime ago, when the public service announcements started to appear warning about the health hazards of tobacco, that while they did not begin to match the volume of commercial advertising of cigarettes, nevertheless they did have enough of an impact so that the tobacco industry came in with an offer to stop advertising cigarettes on television in order to get the public service announcements off the air?

Ms. McCONNELL. OK. I agree that the campaign specifically targeted at cigarette smoking has in fact been seen as some success.

I am not clear that it was strictly public service announcements, period. It seemed to me that there was an additional strategy. And I must admit, I would have to get back to you to give you specifics of it. But I thought there was some strategy that for every time a cigarette ad was aired, there had to be equal time for a nonsmoking campaign ad.

And I do not think we have that kind of setup for food.

Senator McGOVERN. That kind of parity.

Ms. McCONNELL. Right.

Senator McGOVERN. I have forgotten exactly how it was done, but I remember it was a very effective antidote to the point where the industry was ready to move voluntarily, after the competition from the public service announcements became as intense.

Ms. McCONNELL. I could try and get some additional information. Our studies are showing that, first of all, few ads are made. And in addition, even though they are made, they do not get on the air.

And when they do get on the air, oftentimes it is from midnight to 6 in the morning. There is just a whole series of problems.

Senator McGOVERN. Do you think that better use of public service announcements would be a helpful prod to the industry to improve its own advertising of foods, with an idea to better nutritional information?

Maybe I should put the question in a more positive way.

Can the industry be persuaded, voluntarily, to do a more responsive job, through the media, including sound nutritional information in advertising, on television, and through the media as a whole?

Ms. McCONNELL. OK. You have asked me two questions here.

Senator McGOVERN. That is right.

Ms. McCONNELL. I would like to first start out with the public service announcement question.

I think that if there were—that public service announcements could be one way to begin to provide good solid information to consumers, that will help make decisions in the marketplace, and find foods that will promote their health and well-being.

In doing that, though, what we have to do is study how we can get the resources necessary to do quality messages. How can we get those messages focused?

And there is the timing or airing, and we have to look at what is going to be needed to be done, to be sure that they are viewed at an important time when consumers are watching television.

Senator McGOVERN. Do you know whether your group, the Society for Nutrition Education, or any other comparable group, has ever met with the radio and television producers to discuss this problem with them, and what they could do as a public service?

Ms. McCONNELL. I currently am working with a broadcast network up in Boston. And in fact, they were going to help us produce two 30 second spots that will be done in conjunction with the nutrition community and local community groups, which is one way to begin to work on this.

We have discussed the problem: Can we do a marketing package? Is there some way that we can begin to strategize, when we put these spots on?

And at this point in time, they are looking into it. I think that they basically thought I was raising some very important issues, but they also pointed out that there were a lot of difficulties, especially when you work with a local network station, as opposed to the national network. So I think there are some things.

Here's what I prefer to say to you, I would like your committee to really study this in more depth, and to look at what is being done in the local areas, and what are some of the constraints and barriers.

I will be happy to keep you informed about how our local project progresses.

Senator McGOVERN. Do you think this committee should spend some considerable part of these hearings looking at the question of media and how it can serve the function of providing nutrition information?

Ms. McCONNELL. In closing, I wish to focus on two issues that I feel also must be addressed. The first is assessing the effect television has on the health and well-being of our population. This is a medium that is watched more, listened to more, attended more than any other medium in the history of our population. Airways are limited and must be licensed. They have a role to serve the public interest. Therefore, we must ask several questions. Specifically, "What is television saying about food, eating, and other health issues? Do television characters portray people behaving in a responsible way? What are the implicit messages on TV serials, game shows, advertising, and so on? Overall,

are the messages positive, neutral, or negative to health promotion and the well-being of our Nation. Can real people with real problems get meaningful information that will assist them in making decisions that ultimately affect their health?

The second issue is the need to evaluate the variety of options that are available to provide consumers information and nutrition education. Before one approach is taken blindly, it is important that current projects are evaluated and other demonstration projects are developed and assessed as to their effectiveness. To this end, the consumer for whom the information is directed must be actively involved in every step of the process, including the design, implementation, monitoring, and evaluation of the program. For these consumers to participate fully they must be reimbursed for their services. If there is to be a balance of power, all parties must have equal ability to function in the process.

In terms of the industry and how we can work with the industry, I think it raises another very important question. I am not ready to give a quick answer and say: "Let us have more nutrition information in our advertising."

I think we need to look at, when one is promoting and encouraging somebody to buy something, can you get a true piece of education and information across, when the major goal is to sell a product? And I do not know.

But we need to look at that. We may be mixing and confusing the consumer more by having the major role being to promote a product, and then tying on this nutrition information.

How does the consumer sort out that piece of information? Especially, in addition to the fact that, as your dietary goal statements have already pointed out, overweight is a major problem of our country. And I think that one of the goals of the product promotion is to encourage people to buy a product.

What do we do with a consumer who maybe needs to cut back on the products they buy, just from the problem of their health and the problem of their overweight?

So again, those particular statements that I am presenting constitute an area for indepth study. I do not think it is a simple issue.

In terms of the rest of my testimony, I have hit on some of the problems with PSA's although I would be saying, in terms of the rest of the media, we need to look at the options and variety of ways we can reach people.

I think that newspapers, news programs on television, radio programs are all ways. And it is a matter that we need to do more study on.

Senator MCGOVERN. Do you have any proposals as to how the Government should go about reviewing its own resources for the dissemination of nutrition information? In other words, what its objectives are, and how to measure the effectiveness of the nutrition information efforts.

Ms. McCONNELL. Well, I think one of my major concerns on evaluating the effectiveness of our programs, both government and local nutrition efforts, is that I feel that too often we have directed our information to the consumer, but we have not involved the consumer—for whom the information is really provided—in the actual design, development, monitoring, and evaluation of the program.

So if we are really going to evaluate what we are doing, and develop effective ways to involve the consumer—and what Tim Hammonds was saying today—we come up with these solutions, and they never go back to the consumer and work with them, and say: “Is this the best way?”

And you had asked him where the emphasis came for vitamins and minerals. As a personal opinion, I think in many cases it came from me, as a nutritionist. I feel very comfortable in talking about vitamins and minerals. And so if you asked me what to put on a label, I might initially say, “People need to know the vitamins and minerals that they get in a well-balanced diet.”

But, that is a nutritionist talking, not a consumer with a very busy schedule, with three children, and with limited resources, trying to say what is going to be most useful.

So I think what the Government needs to do right now, in terms of their program, is develop an effective way to have consumers help design and develop these programs. And this is more than questionnaires and focus groups. This means funding some coordinated efforts, with both consumers and nutritionists, and other resources that are involved.

Senator McGOVERN. Fine.

Well, thank you very much, Ms. McConnell. We appreciate your testimony.

Tomorrow the committee will meet again at 9 o'clock, and we will hear Carol Tucker Foreman, the Assistant Secretary for Food and Consumers Services of the USDA; Don Kennedy, Commissioner, Food and Drug Administration; and Al Kramer, Director, Bureau of Consumer Protection, the Federal Trade Commission.

Congressman Fred Richmond, who was supposed to have testified today, but was unable to be in Washington today, will be on the witness list tomorrow.

And that completes our hearing for this morning.

[Whereupon, at 11:06 a.m., the subcommittee recessed, to reconvene at 9 a.m., Thursday, August 10, 1978, in room 324, Russell Senate Office Building.]

NUTRITION LABELING AND INFORMATION

THURSDAY, AUGUST 10, 1978

U.S. SENATE,
SUBCOMMITTEE ON NUTRITION OF THE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9 a.m., in room 324, Russell Senate Office Building, Hon. George McGovern (chairman of the subcommittee) presiding.

Present: Senators McGovern and Melcher.

STATEMENT OF HON. GEORGE MCGOVERN, A U.S. SENATOR FROM SOUTH DAKOTA

Senator MCGOVERN. The subcommittee will be in order.

Today the Nutrition Subcommittee continues its initial investigation into the topic of nutrition labeling and information. Yesterday's witnesses provided the subcommittee with several different perspectives. Some of the highlights were:

No. 1, the critical and complex role of the media in conveying nutrition information—both with respect to programing and advertising.

No. 2, the necessity of developing a consistent labeling system for all foods.

No. 3, the potential for providing nutrition information in restaurants, particularly fast-food chains.

No. 4, the importance of balancing the value of a meaningful and relevant nutrition label against what is practical and economically feasible.

No. 5, the need for experimentation with different ways of presenting nutrition information in the marketplace.

I believe that a vital matter for all concerned parties is what cost, if any, is incurred by supplying the nutrition information.

I was encouraged by Esther Peterson's testimony yesterday that one of the best anti-inflation fighters we have is information. This suggests that the cost, if any, of furnishing nutrition information could be offset by the savings which can result from more informed food-purchasing decisions.

I also want to emphasize that we must protect both the right to know what is in our food, and the right to choose what food we want to eat.

Before welcoming this morning's witnesses, I have the following observations to make:

It appears from all I have heard and read to date that the present labeling system is not useful or appropriate. Therefore, we must determine what nutrition information the public wants and needs, and how best to convey that information.

In proceeding, it is crucial that we weigh all factors to insure that the nutrition information system is credible, helpful, and feasible.

This morning, the leadoff witness is my counterpart in the House of Representatives, Congressman Fred Richmond, who is chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and I think is well known in the nutrition community. He has been the leader in the House on strengthening our nutrition program, the child feeding programs, the food stamp program, and the whole range of nutrition efforts.

So we are very pleased and proud to welcome you to the committee, Congressman Richmond. You may proceed in any way you see fit.

**STATEMENT OF HON. FRED RICHMOND, A REPRESENTATIVE IN
CONGRESS FROM THE 14TH DISTRICT OF NEW YORK**

Mr. RICHMOND. Thank you, Senator McGovern. Rather than read my prepared statement, I would like to offer it for the record.*

Senator MCGOVERN. The statement will be made a part of the record.

Mr. RICHMOND. Thank you very much.

I would like to thank you for inviting me here, and I would also like to thank you and your staff for the fine education you have given me in nutrition. After all, I am a newcomer compared to what you and your Select Committee on Nutrition have done. I think you have paved the way for many of us who are interested in nutrition to make some real progress.

I think the American public is becoming more conscious of the fact that you are what you eat, and that good nutrition policies can possibly save the average person an enormous amount of money, not only in his marketbasket, but in his medical bills.

I believe that based on good nutrition, careful shopping, a return to healthy values, the average consumer could probably save between 25 and 30 percent on the cost of his marketbasket. At the same time he could afford better food, certainly more palatable food, and help restore the family tradition of dinner together at home, which you and I remember was part of our own family life. Unfortunately in recent years the fast-food market has affected our lifestyle to the point that many parents would either give their children a few dollars and tell them to go to MacDonald's rather than prepare dinner at home.

I would like to encourage people to buy more fresh foods in season, less processed foods, less manufactured foods, and actually do a little more cooking again. Cooking can be enjoyable, as well as educational, and certainly it does serve to strengthen the family unit. As a child, I remember the greatest training I got for life was around the dinner table.

I think we all know the story about the Kennedys. The Kennedys insisted that the entire family be at the dinner table every single night, and Joe Kennedy would decide on the subject of the conversation that

*See p. 68 for the prepared statement of Congressman Richmond.

evening and that was the subject they discussed. The evening meal at home played a major role in the Kennedy family.

I think that by returning to good eating habits, good nutrition, and by going back to using fresh foods in season and actually cooking, family life would be improved.

When it comes to labeling, we have Dr. Kennedy here, I know, and in spite of our frequent collisions with him—

Dr. KENNEDY. I am hiding.

Mr. RICHMOND [continuing]. I believe he is sensitive, I believe he cares, I believe he, too, wants to improve the health of the Nation, and also improve the labeling of packaged food products.

I have five suggestions which I am sure you are quite familiar with. First of all, I think we ought to include nutrition information on the label of all packaged foods.

We ought to list specific ingredients of all packaged foods, including any added colorings or flavorings.

We should list all ingredients by percentage of total volume on our labels and we should have an indication of the fat, cholesterol, sugar, and salt content.

I had a meeting with Dr. Kennedy last week and he too finally agreed that cholesterol should be prominently exhibited on the label. He now agrees that people should know how much cholesterol there is in any food product they buy.

And, also, I think we should use graphic labeling. Esther Peterson discussed that at great length yesterday. Isn't it a shame that we who think of ourselves as the first country in the world should be so far behind on things such as health, labeling, and nutrition.

I have enjoyed working with you. My subcommittee enjoys working with you. You have taught us a great deal. Your staff has been most helpful, and I just applaud everything you do and I am delighted to follow in your footsteps.

Thank you very much.

Senator MCGOVERN. You are very good for the morale this early in the morning, Congressman. We should have you over here more often to help us get the day started.

Mr. RICHMOND. I am available.

Senator MCGOVERN. From your experience, Congressman Richmond, and I know you have had a wealth of experience in the business world, do you think that the concern about nutrition has reached the point in this country where food companies could actually use, in the best sense of the word, nutrition to market their products? In other words, it is getting to the point where it is even good business to give the consumers food that is well labeled, that is nutritious, and is of the best quality that we can supply? Do you think more and more people are concerned about that, to the point where it is a selling factor?

Mr. RICHMOND. Senator, I think that for a long time the food industry was less than enthusiastic about consumer demands for full disclosure of product information on food labels. Regulations which call for mandatory open dating of perishable products, as well as listing of percentages of ingredients—which I have also proposed in my testimony—pose problems in terms of shelf stocking and recipe disclosure to food processors. However, I do think that the food industry is now realizing that it must respond to current attitudes which favor con-

sumer rights. I think they are realizing that through better dissemination of nutrient and product information, they will be able to meet their own self-business interests while also meeting their responsibilities to consumers. As long as there is industry participation in discussion meetings with consumer groups and Government agencies, I think that industry will be responsive to providing better nutritional labeling on packaged foods.

Senator McGOVERN. I know you have held some hearings recently on RDA's. Was there any support for continuing to use the USDA's on food labels and, if so, what are the reasons?

Mr. RICHMOND. While chairing hearings on the adequacy and usefulness of recommended dietary allowances, I heard overwhelming agreement among the scientists, consumer representatives, Government officials, and educators that consumers are not able to translate USDA into useful dietary information. Furthermore, our subcommittee has been conducting an intensive survey of the role of the Federal Government in providing nutrition education. During the course of our hearings, my colleagues and I have been told repeatedly by the public that they are simply unable to make use of nutrition labels as they are currently constituted by the Food and Drug Administration.

It is obvious that labels on canned commodities and processed foods need to be improved. In the meantime, however, I would like to see graphic labeling used in supermarkets—particularly with respect to fresh fruits and vegetables—because pictorial representation of nutrition information is one technique we need to begin exploring. I think these have great potential for helping consumers make better decisions in the marketplace about the foods they wish to purchase.

Senator McGOVERN. Thank you very much, Congressman Richmond. We appreciate your testimony and your full statement will be made a part of the record.

We look forward to working with you as these hearings proceed.

Mr. RICHMOND. Thank you, Senator McGovern.

Senator McGOVERN. I think I will ask all of our witnesses who are here now to come to the table: Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services, USDA; Dr. Don Kennedy, Commissioner, Food and Drug Administration; Mr. Al Kramer, Director of the Bureau of Consumer Protection, Federal Trade Commission.

Dr. Kennedy, I think we will begin with you and then follow it up with Ms. Foreman and Mr. Kramer.

We want to welcome you to the committee again, Dr. Kennedy. We know the great interest you have in this field and in protecting the public's health and well-being, so we are pleased that you have taken the time to testify this morning.

STATEMENT OF HON. DONALD KENNEDY, COMMISSIONER, FOOD AND DRUG ADMINISTRATION

Dr. KENNEDY. It is nice to see you again, Senator McGovern, with my long pants on. I am grateful for the chance to appear before the subcommittee today and discuss the joint efforts that the Food and Drug Administration, the Department of Agriculture, and the Federal

Trade Commission have underway to assess the public's desires, their needs, their capacities to understand and their policy wishes with regard to food labeling. Obviously your invitation to appear here is one that arrives at an auspicious time. We welcome all of the attention that can be focused on the subject of food labeling and on the hearings and we hope today's discussions will generate additional consumer interest in participating in them.

We see the food labeling hearings as the key component in a new effort to improve food package information. Other elements include a review of our existing regulations and consumer surveys and studies.

Before discussing the entire effort, I think I might begin by just reviewing briefly the history and status of food labeling.

As you know, the principal Federal food labeling laws are administered by the Department of Agriculture, which is responsible for meat and poultry products, and FDA, which is responsible for other foods. The laws under which both agencies operate were originally passed in 1906. Through the years some revisions have been made, but I think it is fair to say food labeling has remained fairly static in concept over about the last 40 years, a time during which really profound changes have taken place in food technology, as well as in consumer attitudes. As a result of trying to respond with a fixed statutory base to these changes in consumer wishes and in technology, we have generated a rather complex set of food labeling regulations. It is not, as some have said, a nonpolicy, but its directions are, admittedly very difficult to discern, and we agree with much of the contemporary congressional concerns about the shortcomings of current food laws and regulations.

Later this month, the three agencies are going to hold the first in a series of five public hearings on food labeling. These hearings have been scheduled in different cities throughout the United States. We have undertaken an extensive campaign to encourage consumer participation in them and to acquaint the public with the particular issues we are going to cover. This includes the issuance of national and local press releases; public service announcements; letters of invitation with background material, predominantly a Federal Register document on which we worked very hard and which we all believe is a model of clarity in setting out the issues; letters of invitation to thousands of consumers throughout the country; plus specific mailings to individuals in the hearing areas. FDA's Consumer Affairs Officers and USDA Extension Service people are working together at the hearing sites to encourage consumer participation, and we have had tremendous help from other parts of Government with primary concern for community action programs, and, of course, we have had the help and active support of Esther Peterson, the Special Assistant to the President for Consumer Affairs.

We are also interested in obtaining as part of the same effort some views from the community of academic nutrition, and with the help of the American Institute of Nutrition—AIN—we have informed about 1,600 nutritional scientists around the country about the hearings and asked them to present their own views.

I am going to submit for the record, with your permission, Mr. Chairman, copies of the Federal Register announcement and all of these prehearing materials so you and your colleagues can get a look at the way we are trying to set up this enterprise.

Senator MCGOVERN. Without objection, those materials will be made a part of the hearing record.*

Dr. KENNEDY. Mr. Chairman, let me just try to discuss in a much briefer way than my written testimony, the seven rather broad food labeling topics that we are going to cover during these public hearings, and which have been laid out in a preliminary way in the Federal Register notice we published in preparation for the hearings.

The first of these topics is ingredient labeling. We have asked for comments on order of predominance in which ingredients are listed and whether or not quantitative ingredient listing should be employed. We heard a little bit about that a moment ago from Congressman Richmond. The public has been asked if percentage of ingredient should be a part of the product name, how specific ingredient names should be, and whether labels should be flagged in some way when formulation changes have occurred in a familiar food product.

A second topic will be nutrition labeling and other dietary information. We have asked consumers to comment on the usefulness of nutrition labeling and to suggest ways in which nutrition labeling could be improved, including views on the kinds, use, and effectiveness of graphics.

We frequently hear admiration expressed for the Dutch graphic system. I generally tend to agree with that, but it was arrived at as a result of a single corporate decision. It is clever, but it is not clear that it is the best possible solution, and I think substantially more efforts at testing and evaluating ought to go into the matter before we decide that a particular format has more going for it than any other possible formula.

The other dietary labeling on which we are going to seek consumer input relates to whether there is a value in listing amounts of calories, sugar, sodium, fiber, and cholesterol. I think most of us agree that there is a value in declaring percentages of sugar as part of the names of food, for example.

A third topic of discussion for these hearings is open date labeling. We want to learn from consumers which types of foods they think require open dating and whether an explanation of the date should be included. Some surveys indicate substantial confusion among consumers, even in areas where dating has been required for some time, about what a particular date means. We want to ask what the most meaningful type of open date labeling is; whether it should be pack date, pull date, quality assurance date, or expiration date; whether storage and handling instructions should be included; where consumers agree open dating information should appear on the label, how it should be declared, and so on.

Another topic that should provoke comment, we think, since every time it is raised or every time I raise it it certainly provokes comment, is the subject of imitation and substitute foods. As you know, current regulations require a food that resembles another to be called "imitation" if it is nutritionally inferior to the food it imitates. However, if a substitute food is nutritionally equivalent to an existing product or is made so by a manufacturer by fortification, the marketer may give it a different name rather than calling it "imitation." He cannot call

*See pp. 74-107 for the material submitted by Dr. Kennedy.

it by the same name as the imitated food, but can call it by a fanciful name, followed by an established descriptive name, and he need not apply the term "imitation." That is a regulation we have had in place for some time. It is based on a reasonable hypothesis. Imitation bacon, for example, doesn't tell you a lot about what you are about to eat. It does specify one thing and that is that what you are about to eat is not bacon, but it doesn't tell you anything very affirmative about what it is. However, there are strong views on the part of consumers about imitation labeling, as I know, to my sorrow, and we think that they ought to have a chance to express those views and that we ought to then try to distill out what they think about it.

We have also invited consumers to let us know their views on the topic of food fortification; what they think the reasons are for adding vitamins and minerals to foods, other than to correct real or suspected nutrient deficiencies; what criteria ought to be used in determining whether foods should be fortified; the advisability of prohibiting fortification of certain foods; whether there should be standards for regulating fortification or limits on fortification; and what are the values of standards of identity in regulating fortification and how should the standards be used for that purpose.

Still another topic on which we are requesting input is the total food label. I think one of the reasons why we have gotten into our well-advertised difficulties in food labeling, Mr. Chairman, is that we try to do valuable things one at a time. Each sounds splendid at the moment, but eventually those requirements do pyramid and many consumers are telling us that they are now having a hard time with the amount of information that is on the label. Have we lost sight of the overall design. What the consumers will tell us ought to be the parameters in the total label design. We have asked consumers to tell us what they believe to be the degree of importance of the various bits of information that are now included on food packages; if there are improved methods of labeling format or arrangements that would be helpful to them; if certain ingredients should be designated on labels by symbolic markings.

The final topic we are going to cover deals with the use of "safe and suitable" ingredients, a concept that is almost as controversial as "imitation" foods. We now permit the use of alternative "safe and suitable" ingredients in standardized food if they do not change the food's character or nutritional value. This policy was devised to allow flexibility for the manufacturer to use different ingredients because of seasonal changes and to take advantage of new technological advances. Many consumers now appear to be telling us that we have weighted the balance a little in favor of innovation and very little in favor of guarantees, real and perceived guarantees, that consumer expectations will always be met and met precisely in the marketplace. To resolve this issue we have asked consumers for their views on food standards, what alternatives might be useful, if standards of identity are needed for certain foods and why, whether standards of identity are actually necessary if more ingredient information is given, and whether the "safe and suitable" policy should be changed.

There has been some criticism of both the "safe and suitable" ingredient policy and the "imitation" food policy in the Congress and some concern has been expressed about how these policies are going to

be handled in the public hearings. It has been argued, for example, that the legal basis for our actions is already questionable and we should hold in abeyance all proposals until the hearings end. My view has been, Mr. Chairman, that we want to leave every major issue open for discussion and not foreclose it by taking regulatory action in the interim, and we have stayed 18 or so regulations with that in mind. We have published others in preliminary form, but they are in the mid-stream of notice and comments, rulemaking processes that will leave consumers plenty of time to get into that process after the last of the five national hearings has been concluded.

In general, we are declaring what amounts to a regulatory moratorium in the areas to be covered by the food hearings so that we can incorporate the output from this exercise into regulations development.

In addition to these hearings and what we are going to do with the results, I want to mention that we have undertaken a number of surveys and special consumer studies that are going to generate additional information of particular value in the effort to improve food labeling. In the next few weeks, for example, we are undertaking a major survey of consumer attitudes, knowledge, and behavior. We are going to try to generate a national probability sample of about 1,500 family food purchasers and look at a number of subjects, including nutrition labeling, ingredient labeling, open dating, and so forth. The study will focus on the information that is on, or perhaps should be on, food labels and how those consumers actually use it or could use it.

In addition, in collaboration with AIN and the Grocery Manufacturers of America, we are going to extract from this main consumer survey those questions pertaining to specific nutrition-related information that might appear on the label and address the same questions to representative samples of the nutrition scientific community, consumer organizations, food manufacturers, and retail food marketers. So we think by the end of this year we should have, in addition to the views that we will collect from the hearings, some quantitative information from five major population segments on what nutrition and related dietary information ought to be on food labels.

I would just mention in conclusion that we think that these hearings and the consumer surveys and studies are really a part of "Operation Common Sense," in which our Department attempts to rationalize regulatory processes under the general umbrella of regulation reform which this administration has so strongly emphasized. We hope all of these efforts will lead in a systematic and straightforward way to the selection of the best food labeling policy for the consumer that we can put together. In turn, it will determine what we have to do to assure that that policy is implemented. I think it is only going to be, in part, a matter of issuing new regulations and revising current regulations, Mr. Chairman.

As I testified earlier in this session before Congressman Rogers, I believe that legislation to amend our law, and quite possibly new statutory provisions for the Department of Agriculture may be necessary in order for us to go down the same road and go as far and as effectively as we need to.

Thank you very much.

Senator McGOVERN. Thank you very much, Dr. Kennedy.

We are in the middle of a rollcall over in the Senate. I am going to have to defer the questions for a few minutes while I run over and answer. I will be right back.

[Short recess.]

Senator McGOVERN. The hearing will resume at this time.

Dr. Kennedy, would you agree that the existing information indicates that the American people are unable either to understand or to utilize the current labeling system effectively?

Dr. KENNEDY. I am not very confident of the quality of the evidence, but I think that the preponderance of the evidence suggests that the labels are not being used to anything like the fullest possible extent.

Senator McGOVERN. Do you see these hearings that you are now involved in with the other departments and agencies as a first step in building continued cooperation and coordination between the various Federal agencies that have food labeling and advertising responsibilities?

Dr. KENNEDY. Yes; with the minor caveat that it is not really the first step, but the third or fourth. I think that there has been good cooperation between all three agencies on a number of issues in the past. But I would say that this is our first comprehensive attack on the food labeling problem and, for that reason, we hope that it is going to usher in a much higher level of cooperation and joint effort.

Senator McGOVERN. You referred to criticism of the FDA's safe and suitable ingredients policy and also its imitation foods policy. Who is behind these doubts and criticisms? What are you referring to?

Dr. KENNEDY. Well, I was alluding indirectly, Mr. Chairman, to my unfortunate adventure of last summer in which I was billed as attempting to destroy the quality of ice cream as American consumers have come to know and love it. There was, I think it is fair to say, both a surface manifestation of concern, and a keener manifestation of concern. In working with that particular problem, we did learn consumers mistrusted the "safe and suitable" policy and that they mistrusted the "imitation" food policy.

Of course the criticism involved other considerations having to do with foreign exports and the maintenance of a system of price supports for nonfat dry milk solids that were at stake. I hope you won't be offended by the observation that some of the tears shed for ice cream were crocodile tears. Nonetheless, one learns important lessons even in adversity, and one of the lessons that I learned is that consumers are confused by and, thus, not fond of the "imitation" policy and the "safe and suitable" policy. That is one of the reasons why we are going to go out and ask them for their views on food labeling and food labeling policy.

Senator McGOVERN. Do you need further legislative authority to proceed with the comprehensive food labeling policy?

Dr. KENNEDY. It is difficult to envision a policy emerging from these hearings that would not require some additional labeling authorities. We have in the past repeatedly said to the Congress that the authority to require complete ingredient disclosure, the authority to require a quantitative declaration of ingredients, the authority to require nutrient labeling on foods, are all authorities that the agency would find useful and helpful in establishing what constitutes good food

labeling. I think it is safe to say, without prejudicing the outcome of these hearings, that those additional authorities will be among the things we need.

I would hope, Senator, if I might just add one thing, that now we will be able to pay simultaneous attention to the statutory needs of the Department of Agriculture, as well as of my Department, in this regard. It would be a shame if by the accident of concern developing at different times and different committees of the Congress that we had authorities given to one, but not to the other. That would perpetuate a situation in which we are not able to travel the same road. Now that we want to, I think it is terribly important that we be able to.

Senator McGOVERN. You mentioned in your testimony, or referred to it a couple times, that your hearings are seeking to learn what consumers want in the way of labeling. That may be a somewhat different question in some cases than what is needed to identify sound labeling practices. What are you going to do on the second score?

Dr. KENNEDY. I think that is the main objective, Mr. Chairman, of the other prong of the attack that I alluded to, the consumer surveys and studies. I believe there are some things that people will not volunteer but that you have to learn by evaluating the way in which they behave.

I would want to express the conviction that we have yet to see the application of the very best in applied social science to the problem of consumer behavior and consumer understanding of labeling. We see this on the drug side of our mandate all of the time and it is troubling. I wish that there were better ways of mobilizing all of the talent in the applied social sciences that consults readily for the private sector but, in my opinion, that has not as yet been effectively geared into working in the public interest.

Senator McGOVERN. What are you doing to get industry input in your hearings, Dr. Kennedy? Do they play a significant role in the hearings and investigations you and your associates are planning?

Dr. KENNEDY. In the investigations, Mr. Chairman, but not particularly the hearings. Our experience has been that when one announces a public hearing, industry groups are well organized to take advantage of these opportunities and that we hear a great deal from them, sometimes to the exclusion of individual consumers. Hearings preceded by Federal Register notices are effective mechanisms for recruiting the views of Washington-based organized people who know how to read the Federal Register and know how that process works. Our emphasis in these hearings around the country has been, rather, to reach out to and interest individual consumers and then to gain their participation. Later we will probably want a three-agency task force to process that work product. Then a rather comprehensive policy document might be published in the Federal Register with hearings held on the document in such a way that we would get a more organized form of input.

We are not rejecting the prospect of industry participation in these national hearings, but we are not encouraging it either. We are giving preference to individuals, wherever they are from.

Senator McGOVERN. What about cost factors in labeling? I think all of us know—Ms. Foreman, most of all—the sensitivity of this food

inflation issue. Will the hearings that the executive branch is conducting look at that question of any possible impact on food costs from changes in the labeling system?

Dr. KENNEDY. We will certainly look at that as part of the policy development process that takes place after we collect this range of views. Obviously alternatives do need to be costed out and one of the things consumers have to tell us is how much such information is worth to them. That is, for a marginal dollar or a marginal 10 cents, do you want more information or do you want a little more food. It is a hard question to ask. People tend to answer it differently, depending on how hungry they are and who they are. It is not a trivial question and I would not pretend to have, at the moment, a clear way of addressing it, let alone answering it, but it is clearly a subject we are interested in and would want to cover.

Senator MCGOVERN. What about the problem of uniformity in the way USDA and FDA exercise the authority they have on labeling, Dr. Kennedy?

Dr. KENNEDY. I think it is inadequately uniform at this time, partly because of differences in statutes and in regulatory history. We are very determined, Ms. Foreman and I, to make it more uniform, and that is one of the reasons for this exercise.

Senator MCGOVERN. Dr. Kennedy, as you know, Senator Melcher and some 21 other Senators, and, I think, a number of House Members have joined in two letters to you urging the labeling of sodium chloride, salt content in foods. Can you give us any indication yet of what action you expect to take on that?

Dr. KENNEDY. Well, I can tell you my personal concern for the labeling of both sodium and sugar content in foods. As you have said so often, I think that we have reached the point at which it is as important to know the amounts of things that foods contain that we would prefer to do without as it is to know the amounts of things foods contain that we want to consume in certain quantities each day. I am, in general, very sympathetic to that approach.

The reason for not moving with immediacy to require such declarations is twofold: First, authority to do so is not absolutely clear. However, as I testified before you on another subject earlier, that would not restrain us. We would be willing to spend the followup legal resources, as well as the initial dollars, for that good purpose. The second concern is a little more serious and it has to do with what I said earlier about the total food label. I have the feeling if we attack the problem of quantitative disclosure piecemeal, we will have a label that, as many people find now, is decorated in so many different ways according to so many independent worthwhile principles that comprehending the whole is difficult.

Senator MCGOVERN. I agree with that. I think you need a comprehensive label.

I wonder if you could have your general counsel submit what changes in statute you think are necessary to bring about conformity or if you feel that statutory changes are necessary. We don't need that immediately, but it would be helpful to have it for the record.

Dr. KENNEDY. Yes; of course, we will.

[The following information was subsequently received by the committee:]

Since we are in the process of holding public hearings on food labeling and will be starting consumer surveys in the very near future on the subject, it would be premature now to suggest statutory changes which would affect all food labeling requirements. However, with regard to the specific matter of quantitative ingredient information on food labels we offer the following comments.

It is often important to know the quantity of certain ingredients in a food, for example, the percentage of shrimp in shrimp cocktail. At the present time we do have regulations which require, under certain circumstances, that the common or usual name include the percentage of a characterizing ingredient. We believe it would be useful to expand this regulation to provide for more general quantitative ingredient information on food labels but do not believe it would be necessary to require that the quantities of all ingredients be declared. Rather, such a requirement should be applied selectively to those products for which it would be most helpful to consumers to know the amount of a certain ingredient(s) in the item.

Statutory authority to require quantitative ingredient information would enable us to provide this additional information to consumers without having to face a legal challenge of every new regulation requiring such label information. You undoubtedly are aware of bills currently in the Congress, such as H.R. 10358, S. 2540, and S. 3117, which would provide for percentage ingredient information. We believe the provisions in these bills would be more beneficial if they were modified to permit quantitative ingredient information rather than being limited to percentage information.

Senator MCGOVERN. Senator Melcher.

Senator MELCHER. Thank you, Mr. Chairman.

Dr. Kennedy, we are all aware that when we look at what is being done on labeling there is a question about the division of responsibility among several agencies. How do you feel this works?

Dr. KENNEDY. Well, I think that the most serious aspect of that division of responsibility is that it has led in the past, and it is my understanding that Ms. Foreman will be testifying later on this particular point, to differences in the labeling requirements that are put on meat and poultry products for which USDA has responsibility and other types of food products for which FDA has responsibility and this is, in part, due to differences in past regulations and statutes. I believe we can resolve a lot of these problems, and we are determined to do so, simply by formulating a joint policy, as we expect to do at the end of these hearings, and then moving our own regulations to accord with it.

Senator MELCHER. It seems to me that the labeling that is done is often of an affirmative nature. I think it is proper to call meat labeling as required by USDA affirmative labeling required by law for interstate commerce.

Now whose responsibility is it, first of all, to look at fish in this country?

Dr. KENNEDY. To look at fish?

Senator MELCHER. Yes.

Dr. KENNEDY. Well, in general, fish products are FDA's regulatory responsibility.

Senator MELCHER. Why haven't we ever had a proposal, then, if that is your responsibility, for a comprehensive program for the inspection of fish? Do you think that it doesn't pose a health problem?

Dr. KENNEDY. Well, there is a divided responsibility there. For example, we set tolerances on poisonous and deleterious substances in fish and are responsible for labeling regulations. As you know, the National Marine Fisheries Service of the Department of Commerce has mounted for many years voluntary inspection and quality grading programs among fish processors.

Mr. Quinn may wish to add something to that.

Senator MELCHER. Nobody assures that fish—the seafood products—nobody assures that they were prepared in a sanitary way?

Dr. KENNEDY. Oh, yes.

Senator MELCHER. Who does that?

Dr. KENNEDY. We do that.

Senator MELCHER. How do you assure that?

Dr. KENNEDY. We inspect, for example, salmon canneries all over Alaska. They are subject to all of the regulations that affect other establishments in the United States, other kinds of foods, so that in terms of bottom line safety guarantees, we have the same responsibility with respect to those kinds of products that we have—

Senator MELCHER. Commissioner, I can't recall the last time I ate any canned salmon, but how about fresh salmon or frozen salmon?

Dr. KENNEDY. Well, frozen salmon that is shipped in interstate commerce would be subject to FDA quality control.

Senator MELCHER. Quality controls don't necessarily mean that there was any inspection at the time the salmon was prepared, though, does it?

Dr. KENNEDY. We never maintain continuous inspection over food quality, over food preparation establishments of the kind that the Department of Agriculture does. Our law is quite different in that regard. We do have good manufacturing practice regulations. We regularly visit establishments. We inspect products and we inspect practices, but we do not have inspectors that live in processing plants or anything of that sort.

Senator MELCHER. The quality control is merely a method by sampling, and random sampling in a very small percentage of the product, is it not?

Dr. KENNEDY. That is correct.

Senator MELCHER. And the regular visitations that you refer to to appraise that processed fish or other seafoods is how regular?

Dr. KENNEDY. It would depend, Senator, on the frequency of problems that we have encountered with the establishment and its size and a number of other factors. I can supply details of our inspection programming algorithm, if you like. It is very complicated, so I can't give you an average interval. It could be that for a small fish packing establishment, with a good compliance record in the past, the frequency of visits could certainly be less than one per year, couldn't it?

Mr. QUINN. It averages longer than one per year. We don't treat fish differently from any other food product. It might possibly average one a year.

Senator MELCHER. How many cases of salmonellosis in the past several years has been traced to seafood?

Dr. KENNEDY. Traced to seafood in the last several years? I would have to look that up and supply it for the record.

Senator MELCHER. Where would you look?

Dr. KENNEDY. The Center for Disease Control epidemiological reports.

Senator MELCHER. Doesn't it ever bother you that some of the most fatal, most tragic cases of salmonellosis has been identified with seafood?

Dr. KENNEDY. It bothers me, but I think it should be borne in mind that there are two kinds of microbiological problems associated with

food processing. No continuous inspection mechanism can detect bacterial contamination as food is being processed. All it can do is to make sure the processing system, the canning operation, the cleanliness and sanitation in the plants are adequate. I am not aware of serious salmonellosis or botulism problems that have been associated with seafood packed by FDA-inspected firms in this country. That doesn't mean that there has never been one. It means that where those have occurred they have occurred because of things like damage to a can in transit, which could not possibly have been prevented by an inspection operation going on at the site. A case of that sort occurred this past week involving a can of salmon packed in and by an Alaskan firm and shipped to the United Kingdom. It turned out, as a consequence of investigations done in Britain, to have been the result of can damage. No continuous inspection program going on could have intercepted that problem.

Senator MCGOVERN. Senator Melcher, would you yield a moment?
 Senator MELCHER. Sure.

Senator MCGOVERN. Dr. Kennedy, we are operating under kind of a time constraint here, I have learned, because of the Senate rules that are going to require us to break up at 11 o'clock, but I wonder, along the line that Senator Melcher has been questioning, if you can furnish us some more information in writing in response to Senator Melcher's queries about the systems you are using for seafoods.*

Dr. KENNEDY. I would be delighted to. I apologize for being discursive in my last answer.

Senator MCGOVERN. No, it is just that we have been notified we have to adjourn the committee at 11 o'clock. This committee can't control it. It is the Senate rules. We can stay in session for 2 hours, but since the Senate began at 9 o'clock today, we are under a very tight constraint.

Did you have any additional questions, Senator?

Senator MELCHER. Yes.

Commissioner Kennedy, you keep getting back to the canned product and I am not talking about the canned product; I am talking about the fresh product and the fact that it appears to me that we have no system in this country to inspect or to regulate seafood processing, unless something happens that is pretty bad and then we go backward. There is no affirmative program.

I see you shaking your head back there, but the fact is we have no inspection on seafood that is comparable to what we have on meat and poultry. I have long thought we should have, that it should be a type of continuous inspection that as far as I know, I haven't looked at any botulism reports lately, but as far as I know, the greatest danger in seafoods is the fresh product, and I think it is a gap in our inspection services. As long as 5 or 6 or 7 years ago I introduced a bill in the House to fill that gap and to require continuous inspection. There has always been a question if you do it, or who should do it, and I would like some ideas.

One of the cases that I found very alarming was a salmonellosis outbreak in, I believe, a nursing home right over here in the Baltimore area where quite a few people were ill. Scores of people were ill. There were some fatalities. It was salmonellosis. It was identified down in

*The information received by the committee was too voluminous to be duplicated, but will be retained in committee files.

Atlanta. That is how they knew the food that came in, by typing the salmonella. I don't know that we could avoid salmonella poisoning in seafood, but I think seafood inspection is a blank spot in our inspection system. I like the affirmative stance where food products are identified for the consumers as having been inspected.

I have no particular feelings against the seafood industry. My family and I increasingly eat more of it. It is not only very tasteful, but high in protein, delightful, but I would like assurance it is sanitary and healthful. I think the fresh seafood industry is big enough in the United States to want to convince consumers that they have excellent products. I am searching for affirmative procedures to do that, and I would like some suggestions in this written report on that; on the fresh seafood, not on the canned.

Dr. KENNEDY. I am sorry, I was talking around your point, Senator. We will be glad to think about that problem and supply you with information.

Senator MELCHER. Thank you very much.

Senator McGOVERN. Thank you very much, Dr. Kennedy. You may leave, if you wish.

Dr. KENNEDY. I think I will stay.

Senator McGOVERN. I will give you the option. We will turn to Ms. Foreman now, Assistant Secretary for Food and Consumer Services of USDA.

Ms. Foreman, if you can, give us a summary and highlights of what you have to say, and then we will turn to Mr. Kramer and let him make a statement and then whatever time we have left we will have questions.

Ms. FOREMAN. Thank you, sir. I will try to summarize my statement, if you will have the whole thing put in the record.

Senator McGOVERN. The entire statement will be made a part of the record, and that is true with Dr. Kennedy and Mr. Kramer.*

**STATEMENT OF HON. CAROL TUCKER FOREMAN, ASSISTANT
SECRETARY FOR FOOD AND CONSUMER SERVICES, U.S. DEPARTMENT OF AGRICULTURE**

Ms. FOREMAN. I am delighted to have the opportunity to be here with my friends from the Food and Drug Administration and the Federal Trade Commission. I strongly believe that we need a basic reevaluation of our labeling policies and that it is a long overdue reevaluation. We really don't need to look any further than the calendar to find out why.

The basic food and drug laws and meat inspection laws were passed almost 70 years ago and things were a lot less complicated in food marketing back in the days when they were passed. The marketplace offered mostly raw agricultural commodities and it was likely to be a peddler's pushcart or perhaps a mom and pop store or a small market. In the 1940's you recall that one company introduced a new advertising slogan that it offered a spectacular 57 varieties and everybody was suitably awed by that. After all, those little mom and pop stores were

*See p. 70 for the prepared statement of Dr. Kennedy along with supporting material; p. 109 for the prepared statement of Ms. Foreman; and p. 113 for the prepared statement of Mr. Kramer.

getting kind of crowded by that time, but even then in some larger cities people were beginning to push their carts not through just markets, but through supermarkets and the age of superlatives was at hand.

I don't know how many varieties the Heinz people are offering today, but the consumer in 1978 is confronted with a bewildering array of some 10,000 food products, many of them highly processed and pre-packaged. No one wants to return to the good old days of very limited choice, but it is imperative that the consumer have some effective tools with which to deal with the enormous variety of products that are available today. In that connection, labels play a crucial role in helping consumers make intelligent choices.

In our complex food systems, labels have to do more than just identify the product. I believe they have to tell us something about its quality and its nutritional adequacy. The recommendation of the committee in its "Dietary Goals for the United States" that the Congress require certain nutritional information to be placed on all foods is recognition of the label's enormous importance. It seems to me that this recommendation also acknowledges, at least implicitly, the present labeling regulations need to be reexamined. The series of hearings and other measures discussed by Dr. Kennedy we think will be a good start in remedying the present situation.

There are three obvious problems with current food labeling policies: First, they are inconsistent; second, they are not based on adequate data concerning the needs and perceptions of consumers; and third, the policies have been, by and large, formulated in isolation, without considering the relationship of food labeling to nutritional needs and consumer education. We are trying to address those issues in our hearings. I think it is important that our hearings are a joint FDA, FTC, USDA effort because a good part of the inconsistency in the present policies results from our split responsibilities and variations in the laws which we administer.

FDA, as you know, is responsible for regulating labels on most food products. USDA has responsibility for labeling on meat and poultry products and the Federal Trade Commission has responsibility for labeling those products that are nonfood. We rely on different kinds of standards in order to carry out our responsibilities and the hearings that we are going to have will directly address these issues, the differences between the agencies and also the lack of consumer participation in shaping the present labeling regulations.

In the past, both FDA and USDA have formulated label requirements without knowing whether the information was useful or even if it was meaningful to the people who are going to use it. Riboflavin and niacin have appeared on labels for years and I don't think a lot of consumers know what those words mean, and we never asked them if they know what they mean.

To use another example, in the Department of Agriculture we make a strict distinction between ground beef and beef patties: Now ground beef must contain only lean meat and fat from beef muscle tissue, but beef patties may contain cereal, nonfat milk and beef byproducts. We know that and the people that manufacture the products know that, but I doubt seriously that people who purchase them in the store understand those very specific differences and I doubt that many con-

sumers are aware that the item listed as byproduct can be parts of the stomach, snout or spleen of an animal.

A lot of people would consider this as a sort of "ignorance is bliss," but others might want to know or they may be interested in the amount of protein in those products. The fact is that they are quite nourishing products, that they have good nutritional value and there is no reason not to use them, but the fact is that most consumers probably don't know what byproduct means.

Past labeling policies have not adequately taken the nutritional needs of our population into account, nor have they used nutrition education to the best advantage. Your committee has pointed out that there is a great need for an increased research in research in nutrition. We believe the development of comprehensive labeling policies must both make use of present nutritional research that we have on hand and that they should help direct additional nutrition research.

I believe that the USDA Human Nutrition Policy Committee that was established last April by Secretary Bergland is going to help us. It is going to play a key role in helping us within the Department tie together the relationship between our nutrition research, on the one hand, our education programs, assistance programs, and regulatory programs, on the other hand. In the past these have too frequently just operated in little closets all by themselves.

To further create cooperation and communication between people involved in these programs, the Department of Health, Education, and Welfare has a similar coordinating committee in the human nutrition area and we have created an interdepartmental committee through which both departments can work.

One of the functions of our USDA committee will be to continue assuring this close coordination.

Now Dr. Kennedy has described the food labeling topics that are going to be covered in our public hearings. I would like to comment briefly on one or two aspects that may be of interest to you.

The Department of Agriculture has begun to use its market power through the food assistance programs to try to improve food labeling. We have begun to require percentage labeling for the meat and poultry products that we purchase for use in the domestic foods assistance programs. The labels on canned beef and turkey rolls, for example, have to list the percentage of meat and the percentage of salt and other seasonings. Cut up chicken with breading must be labeled with the percentage of chicken and the amount and type of breading material, and we intend to extend this procedure to processed fruits, vegetables, and dairy products.

We think that the experience that we get from this and that the industry that we purchase from gets from this will be useful in saying whether it can be extended to the population as a whole.

With respect to nutritional labeling, I have already mentioned the need to consider this topic in the context of our educational efforts to increase consumer awareness and promote good dietary habits.

The Department, as you know, is undertaking a pilot project to determine what communication techniques are effective in informing children about good nutrition, and our project will combine media, marketing, promotional, and educational techniques in attempting to develop information along those lines.

The experience that the Department of Agriculture has had over the past several years with open dating indicates that consumer education is also essential in this area. USDA has maintained a voluntary open dating program since 1974 and a significant number of packers have participated. We found, however, understanding of open dating among shoppers is limited perhaps because of the variety of dates used—pull dates, packed dates, expiration dates, and so on—and that has caused some confusion.

Let me just speak briefly to the issue of imitation and substitute foods because we are very anxious to have the response from consumers in this area. I don't believe that substitute foods should be prohibited from the market. However, I also don't believe that they have an inherent right to assume the name of common and usual products. If you can manufacture a product in a laboratory that looks like a steak and tastes like a steak and has the nutritional value of a steak, it shouldn't be prohibited from the market. On the other hand, I don't think that it necessarily should be called a steak. Substitute titles are appropriate for substitute products and I have been impressed by the distinction that we have always made between butter and margarine in this regard.

I think we also need to consider the effect of adding imitation to nutritionally inferior foods. If "coffee whitener" were called imitation cream, for example, it might lead a consumer to expect that the product could be whipped, used in baking or poured on cereal, and that may raise issues that we haven't studied yet. We don't want to prejudge it, but I think when we consider substitute and imitation food, our discussion must include the possibility of using new and descriptive names for substitute products.

Finally, given the flood of new products and new techniques, some people question whether the use of standards of identity is still a useful thing. I think the answer to that is probably yes.

The importance of the food label is great, but it does have limitations. We live in a society that eats out a great deal more than it used to. In 1954, \$15 billion out of the total \$59 billion in consumer food dollars was spent on food consumed outside the home. That is about 25 percent. By 1977 this has increased to more than 35 percent of the food now consumed in cafeterias, push carts, and fast chains. With Americans eating out on such a grand scale, standards of identity can be very important.

A conscientious consumer who examines the label on a package of hot dogs in the supermarket is in quite a different position when he buys a red hot at Memorial Stadium during an Oriole-Red Sox game.

One of the tasks before us is to make food labels and standards applicable to the eating habits of modern America, wherever the eating is done.

Senator MCGOVERN. Thank you very much, Ms. Foreman. That is an excellent summary of your statement.

Mr. Kramer, we are happy to hear from you and we appreciate your patience in sitting through the whole morning.

Mr. Kramer is the Director of the Bureau of Consumer Protection of the Federal Trade Commission.

STATEMENT OF ALBERT H. KRAMER, DIRECTOR, BUREAU OF
CONSUMER PROTECTION, FEDERAL TRADE COMMISSION

MR. KRAMER. Thank you, Mr. Chairman.

I do want to state at the outset the views I am expressing are the views of the Bureau and not necessarily the views of the Commission.

I think it is correct to say there has been a good deal of agency cooperation and we are pleased to be here with the Department of Agriculture and the FDA. Our own involvement in the issue of food labeling, as Assistant Secretary Foreman indicated, stems from our obligation to enforce the Federal Trade Commission act's prohibition on unfair or deceptive food advertising. While the FDA and USDA deal mostly with labeling, our responsibility is with respect to the advertising of food products.

Senator McGOVERN. Would that include the whole range of advertising, Mr. Kramer, the print media, television, radio, and billboards?

MR. KRAMER. That is correct. There is a technical problem as to whether certain point of sale information is labeling or advertising. It has been one that has been resolved by interagency agreement between the FDA and the Commission, except in extraordinary cases where special procedures are called for. When we find advertising representations that are in violation of our statutory mandate, we are authorized to prevent those representations or to require affirmative disclosures to put them in proper context and in appropriate cases, as well, to require corrective advertising.

Now in reaching a determination as to what is and what is not a deceptive or unfair advertisement we rely heavily on the determinations of the Food and Drug Administration and the Department of Agriculture as to what constitutes proper labeling and I want to cite just a few examples. For example, we would rely on the determination of the FDA and the USDA whether a food, whether the name of the food that was used in an advertisement was the common or usual name under FDA or USDA regulations. Similarly we might consider whether the description of the item given in the advertisement is consistent with the labeling of the USDA and FDA.

Now, from our perspective, the current food labeling hearings are one of the most important recent ventures in joint agency cooperation. Although the ultimate decisions on what will go into the labeling must, of course, be left to the FDA and USDA. But they are relevant to us for a number of reasons: First, our participation in the process of gathering the information from consumers on these issues will improve our own understanding of the FDA and USDA decisionmaking processes.

As I indicated, this is important to us because frequently these are critical factors in our own activity. We rely on these determinations, and it is necessary we have a grasp of the facts that underlay the Food and Drug Administration and the Department of Agriculture determinations.

Again I would like to cite an example, because it is a very important area. In one of our rulemakings which is going on at the moment regarding nutrition advertising, one of the issues that has been raised

is whether advertising deceptively and unfairly promotes food on the basis of nutrients that have been inappropriately added to foods or that have been added in excessive levels. That, obviously, raises a concern for us that there ought to be regulation of improper fortification by the FDA. If we don't have that, then the advertising regulations might themselves encourage the fortification of foods in the absence of those kind of regulations. So the issues interrelate very intimately.

Another important aspect of the hearings for us is that the hearings will focus on the total information environment in which food purchasing decisions are made. They will reveal to us the importance to consumers of certain types of dietary information, such as the sugar, salt, fat content. They will, of equal importance, give us information about consumers' understanding of various terms, such as "imitation" and they will enhance our own understanding and ability to deal with a number of advertising problems.

Finally, and maybe most important from our perspective, the hearings will pose communications questions which we are facing directly in our regulation of advertising. We hope to be able to learn more about how information about foods can be expressed accurately and completely so as not to be misleading and yet be expressed simply enough to be understood in advertisements. We believe that the development of symbols, figures, and other devices hold great potential for facilitating communication in various types of advertising and therefore we would be paying particular attention to that portion of the hearings and we are obviously also very interested in the consumer research, which Dr. Kennedy alluded to, that FDA is currently conducting on presentation of nutrition information in labeling. This research will complement the information that is collected at the hearings and it will give us some specific data on which to explore alternative formats for expressing nutrition information.

While we are very concerned about compatibility of agency actions, we also recognize that because of our focus on the regulation of food advertising, as opposed to labeling, we often have to address different concerns.

Advertising for foods and other products does not generally attempt to provide an information package which is either uniform, self-contained or stable over time. Instead advertising focuses on a particular attribute of a food and it highlights an attribute in a way that is positive and tries to influence consumers in making a product choice. Our regulation of food advertising has therefore traditionally not been aimed at providing a complete picture of the advertised product, but only at preventing descriptive or unfair advertising claims. Furthermore, advances in communication technology have accelerated the trend away from nutritional information advertising toward techniques which focus on persuasion to purchase so that persuasion, not information, becomes the basis of the sale and the basis of the attempt to induce consumers to purchase various food products and because of this, every fad, every subculture development, any kind of trend in society is used to persuade people to buy foods, and it doesn't matter whether that subculture, whether the fad is something that is designed to appeal to the person's reason, to nutritional needs or whether it is designed to appeal to their prejudice or some irrational factor in their makeup. The important thing becomes not the convey-

ing of information, but the persuasion to purchase a product, and that is a matter of grave concern to us.

Now given that advertising is so important as a source of information about foods and the proliferation of fabricated and modified products about which consumers lack information, we and the Commission have been attempting to move beyond our traditional approach of simply attempting to correct advertising and attempting to consider the bigger picture; what foods are advertised, to whom are they advertised, how, what messages are being conveyed by the advertising as a whole. In other words, as I indicated earlier, we have been looking at the total commercial information environment and we have been, based on that examination, attempting to determine the need for additional remedies in the enforcement of the FTC Act's prohibition.

Senator McGOVERN. Have you discussed those concerns with the industry people, Mr. Kramer?

Mr. KRAMER. Yes; in fact, I will be getting to that in a moment.

One of the initiatives we have undertaken was to hold a forum where we invited representatives of industry, representatives of the media, representatives of the advertising agencies to participate and in a moment I will be summarizing some of the thoughts that came out of that.

So, as I was about to say, in fact one of the issues we are examining is the extent to which actions outside the bounds of our statute should be undertaken by various governmental or nongovernmental groups, and I will cite a couple of examples. I realize we are getting very short of time. One that has been very controversial and attracted a lot of attention is our rulemaking on advertising to children.

Now, a major portion of this proceeding focused on the effects of food advertising, and particularly the promotion of sugared products, on children's health. In addition to examining problems posed by individual food advertisements, here we are trying to consider how best to deal with the total context of food advertising to children.

As you are aware, food advertising to children is simply a subset of food advertising in which many messages, if not most messages, stress the desirability of consuming sugared products. Few messages apprise the children of the dental health problems of overconsumption of these products or apprise children of more balanced eating habits or that there are alternative kinds of worthwhile foods available.

Senator McGOVERN. You say that is the central focus of advertising aimed at children, to encourage the consumption of more sugared products?

Mr. KRAMER. Well, there is an interesting statistic which we have developed, Senator, and I was concerned particularly with this. Assistant Secretary Foreman's reference to their campaign to engage in consumer education, with a budget of \$26 million, and we know from statistics that children see 20,000 commercials a year, and 7,000 of those are for sugared products alone. If you figure an average advertisement cost of \$35,000 to produce, that means that every year a child who watches television, and this is based on statistics that show children watch 25 hours of television a week, every year that child is receiving two and a half billion dollars' worth of nutrition education

in television that tells him sugared products are good to be consumed. When we consider that in relation to \$25 million being spent by the Department of Agriculture, a large amount of money, no doubt, it is worsened, so there is no doubt in my mind that there is a tremendous imbalance in the kind of nutritional information that children are receiving and it is heavily laden toward sugar advertising. I can provide statistics for the record.

Senator MCGOVERN. On that point, but also on the whole matter of the cooperative effort that USDA and Food and Drug Administration and the FTC, what about the FCC, the Federal Communications Commission; do they have some responsibility in this area of food advertising?

Mr. KRAMER. Yes; they do.

Senator MCGOVERN. Why shouldn't they be involved in your effort then?

Mr. KRAMER. Well, we were gratified to see last week the FCC did reopen its investigation of children advertising.

As you, no doubt, are aware, they had an inquiry 4 or 5 years ago and concluded that inquiry in 1974 essentially saying it was not necessary for them to take action, that it was sufficient that broadcasters reduce the amount of time devoted to advertising in children's programming. Of course addressing the amount of time does nothing to address the nature of the advertising itself, the content of the advertising and whether it is deceptive or not.

The FCC has repeatedly made clear on the question of whether advertising is deceptive it will defer to the expertise of the FTC, which is the agency, as I indicated, that has a statutory mandate to prevent unfairness and deceptive advertising and we are looking forward to working with the FCC. We have coordinated with them and we will be continuing to be in touch with them as their proceeding progresses and as ours does.

I was going to cite a final example—you anticipated it with your question—that we did recently sponsor a conference which focused on the availability and adequacy of nutritional information disseminated to consumers and that brought together a series of health professionals, food industry members, advertisers and other media professionals, as well as government officials involved in the regulation of food. The purpose of that was to serve as a forum and, hopefully, as a catalytic vehicle for attempting to devise new solutions to the problem of the information imbalance, and quickly to summarize what came out of that conference, and I will close with this summary although I may want to make one more point, basically the conclusions were that commercially sponsored media messages about food tend to focus on promoting the consumption of highly processed and fabricated foods. This is in general, and not just with respect to children. Little time is devoted to foods such as fresh fruits and vegetables. Alternative messages on food and nutrition are very limited in number and primarily disseminated through the public service announcement system, and here again is another area where we have filed comments with the FCC. The FTC, jointly with the Department of Health, Education, and Welfare, filed the comments and FCC will be instituting an inquiry into the adequacy of the public service announcement policies of broadcast stations.

In any event, we are hopeful that commercial advertisers will recognize it as their responsibility to provide balanced nutrition education for television messages, and we will be able to move beyond the public service announcement system.

There is little empirical data on the number, type, and audience reached by the public service announcement, but there seems to be a general consensus in its current form the system is inadequate to provide consumers with basic nutrition information. The access is limited and the messages are not well targeted to appropriate audiences. There are a number of humorous examples in the record of this. For example, there are instances of services being available for the elderly, public service announcements touting the availability of services for the elderly being advertised during times when children comprise 70 percent of the audience.

The budgets for public service announcements are generally low and it is reflected in the quality of the material that is produced. If there is going to be a successful media effort, it will have to remedy not only the defect in PSA system, but also bring together the prospective and expertise of various groups from both Government, as well as private and the educational sectors.

Senator, I would like to make one more point because it has been a matter of particular concern in the coordination of efforts between the agencies and that is the fact that a number of items were, particularly sugar proceedings, a number of items that we are concerned about in the context in which they are advertised appear on the FDA "GRAS" list. It is important to recognize the fact that substances on the "GRAS" list does not mean it is risk-free. In fact, "GRAS" substitutes can pose substantial risks, and this has been reported in several studies to the FDA.

Commissioner Kennedy has recognized that it is possible for "GRAS" items to be advertised or foods containing "GRAS" list items to be advertised in a manner that is deceptive and in a manner that is exploitive of particularly the unfulfilled wishes and inchoate desires of children. And so I would close by just saying that here is another area where we think the agencies are working very well together and defining with particularity where their areas of expertise end and where the other agency's area begins and how the responsibilities between them should be divided.

Senator McGOVERN. I wanted to ask you, Ms. Foreman, although this may be premature since you are just at the outset of your hearings now, whether you have any thoughts, tentative or otherwise, as to possible legislative actions that we need to be thinking about in terms of USDA nutrition labeling and information effort.

Ms. FOREMAN. No; I really would, for the most part, like to reserve that judgment until after the hearings, but I do think that it is probably worthwhile to point out that the Department of Agriculture has no authority to require nutritional labeling, nor, I believe, does the Food and Drug Administration. It is strictly a voluntary program, and the Congress may want to examine whether that is sufficient after our hearings have been completed.

Senator McGOVERN. Who is currently responsible for the regulation of fresh fruits and vegetables? Who is responsible for the labeling regulation?

Ms. FOREMAN. Well, Don Kennedy is responsible for all of those that come from Mexico. The Food and Drug Administration has the primary responsibility. It is a somewhat bifurcated system because if a grower chooses to have his product graded, then he comes and pays for that service. Grading comes under the jurisdiction of the Food Safety and Quality Service of the Department of Agriculture, and we require certain basic minimums be met with regard to the cleanliness of the plant and the equipment before we will grant the grading service, but the basic authority is with the Food and Drug Administration.

Senator McGOVERN. Do you think that when it comes to imported foods—you just referred, in passing, to foods from Mexico—do you think if we set up a system of labeling requirements that they ought to apply to imported foods the same as to domestic foods?

Ms. FOREMAN. In terms of consumer information I would tend to agree with you. However, it is not just an issue of consumer information with regard to imported foods. The State Department and our trade representatives certainly feel that requiring the labeling of imported foods, once they have been mixed with domestic foods, would be viewed by our trade partners as a nontariff trade barrier. At the present time any meat product that comes into the United States and is sold in the container in which it comes into the country has to be labeled as imported food.

Senator McGOVERN. Do you think it would make sense to place all food labeling authority and responsibility in one agency; more specifically, in USDA?

Ms. FOREMAN. The President's reorganization team is looking at that issue right now. My own view is that if that decision is ever going to be made, I hope the vote is taken in this committee.

Dr. KENNEDY. I pass.

Senator McGOVERN. Mr. Kramer, as you know, some Members of the Senate and I sent a letter to Senator Hollings and Senator Weicker a couple of months ago. There was a report around, I think that an amendment was before the Subcommittee on Appropriations that would have cut off the FTC's right to inquire into the impact of food advertising on children. That amendment didn't carry, but should we give special attention, in your judgment, to this whole area of advertising to children as a major part of our concern?

Mr. KRAMER. I think so, Senator McGovern. The children's rule-making, while the large part of it is focused on the advertising of sugared products, we are also concerned not only with sugared products, but, in general, with whether it is not unfair and inherently unfair and deceptive to advertise to children. It is a particularly sensitive issue that Congress could very appropriately address.

Senator McGOVERN. We may submit some additional questions in writing, if that is agreeable with the witnesses.

Mr. KRAMER. We welcome congressional participation and involvement in this area. We think it is highly important and it is obviously a matter of high priority for us and we will welcome any guidance, as well as involvement, of the Congress.

Senator McGOVERN. Senator Melcher.

Senator MELCHER. I am intrigued by Director Kramer's arithmetic on \$2 billion worth of advertising watched by children that promotes sugared products. There must be an awful lot of money spent by Coca-

Cola and Pepsi Cola and some of the cereal companies. I could also point out that the advertisement of beer, which is so big, is equally as harmful and that it should be properly advertised as a depressant, like any liquid that contains alcohol. It leads to alcoholism, and rather than just "gusto" in the can, there are other things.

Mr. KRAMER. You may get a hangover, too.

Senator MELCHER. It is more serious than that, but what could be more popular than for the FTC to launch a crusade for children? I wonder if there isn't some responsibility to the consumer resting with your agency on even more serious problems. You can be the most conscientious consumer in the country about buying healthful foods and yet you have no way in the world in knowing whether—what Carol brought up—whether the lettuce or the strawberries from Mexico have carcinogens in the form of DDT or some other chlorinated hydrocarbon. It is not checked with any degree of concern. A few spot checks are done. I will ask Dr. Kennedy to supply us with a report on how many residue samples are taken on the spot check basis on these imported vegetables and fruit products in relationship to the total amount of those products imported. Why doesn't the Federal Trade Commission look at that? Why don't you look at it and then look at the agencies. You don't have to just look at the dentist and the television broadcast media; let's look at these agencies sometimes. That is part of your function, isn't it?

Mr. KRAMER. Well, I have an easy answer and that is that we don't have jurisdiction over the agencies. We do intervene and we do actively coordinate with the agencies.

Senator MELCHER. The coordination is with their programs already in place. Don't you have any right to intervene when they are not fulfilling their obligation?

Mr. KRAMER. Yes; we do and we do that and just to take your example, if we felt, for example, there was a serious problem with carcinogens in raw vegetables, that would be an appropriate thing for us to write a letter about as a jurisdictional matter. If there were lettuce containing a high amount of carcinogens, insecticides, coming into the country and being sold in the marketplace and in the advertising we might intervene and say in the advertising it is a deceptive or unfair practice to fail to disclose there may be carcinogen residue on the lettuce. We could reach the advertising, but we cannot directly reach whether the lettuce was allowed to get to the market or the amount of insecticide put on the lettuce, and the two people who would reach that are sitting on my left.

Senator McGOVERN. I think Dr. Kennedy wanted a chance to reply to that, Senator Melcher.

Senator MELCHER. Just one question before that and then you can reply to this point, too. In the Bureau of Consumer Protection, haven't we given you more authority than just advertising?

Mr. KRAMER. Yes; that is correct, but we do not have authority—we do have authority in certain instances to outlaw certain practices, and we have exercised that authority in a number of consumer areas. At the moment none of them are related to food and drugs, and the meat, and primarily that is because there are other agencies that have that jurisdiction. We do not have that jurisdiction over food and drug products.

Senator MELCHER. Dr. Kennedy.

Dr. KENNEDY. I was just going to say, Senator, we do inspect import produce for pesticide residues.

Senator MELCHER. On a residue sampling basis?

Dr. KENNEDY. Right, and at the border on the raw commodities as they come across. We do not sample every lot. You might imagine we do not have the manpower for that. But I have been at great pains to try and ascertain whether our density of residue sampling and our record of detaining imported produce suggests that we are examining produce in this country in an evenhanded way; that is, are we being just as tough on imported produce as we are being on our own. You may not agree with my view when you examine the figures we submit, but it is our view that we are doing it in an evenhanded fashion.

Senator MELCHER. Commissioner Kennedy, we banned DDT here on lettuce or strawberries; we banned all of these carcinogenic hydrocarbons in the food processing chain and wherever it is found that somebody is violating that ban, it is a rather serious Federal violation.

Dr. KENNEDY. That is correct. Actually not all uses of DDT in the United States are banned. There are a small number of exceptions.

Senator MELCHER. I said on the food producing chains.

Dr. KENNEDY. But EPA tolerances are the same for imported as for domestic produce, and we enforce them in the same way.

Senator MELCHER. The EPA?

Dr. KENNEDY. The EPA sets the tolerances and we do the measurements.

Senator MELCHER. Well, on any of these chlorinated hydrocarbons that I have looked at, there isn't any tolerance that means anything. If you find it, it is out.

Dr. KENNEDY. That is correct, and if the tolerance is zero, then we enforce that on imported products as we do on domestic produce.

Senator MELCHER. But it is hardly comfortable for me to realize that you do about the same level of residue sampling on the domestic product, where the product is banned, as you do on the imported product coming directly from a country where the chemical is not banned and is used.

Dr. KENNEDY. I apparently haven't made myself clear. We sample produce with a multiresidue sampling method that detects over a hundred different kinds of pesticides, most of which may have EPA tolerances. The vast majority of these are in use in foreign countries. A few pesticides like DDT are legal outside the United States for many crops and not legal inside the United States for those crops, so it is true in some cases we are examining imports for residue that may possibly have gotten on them there and could not by use have gotten on to U.S. crops, but most of the residues we examine for are for pesticides used in both places. Actually the ones that create the most serious health hazards are probably the residues and pesticides that are in legal use in both places.

Senator MELCHER. Pardon me?

Dr. KENNEDY. Are in legal use in both places.

Senator MELCHER. Like what?

Dr. KENNEDY. Like the parathions, like many of the organic phosphate compounds. The main reason for banning DDT, as an examination of those hearing records will show, was not because of its risk as

an acute problem for human health but, rather, because of its concentration in the environment and its appearance in places other than the place where it was put.

Senator MELCHER. The reason we banned it in food products, Commissioner, was because it was carcinogenic and it has nothing to do with whether it accumulates in the environment. We banned it because it is carcinogenic. The same is true of chlordane; the same is true of a number of chlorinated hydrocarbons, including benzylchloride. We banned it and it cannot be used in the food chain process. It has nothing to do with the other, if there are other disadvantages in the environment; it is because it is carcinogenic.

Would it be fair to say that one lot of 100 imported fruits and vegetables is actually tested for these hydrocarbons, chlorinated hydrocarbons?

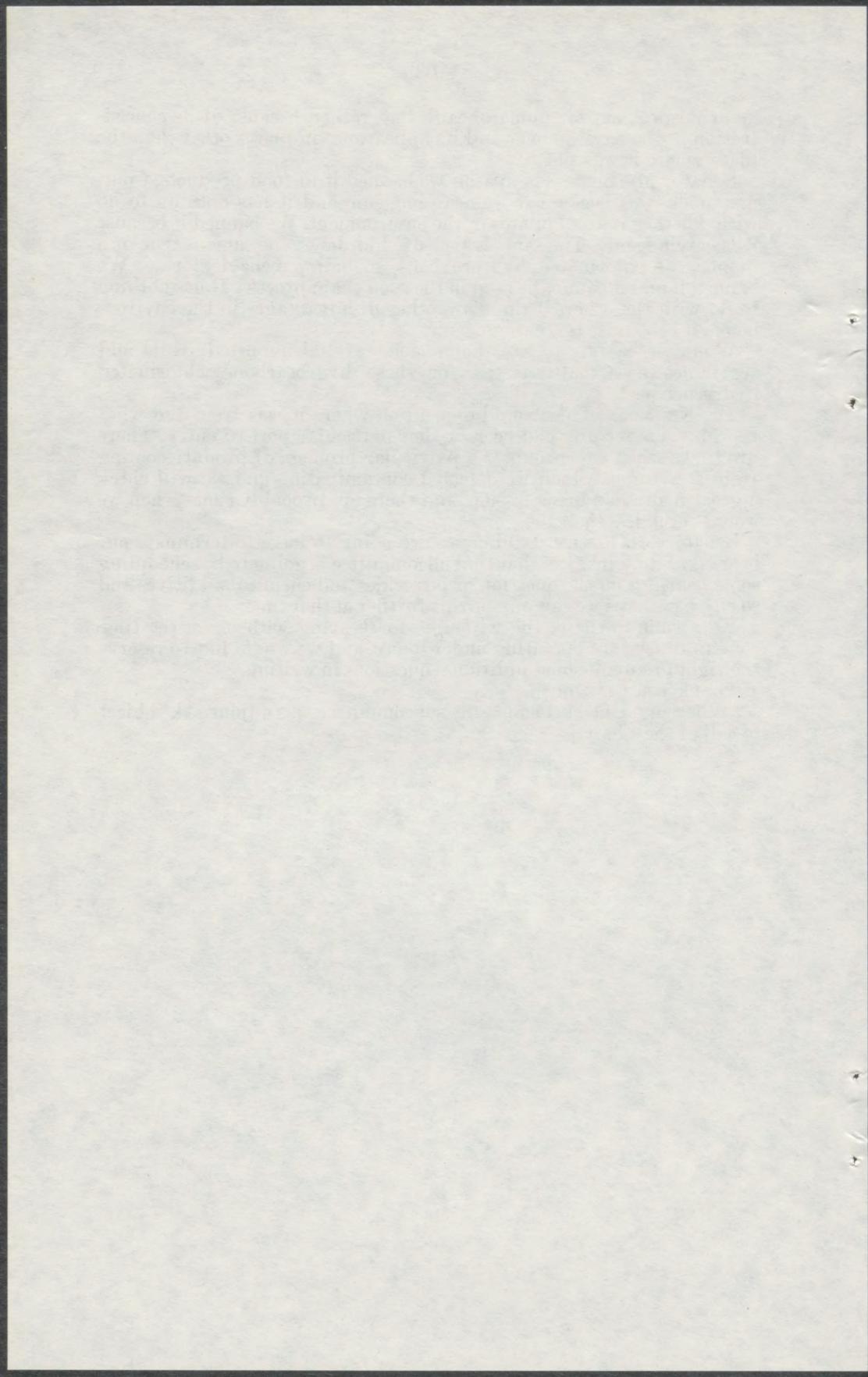
Dr. KENNEDY. That would depend on where it was from and what the previous records had been at that particular port of entry. There are times when we encounter a particular problem of produce coming from a sector in which we detected contamination and we will check a great many lots in succession, and there are probably times when we would check less than 100.

Senator McGOVERN. I think we are going to have to terminate our hearing. I may just say that the subcommittee is going to be scheduling some hearings on the question of pesticides and chemical additives and so on, so perhaps we can pursue this further at that time.

I do want to thank the witnesses for bearing with us on the time constraints we are operating under today, and we would like to reserve the right to submit some additional questions in writing.

Thank you very much.

[Whereupon, at 11:15 a.m., the subcommittee was adjourned, subject to call of the Chair.]



APPENDIX

The following study was submitted by Senator McGovern. (See p. 2.)

NUTRITION: A STUDY OF CONSUMERS' ATTITUDES AND BEHAVIOR TOWARDS EATING AT HOME AND OUT OF HOME

[Conducted by Yankelovich, Skelly and White, Inc. Presented at the 1978 Food Marketing Institute Convention, Dallas, Texas]

HIGHLIGHTS

Nutrition has become an important "buzz" word in American society—a subject of controversy as well as of interest to the welfare of the country, industry, government and the average consumer today.

Much has already appeared on the subject—but the results of the current study provide some significant insights into the current trends, attitudes and contradictions influencing the consumer's daily diet, food purchasing, cooking and serving behavior.

In terms of nutrition, American consumers are in a state of flux and transition.

The results of the research document six major currents:

I. The Nutrition Picture: Interest in nutrition as a subject of interest is growing in giant leaps and bounds—with 77 percent of the consumers interviewed indicating that they are more interested in nutrition than they were a few years ago. Information about nutrition is more modest, with only 24 percent of the public indicating they consider themselves to be well-informed on the subject; 63 percent, fairly well-informed; and 13 percent not well-informed at all. Behavioral manifestations suggest that self-perception is perhaps somewhat overstated—but the appetite for more and more information on the subject is manifest.

Consumers want more information on how to eat well on less money (51 percent); how to avoid foods with harmful ingredients (40 percent); how to plan balanced meals (27 percent); ideas for healthful snacks; diet and weight control (for which there is an apparently insatiable demand for information), and a host of other subjects.

Yet, the interest in nutrition cannot automatically be translated as commitment to traditional and/or improved nutrition habits. Indeed among this same public, three out of four consumers agree that they either eat what they like and don't worry (17 percent), or at best, try for a balanced diet—but don't make a big deal of it (59 percent). Only a minority (24 percent) describe their own nutrition behavior as "feeling very strong about only eating what's good for you" (14 percent), or at least concentrating on calories (10 percent). Several factors contribute to this wide gap between interest and personal outlook and behavior.

II. The New Values: Perhaps the single most significant current in the entire nutrition picture is the conflict and tug between the changing values of today and the rigidity of traditional nutritional concepts. The New Values¹ with their stress on self and self-fulfillment, the new role of women, more relaxed and casual lifestyles, less formality and rigidity—run counter in many ways to the rigors of adhering to a set routine of three meals a day, regular mealtimes, making sure that every meal is balanced, or sticking to a menu in which certain foods are appropriate for only certain meals. The results of the changing values have been the adoption of and support for new and different concepts of nutrition, many of them supported by leading nutritionists—and all of them with important planning and merchandising implications. Consumers split down the middle in terms of their basic approach to nutrition and diet. One out of two, 48 percent, whom we refer to as the "Unconventional", believe that the balanced food day is

¹ Yankelovich, Skelly and White, Inc.—"Monitor".

more important than the balanced meal; that it is not necessary to eat three meals a day; and that any food can be eaten at any meal.

The remaining 52 percent, the "Conventional", retain their commitment to the more traditional views.

III. Physical Fitness: Certainly for the "Unconventionals", and to a slightly lesser degree, the "Conventionals", the major support for good nutrition today emanates from one of the key new values—the mounting national commitment to physical fitness and well-being. Improved diet and physical fitness go hand in hand—and consumers themselves point to interest in physical fitness as the major factor creating the growing concern with nutrition—far ahead of the efforts of media, government, or the medical profession.

IV. Product Safety and Government Regulation: According to the consumers, government product safety regulations and the publicity given to them, have had a dual impact. On the one hand, they have contributed to a far more aware and alert public, with vast majorities expressing concern about cholesterol (64 percent), use of pesticides (71 percent), sugar content (64 percent), and additives (62 percent). On the other hand, a certain backlash is evident. Seven out of ten (71 percent) agree that there's too much talk these days about what's good and bad for you when it comes to food, and 55 percent of the women mention confusion and controversy over product safety as a major barrier to good nutrition.

V. Dieting: Still another key underpinning to the nutrition picture is the emphasis on dieting and being thin. While only 10 percent describe themselves as real "Calorie Addicts"—people who are mostly concerned about calories in planning their own diets—dieting has all but become a national pastime. One out of five consumers (21 percent) said that they had either started or stuck to a diet in the week preceding the interview. The reason for this interest is clear. Almost half of the families (44 percent) indicate that at least one member of their family is overweight.

VI. Fast Foods: No documentation of the nutrition outlook would be complete without mention of the fast food phenomenon, where convenience takes over and all ideas of good nutrition quickly fade. Two out of three of the consumers have been to a fast food restaurant at least once in the preceding month—and 66 percent of this group agree that the food served at the fast food restaurant is not as good or nutritious as what they eat at home.

Other findings of the study—in brief—point to the following:

The Family Diet—Most consumers feel that they are eating better than they did a year or two ago (+47 percent net difference—better vs. worse).

The Major Problems—The poor and teenagers are identified as those whose diets have deteriorated in the past few years.

Barriers to Nutrition—Major barriers to good nutrition include snacking (45 percent, women); no time to cook (51 percent, employed women); and advertising to children on television (36 percent, parents).

The Final Decision—In the final decision on what to buy and serve, factors that people identify as being most decisive are the budget (41 percent), calories (35 percent), and recommended nutrients (17 percent).

Changing Food Habits—According to the consumers, they are eating more salads, fresh fruits and vegetables, cheese, chicken and fish, and less candy, bacon, butter and traditional snack items such as potato chips. While their claims may be somewhat overstated, they reflect that the government push for revisions in the American diet has a good environment on which to build.

Nutritional Labelling—About one out of four (26 percent) say that they pay a lot of attention to nutritional labelling. An equal number ignore it (27 percent). Generally, close to half of the consumers (42 percent) claim that the labelling is too technical.

Dating—Of all problems on the minds of consumers when they go to shop for food, freshness heads the list (67 percent).

The Responsibility for Educating the Public About Nutrition—The government is regarded as being primarily responsible for nutrition education (65 percent), followed by major food manufacturers (45 percent), and doctors (39 percent).

STATEMENT OF HELEN D. ULLRICH, M.A.R.D., EXECUTIVE DIRECTOR, SOCIETY FOR NUTRITION EDUCATION, BERKELEY, CALIF.

We are pleased to have the opportunity to comment on the needs to develop more comprehensive programs on food labeling and nutrition information. The Society for Nutrition Education has a membership of professional nutritionists,

many of whom work with consumers. They have frequently expressed concern about how consumers can obtain information which effectively assists them in making food choices.

Consumers have indicated in a variety of surveys carried out by government, food industry, and others that they are interested in nutrition. A sizeable number read labels. They want information and might even be willing to pay an additional price for it. Additionally, consumers have indicated that they are confused and frustrated because much of the information they have access to is fragmented and contradictory and they have no means by which to judge whether it is accurate or misinformation.

Nutrition information available via the mass media has contributed to this situation of confusion. The bulk of information about food is provided through advertising in the media. Studies have shown that the highest portion of advertising on T.V. provides, for the most part, a nutrition message which promotes unhealthy, one-sided diets predominantly high in sugar, fats, and salt.

Last year, Judith Brown of the University of Minnesota reported a study by her graduate students which analyzed the food advertising aimed at children and adults during different times of the day. They assigned a +1, 0, or -1 score for the nutritional quality of the food advertised. It is interesting to note that the nutrition score got better as the day went on. The Saturday morning children's programs from 9 a.m. to 12 noon had a mean nutrition score of -22.3. The ads on the 11 a.m. to 2 p.m. time slot predominantly aimed at homemakers had a score of -1.7, while the adult 9 p.m. to midnight programming contained ads averaging a +2.0 score. They also found that advertisements for food products comprised 44 percent of the total commercials. Because the commercial advertisements do not provide a full spectrum of information for making informed food choices, Public Service Announcements (PSA's) have been considered to be the major vehicle for disseminating a positive nutrition message. SNE has recently reviewed the availability of such messages and tried to assess their use. While the study does not presume to be all inclusive, it does give an overview of the state of the art.

We estimate that possibly 200 PSA T.V. messages have been prepared in the United States over the last five years. Of these, less than 50 percent have had any kind of national distribution. This may seem like quite a few messages, but Judith Brown's students recorded approximately the same number of food product commercials, 200, in a three hour span in one day. The number of PSA's available is in no way competitive with commercial advertising.

Next our study looked at the message. Some of the PSA's are part of a larger nutrition intervention program. Others are single, unrelated messages. Some clearly reflected the objectives of an intervention program while others contained a cluttered message with broad ideas. The PSA message can be categorized in the following ways:

- (a) a multi-faceted intervention campaign;
 - (b) a single "creating an awareness" concept which promotes printed resources, such as a booklet or reading the label;
 - (c) the promotion of a particular nutrient, such as vitamin C with a message about what it does and where you get it;
 - (d) the selection of certain foods for certain meals, such as a message to eat fruits and vegetables for snacks;
 - (e) the promotion of certain eating patterns, such as eating breakfast;
 - (f) a general message about selecting foods from the Four Food Groups;
- and

(g) particular issues, such as those featured on Food Day.

These messages are in line with the kinds of information generally accepted by nutrition educators. Many educators' programs use a composite of all these approaches to successfully effect changes in eating habits. But whether the messages that presently exist in a collection of PSA's fulfill what Mike Pertschuk says is the highest function of an advertisement "which is to provide consumers with information to make rational buying decisions . . ." is certainly open to discussion.

We were almost unable to find any data on the frequency of use of PSA's. Usually they are prepared and distributed to TV and radio stations with a cover letter requesting that they be used. Nobody seems to know what happens after that.

Generally, we found PSA's as presently used, to be quite ineffective because they had rather undefined goals; the messages were very diffuse; the viewing

and listening times were very unpredictable; and there are few or no measurements of impact.

I have found that because of the competition for time on TV, radio is an important resource to explore. It is much less costly to prepare radio announcements; they can easily be localized; there is much more local programming.

Television has additional options beyond the 30 and 60 second spots. Short spots are effective in creating an awareness, but short messages of 2 to 3 minutes can be used on news programs and talk shows to provide more information. For example, NBC has a health series which is used in local and national programming and is similar to a syndicated newspaper column.

Print media public information is a very different approach. There are opportunities to get indepth coverage via editorial copy, filler spots, and features used by food editors. There's always room for the unusual, interesting facts about nutrition and health in the newspaper.

While there is a definite need to provide alternative messages to some of the food advertising, there is need to develop a variety of program strategies as well as ways to evaluate their success. Both the nutrition label and the PSA have something in common. They can provide a single message which can raise the awareness of certain facts. They do not provide enough information to affect a wide variety of decisions. For this reason, there is a need to review a range of ways to provide information. Pilot studies, such as the Stanford Heart Disease Program, which used a variety of carefully planned mass media strategies and other education techniques have shown that carefully designed programs can be effective.

These are a few reasons why we suggest there is a need to take a full look at the cost benefits of the range of ways to provide information from the one-to-one counseling through the mass dissemination via radio, television, and the print media. It is time that government looked at their resources for disseminating information, what their objectives are, and how programs can be most effectively carried-out on a cost benefit basis.

STATEMENT OF HON. FRED RICHMOND, REPRESENTATIVE IN CONGRESS FROM THE
14TH DISTRICT OF NEW YORK

Mr. Chairman, I am honored and pleased to testify before you today at the opening of your hearings on "Nutrition Information and the Public Interest." As Chairman of the House Nutrition Subcommittee, I am especially aware of the great contribution of you and your colleagues in making Americans conscious of the role that nutrition plays in their health and well-being. We owe you a debt of gratitude for your leadership and your accomplishments. What follows can only be built upon the foundation of your earlier hearings and investigations on nutrition which have become landmarks in Congressional oversight and responsibility to the public.

Mr. Chairman, as you yourself have observed, nutrition is one of our most important national issues. According to a recent survey, 77 percent of American consumers questioned said they were seriously concerned about nutrition.

Mr. Chairman, who can be against nutrition? Certainly not the press . . . surely not the food industry . . . definitely not the government. But, each in turn is doing its best to foster an information overload that is causing total confusion in the marketplace.

Nutrition columns in local newspapers are read with the interest once reserved for advice to the lovelorn. Each week publications like the National Enquirer are outdoing themselves with bold headlines proclaiming such discoveries as "A Simple Addition to Your Diet Can Cut Cancer 80-90 percent;" "Be Healthier, Feel Better and Look Younger with Vitamins;" and my favorite, "Eating Right Can Make You 25 Percent Smarter."

America's long romance with the dinner table as the "best fed nation on earth" has paid off—for the publishers of magazines and diet books. Advising people on how to lose weight is now a \$10 billion a year business. The proliferation of fad diets and the glutting of our bookshelves with over 3,000 publications offering nutritional advice lend particular credence to warnings about "nuts among berries."

Americans are currently spending over \$250 billion a year on food and in turn are being subjected to a \$5 billion advertising assault. Is it any surprise then that 40 percent of our population is overweight when the basic message of these food

advertisements is "Eat, Eat, Eat?" Our stomachs may be finite, but marketing inventiveness is apparently without bounds. We now can choose among 9,000 different food products on our supermarket shelves, and we are adding 500 additional products a year to this total. To preach the Basic Four in such a marketplace is a futile exercise in long division.

For some, the word "nutritious" is a scientific term; but for most food companies and advertisers it is a potent marketing slogan increasingly used as many in the food industry are turning to the classroom as the new frontier of advertising. Aware that Government has not taken an active role in providing nutrition education in our school systems, food companies and trade organizations are filling the void. Under the guise of impartial nutrition education, many of them are promoting their products to captive audiences of children with splashy campaigns of posters, films and giveaways.

If free enterprise is suspect, however, we surely know that the Federal Government is acting on the consumer's behalf—or is it?

A year ago, our Subcommittee published a landmark report entitled, "The Role of the Federal Government in Nutrition Education." We learned from that study that the Federal Government spends almost \$70 million a year on a patchwork of more than 30 uncoordinated and unfocused programs administered by 11 different agencies located in the Departments of Agriculture and Health, Education, and Welfare.

The General Accounting Office recently published a study appropriately titled "Informing the Public About Nutrition; Federal Agencies Should do Better." What shocked us most in this report was the Comptroller's findings that USDA's Extension Food and Nutrition Program is reaching only 2 percent of its intended audience and the EFNEP program only 20 percent. The figures for HEW are equally shocking. Head Start reaches only 15 percent, the elderly nutrition program only 23 percent, and the consumer adult education program a scant 2 percent.

Disturbed by consumer complaints concerning the unavailability and generally low quality of government nutrition education materials, our Subcommittee asked the Library of Congress and the prestigious American Association of Advertising Agencies to conduct a review of these consumer publications. According to the Library of Congress, USDA and HEW materials have an overall low consumer appeal. They were judged, in fact, to be simplistic, dull, outdated and undirected. The Advertising Association more pungently concluded that the Federal nutrition publications are generally "atrocious."

For consumers concerned about cancer, heart attacks, and diabetes, pamphlets indiscriminately advising the high consumption fatty meats, eggs and high caloric menus are hardly appropriate.

Like you, Mr. Chairman, I am particularly pleased that the Food and Drug Administration, in concert with the Department of Agriculture and the Federal Trade Commission, is finally responding to consumer demands for a more comprehensible nutrition label.

During the course of our hearings, my colleagues and I have been told repeatedly by the public that they are simply unable to make use of nutrition labels as they are currently constituted by the Food and Drug Administration. Surveys by that agency itself revealed that less than one-third of those with college degrees who consult these labels find them satisfactory. The figure is even lower for the elderly and less educated.

A few weeks ago, I had the honor of joining one of my colleagues in chairing hearings on the adequacy and usefulness of the Recommended Dietary Allowances. There was overwhelming agreement among the scientists, consumer representatives, government officials, and educators that consumers are not able to translate the RDA's into useful dietary information. Thiamine and Riboflavin have particular meaning to nutritionists and dieticians, but most of us think of meal planning in terms of foods, not nutrients. Serving sizes expressed in ounces, carbohydrates expressed in grams, macronutrients expressed in percentages of recommended daily allowances speak more to the mathematician than to harried shoppers trying to provide maximum nutrition at reasonable costs for their family.

By focusing on nutrients on our labels, we have effectively ignored the basic properties and quality of food. By massive and often unnecessary fortification, food companies are able to seduce customers into believing that highly sugared fruit drinks are better for them than fresh juice and that chocolate cookies are better breakfasts than whole grain cereals.

I would hope that whatever format the Food and Drug Administration promulgates would meet the following requirements:

- (1) The inclusion of nutrition information on the label of all packaged foods.
- (2) The listing of specific ingredients of all packaged foods including any added colorings or flavorings.
- (3) The listing of all ingredients by percentage of total volume.
- (4) An indication of the fat, cholesterol, sugar and salt content of the product.
- (5) The use of graphic labeling. Some form of pictorial representations such as bar or pie graphs, will greatly help consumers make reasonable judgments about the nutrient content of a food.

Finally, Mr. Chairman, I would like to stress that food labels are not more than tools to be used by an alert and informed consumer. Without proper nutrition education, these tools will only add to the confusion and misinformation already in the marketplace. Congress must act to coordinate and direct our nutrition education activities so that we can provide the public with accurate and current scientific information about the relation of food and diet to health.

It is for this reason that my Subcommittee colleagues and I have introduced the National Consumer Nutrition Information Act.

In order to ensure coordination and cooperation at the Federal level and end the unproductiveness of a Government at odds with itself, the bill calls for the establishment of a Nutrition Council. The mission of this broadly representative council will be to plan a coordinated policy in nutrition education and nutrition education research to ensure that American consumers will receive accurate information about diet and health. The remaining titles of the bill call for a combination of strategies which employ community projects, public service announcements and graphic labeling to deliver this information in a way that is both useful and cost effective.

Fundamental to our democracy is the concept of an informed public. Yet how can consumers rationally choose a nutritious and healthy diet unless they have the knowledge, skill and tools to distinguish foods on their nutritional merits and not their advertised seductiveness?

Mr. Chairman, the time remaining to us in this legislative session is short. While the introduction of our Subcommittee's bill is a first step in ending the disgrace of a government at odds with itself, we cannot hope to succeed without a joint effort of the House and the Senate.

With your leadership, we can, in the coming months, determine the components of a comprehensive educational program which will ensure that all Americans have access to unbiased, scientifically sound and useful information about the profound relationship between diet and health.

Thank you.

STATEMENT OF DONALD KENNEDY, COMMISSIONER, FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman, thank you for inviting me to appear before your Subcommittee today with Ms. Foreman of the United States Department of Agriculture (USDA) and Mr. Kramer from the Federal Trade Commission (FTC) to discuss food labeling.

Your invitation arrived at an auspicious time, because as you know later this month the Food and Drug Administration (FDA), with USDA and FTC, will begin holding public hearings on the subject of food labeling. We welcome all the attention that can be focused on these hearings, and we hope that today's discussions will generate additional consumer interest and participation in them.

The food labeling hearings are the key component in a new effort to improve food package information. Other elements include a review of FDA's existing regulations and consumer surveys and studies. Before discussing this effort, I want to talk briefly about the history and status of food labeling. The principal Federal food labeling laws are administered by USDA, which is responsible for meat and poultry products, and FDA, which is responsible for other foods. The laws under which both Agencies operate were originally passed in 1906. Through the years, some revisions have been made; but food labeling has remained essen-

tially unchanged in concept for about 40 years. During that time food technology and consumer attitudes have both undergone significant change. For example, food technologists have had to develop methods of assuring that foods which have been shipped from one end of the Nation to the other are edible when they reach their destination. Forty years ago, consumers made their own jams and jellies, bread, and mayonnaise. Today, few consumers make such foods and the majority of the population has no knowledge of what ingredients go into these items.

In attempting to respond to these changes, we have generated a rather complex set of food labeling regulations. It is not, as some have said, a nonpolicy; but its directions are admittedly difficult to discern, and we agree with much of the contemporary Congressional concerns about the shortcomings of current food laws and regulations.

In an attempt to correct them, we are collaborating with the USDA and FTC to establish a comprehensive strategy on how to provide consumers with the information necessary to help them make better food choices in the marketplace and to assist them in dietary planning. Obviously, if food labeling and advertising are to be meaningful to the consumer, the laws and regulations governing the sources of this information should parallel each other. This is the basis for the current interagency cooperative effort.

PUBLIC HEARINGS

Later this month, the three Agencies will hold the first in a series of five public hearings on food labeling. These hearings have been scheduled in different cities throughout the United States to gain geographical perspectives on the issues involved. Our objective is to obtain directly from individual consumers information on what they really want and need in the way of food labeling and what additional costs, if any, they are willing to pay for the revisions.

We have undertaken an extensive campaign to encourage consumer participation in the hearings and to acquaint the public with the specific issues we will cover. This includes the issuance of national and local press releases; public service announcements; letters of invitation with background material to thousands of consumers throughout the country plus specific mailings to individuals in the hearing areas; articles in the national news media; and distribution of promotional material through the supermarkets. FDA's Consumer Affairs Officers, in cooperation with USDA's Extension Service personnel, are working diligently at the hearing sites to encourage consumer participation. In addition, the General Services Administration's (GSA's) Consumer Information Center is distributing a food labeling brochure and has issued radio announcements publicizing the hearings. Esther Peterson, Special Assistant to the President for Consumer Affairs, and HEW's Office of Consumer Affairs are assisting in promoting these hearings to the public.

In addition to the views of consumers, we are quite interested in obtaining views from the academic nutrition community. With the help of the American Institute of Nutrition, we have informed some 1600 scientists across the Nation about these hearings and the issues involved. Of course, my colleagues and I are taking every opportunity possible during public presentations to announce the hearings and to encourage participation in them.

I would at this time, like to submit for the record copies of our Federal Register announcement, press release, and other informational material about the hearings. These items include instructions on how one may participate at the hearings or submit written comments.

HEARING ISSUES

Seven broad food labeling topics will be covered during the public hearings. One is ingredient labeling. We have requested comment on the order of predominance in which ingredients are listed, whether or not quantitative ingredient listing should be employed, if percentage of ingredient should be a part of the product name, how specific ingredient names should be, and whether labels should be flagged in some manner when formulation changes have occurred.

A second topic will be nutrition labeling and other dietary information. We have asked consumers to comment on the usefulness of nutrition labeling, and to suggest ways in which nutrition labeling could be improved, which foods should require nutrition labeling, ways of listing nutrition information which would be more understandable than those now in use, whether nutrition labeling

formats should include graphic or pictorial symbols to improve understanding, and comment on the adequacy of the information in present nutrition labeling.

The "other dietary labeling information" on which consumer input is being sought relates to matters such as is there a value in listing amounts of calories, sugar, sodium, fiber, and cholesterol; in declaring percentages of sugar as part of the names of food; and in labeling detailed information about certain components of food such as cholesterol and sodium.

A third topic of discussion for the public hearings is open date labeling. We hope to learn from consumers which types of foods they think require open dating, whether an explanation of the date shown should be included, what is the most meaningful type of open date labeling (pack date, pull date, quality assurance date, or expiration date), if storage and handling instructions should be included with open date labeling, where consumers believe open dating information should appear on the label and how it should be declared, what the value of open dating is to the consumer, information on food losses when dates expire, and methods other than open dating for informing the purchaser about the relative freshness of foods.

Another topic that should provoke comment is the subject of imitation and substitute foods. Current regulations require a food that resembles another to be called "imitation" if it is nutritionally inferior to the food it imitates. However, if the substitute food is nutritionally equivalent to an existing product, the marketer may give it a different name rather than calling it "imitation"; but it must be clearly labeled so that consumers can know exactly what they are purchasing.

We are asking consumers to tell us what they believe should be labeled as "imitation" and the meaning that word should have; whether or not a substitute food should always be called an imitation food; what should we call a food that purports to be a standardized article but does not conform to the standard of identity; what information should be included in the name or on the label of a substitute food; what criteria should be used to determine whether a substitute food is nutritionally inferior to the original article; whether nutritional inferiority information should be included on the label of a substitute food in addition to being labeled "imitation"; whether we should require that substitute foods be made nutritionally equivalent as well as being labeled "imitation"; and what characteristics, other than nutritional equivalence, substitute foods should possess.

We have also invited consumers to let us know their views on the topic of food fortification. We have asked them to provide us with reasons for adding vitamins and minerals to food other than to correct "real or suspected" nutrient deficiencies. We want to know what criteria they believe should be used in determining whether food should be fortified; the advisability of prohibiting fortification of some foods; whether there should be standards for limits on fortification; what they consider the value of standards of identity to be in regulating fortification; and whether prior approval by a Government agency should be required before a food can be fortified.

Still another topic on which we are requesting input is the total food label. Comments are invited on the type of product information which should be conveyed on labels and how such information will benefit consumers; on whether or not current food labels are afflicted with "information overload" or if this would occur if additional information would be required; on the degree of importance of the various bits of information on food packages; on improved methods in label format or arrangement; and if certain ingredients should be designated on labels by symbolic markings.

The last topic to be discussed at the public hearings deals with the use of "safe and suitable" ingredients as optional components in certain standardized foods. The use of such alternative ingredients, which is permitted if they do not change the food's character or nutritional value, was devised to allow flexibility for the manufacturer to use different ingredients because of seasonal changes or to take advantage of new ingredients and economic conditions. But the concept has led to controversy.

To resolve the issue, we have asked consumers for their views on food standards; what alternatives might be useful; if standards of identity are needed for certain foods and why; whether standards of identity are actually necessary if more ingredient information is given on food labels; whether the "safe and suitable" policy should be changed; and for other information on ingredients and composition of standardized foods.

There has been some criticism of FDA's policy with respect to "safe and suitable" ingredients and "imitation" foods and some concern about how these policies will be handled in the public hearings. It is argued that the legal basis for our actions is questionable, and that we should hold in abeyance all proposals until the hearings end. It is felt that we have not told the public enough about the history of our policy in the extensive materials that we published earlier this summer in the *Federal Register*, nor in the hundreds of thousands of brochures and leaflets that are now being made available. Let me try to clarify the issues.

First, we believe that all of our labeling policies, including the "safe and suitable" policy, are reasonable interpretations of our statutory mandate to ensure "honesty and fair dealing with the consumer." In fact, a Federal court has upheld our current policy on "imitation." I think that we may be able to develop better policies that are more consistent with present consumer preference, but this does not make our present policies either unreasonable or illegal.

Second, a number of food regulations are currently pending or under development. These proposals do reflect current policy. I do not believe that the interest of the consumer would be served by a total cessation of activity until after the hearings are over and their results compiled. However, I have reviewed all the major regulatory proposals to determine whether they should be delayed until the end of the hearings. On the basis of this review, I have decided to permit the issuance of very few regulations in either the "safe and suitable" or "imitation" areas.

CONSUMER SURVEYS AND STUDIES

In addition to the hearings I have just described, FDA has undertaken a number of surveys and several special consumer studies which will generate additional information of particular value in our efforts to improve food labeling.

We are undertaking in the next few weeks an important survey of consumer attitudes, knowledge, and behavior: in which we are aiming toward a national probability sample of approximately 1500 family food purchasers. We call the study the Multipurpose Food Information Survey because it encompasses quite a collection of subjects including nutrition labeling, ingredient labeling, open dating, solids content labeling, dietary supplement consumption, concerns relative to food additives; food faddism, and economic deception as related to food colors. In essence, the survey focuses on the information that is on, or perhaps should be on, food labels and how the consumer uses or could use it. Further interviews will be undertaken with a subsample of the survey population both while purchasing food in the store and in the home, in order to define the specific information actually used by consumers when they purchase food, and the uses to which food labeling information is put in the home.

In addition, and in collaboration with the Grocery Manufacturers of America (GMA) and the American Institute of Nutrition (AIN), we will extract from the main consumer survey those questions pertaining to the specific nutrition-related information that might appear on the label, and address these same questions to representative samples of the following groups:

- (1) The Nutrition Scientific Community;
- (2) Consumer Organizations;
- (3) Food Manufacturers;
- (4) Retail Food Marketers.

Thus we should by the end of this year, have quantitative information from five major population segments on what nutrition and related dietary information should be on food labels.

Several special consumer research studies will also be initiated this fall. These will assess consumer understanding of quantitative declarations and consumer comprehension of the nutrition and technical food "jargon" currently used.

OPERATION COMMON SENSE

The food labeling hearings and the consumer surveys and studies are closely tied to "Operation Common Sense," the Secretary's attempt to rationalize the Department's regulatory processes. Within the mechanism established under will assess consumer understanding of quantitative declarations and consumer surveys and studies will be used to determine the adequacy of existing food labeling regulations and to identify those in need of simplification, improved consistency, updating, or even elimination of some regulations.

SUMMARY

All of these efforts will lead—we hope systematically and straight-forwardly—to the selection of the best food labeling policy for the consumer. This, in turn, will determine what will have to be done to assure this policy will be implemented. We may have to revise current regulations, issue new regulations, request the Congress for legislation to amend the law, or do all three of these. We are deeply committed to the improvement of food labeling, and we will move as quickly as we can to accomplish the needed changes.

Once again, thank you for inviting us to testify today. I will be pleased to respond to any questions you may have.

FACT SHEET—FDA FOOD LABELING POLICIES AND FOOD LABELING HEARINGS

I. Current Food Labeling Policies

FDA food labeling policies encourage labeling practices that will enable consumers to make intelligent and economical choices.

A. STANDARD OF IDENTITY

The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes the FDA to establish a “reasonable definition and standard of identity” for any food whenever “such action will promote honesty and fair dealing in the interest of consumers.” (21 USC 341).

A standard of identity defines the ingredient composition of (i.e., ingredients that must and may be included in) a product purporting to be a particular type of food. Methods of food processing are also sometimes discussed in the standards.

FDA standard of identity regulations cover both processed and unprocessed foods. The regulations for manufactured foods often resemble recipes.

B. LABELING

Federal law requires:

- (1) That foods without standards of identity bear labels listing all ingredients;
- (2) That imitation foods be labeled “imitation.”

Foods that have standards of identity may, but are not required to, bear labels listing mandatory ingredients. FDA can, however, require label listing of optional ingredients in foods that have standards of identity.

The FDA encourages complete ingredient labeling of *all* foods so that consumers can make more informed choices. By regulation, the FDA specifically:

- (1) Encourages all manufacturers, packers and distributors to include mandatory ingredients on the labels of foods for which standards of identity exist.
- (2) Requires that nutritionally inferior substitute foods be labeled “imitation,” e.g., nutritionally inferior peanut butter substitute must be labeled “imitation peanut butter.”
- (3) Permits, but does not require, nutritionally equivalent substitutes to be sold bearing a distinctive, nonmisleading name and label without being labeled “imitation,” e.g., “Peanut spread contains —% peanuts.” Some manufacturers prefer to market “nutritionally equivalent” products under the “imitation” label.

C. PRESERVING THE BASIC CHARACTER OF FOOD

Essentially all food standards require the use of particular ingredients that are considered important to the basic character of the food. The canned pear standard, e.g., requires the use of specific types of pear ingredients. Other standards including the canned pear standard, limit the permissible use of sweeteners to nutritive carbohydrate sweeteners.

A determination of whether the basic character of a food is altered by an ingredient substitution is made on a case-by-case basis. It might be useful to try to publish general criteria for determining when the basic character of a food has been adulterated. The FDA has always carefully considered suggestions on how such determinations should be made.

D. “SAFE AND SUITABLE” INGREDIENTS

About 150 of the 271 food standards issued since 1970 allows the use of “safe and suitable” ingredients for specified purpose, without specifying the precise

ingredients that may be used. For example, a standard may permit any safe and suitable preservative to be used, rather than listing the specific preservatives that can be used. Some instances in which the "safe and suitable" concept has been used are:

(1) Lowfat Milk and Skim Milk: Both standards permit the use of safe and suitable concentrated skim milk, nonfat dry milk or other milk derived ingredients to increase the nonfat solids content of the food. Both standards also provide for other safe and suitable ingredients such as flavors.

(2) Sweetened Condensed Milk: Can be marketed as a mixture of milk and a safe and suitable nutritive sweetener. This standard also provides for ". . . safe and suitable characterizing flavoring ingredients, with or without coloring. . . ."

(3) Sour Cream and Related Substances: Permit the use of safe and suitable ingredients that improve texture, prevent syneresis or extend the shelf life of the product. The standards also mention specific functional categories of safe and suitable ingredients, such as nutritive sweeteners and food flavors.

(4) Cottage Cheese: Prepared by mixing cottage cheese dry curd with a creaming mixture. The creaming mixture is prepared from safe and suitable ingredients including, but not limited to, milk or substances derived from milk. Any ingredients used that are not derived from milk must serve a useful function other than building the total solids content of the finished food.

(5) Canned Peaches and Other Canned Fruit Standards: State that the food is prepared from an optional fruit ingredient and packed in one of several permitted packing media, which may contain safe and suitable nutritive carbohydrate sweeteners. Other safe and suitable ingredients such as flavors, colors or organic acids may be used, provided they do not alter the basic character of the food. (The canned pear standard allows safe and suitable optional ingredients only for limited purposes such as sweeteners, flavors, spices, vinegar, organic acids or colors.) (21 CFR 145.175). All ingredients must be listed on the product's label by their common or usual name unless a statute exempts the ingredients from this requirement (as is the case for mandatory ingredients and spices, and flavors and colors).

FDA does not permit the use of safe and suitable ingredients in a food when it finds that to do so would alter the basic character of the food. Restrictions are thus often imposed on the ingredients substitutions. For example:

(1) Many standards limit the use of sweeteners to nutritive carbohydrate sweeteners.

(2) The FDA considered amending the French dressing standard to permit the use of "safe and suitable" acidifying agents. The standard was ultimately amended to permit the use of only vinegar, malic and citric acids because adequate data were *not* available to demonstrate that other acidifying ingredients were suitable.

A number of other standards specify ingredients that are *not* considered to be suitable. For example:

(1) The frozen raw breaded shrimp standard provides for the use of "safe and suitable" batter and breading ingredients, but states that artificial flavors, artificial sweeteners, artificial colors and chemical preservatives, other than specifically permitted ones, are not suitable ingredients.

(2) The mixed nuts standard permits the use of safe and suitable nonnut ingredients which perform a useful function, but states that color additives are not suitable ingredients.

(3) The peanut butter standard permits the use of safe and suitable seasoning and stabilizing ingredients that perform a useful function, but states that artificial flavors, artificial sweeteners, chemical preservatives, added vitamins and color additives are not suitable ingredients.

(4) The standard for bread, rolls and buns states that coloring may not be added as such or as part of another ingredient except for that which may be present in butter within certain limitations, (This provision is stayed because of objections and is subject to a public hearing to be held this fall.)

The public has the opportunity to question the appropriateness of any safe and suitable provision before the provision is enacted. Any provision allowing the use of safe and suitable ingredients is first published as a proposal, in response to which the public may file comments. Thereafter, a final order is issued, to which the public may object and request a hearing on disputed issues of fact. Finally, interested persons may seek judicial review.

When safe and suitable ingredients are allowed, FDA requires that the product's label bear the name of the specific ingredients used, unless it lacks the authority to do so. (Under current law, for example, FDA cannot require that color additives be specifically identified on the label). This practice allows the public to make more informed purchases.

E. SAFETY OF INGREDIENTS

All ingredients used in standardized and other foods must be safe under the legal provisions and procedures governing safety determinations. If the ingredient is a food additive, FDA must approve its use in a food additive regulation. Foods that are generally recognized as safe or covered by a prior sanction may be used without prior review by the Agency. If a food contains a deleterious substance or is otherwise adulterated, FDA can institute court action to seize the food or can take other enforcement measures.

II. The Food Labeling Hearings and Current Proposals

In August 1977, Representative Charlie Rose (D-N.C.) and Representative Fred Richmond (D-N.Y.) held joint hearings of their House Agriculture Subcommittees to probe a final FDA "frozen dessert" standard that would have removed certain restrictions on the substitution of casein and whey for milk and/or milk derived ingredients in ice cream. They raised a number of important questions about the "safe and suitable" policy, as well as about other issues, such as "imitation" labeling. In response to the questions about FDA food labeling policy and a more general concern about a broad range of food policy issues that arose during the hearings, FDA is taking a number of actions to both increase public awareness of, and promote informed public input regarding, current food labeling policies:

(1) Commissioner Donald Kennedy, in conjunction with FTC and USDA, has announced FDA's intention to hold a series of public hearings across the United States in the summer and autumn of 1978. The hearings will be held as follows:

- Wichita, Kansas—August 22-23.
- Little Rock, Arkansas—September 18-19.
- Washington, D.C.—September 27-28.
- San Francisco, California—October 12-13.
- Boston, Massachusetts—October 25-26.

In the June 9, 1978 Federal Register, FDA published the agenda for the hearing, as well as substantial background information on the following subjects:

- (1) Ingredient Labeling;
- (2) Nutrition Labeling;
- (3) Open Date Labeling;
- (4) Imitation and Substitute Foods;
- (5) Food Fortification;
- (6) The Total Food Label;
- (7) Safe and Suitable Ingredients.

This Federal Register package is receiving wide distribution. The background information is designed to introduce citizens to current policies and raise questions about them in a way that facilitates open discussion by the greatest number of citizens. The information thus assumes little, if any, knowledge on the part of consumers about either the history of food labeling or the legal questions surrounding FDA's implementation of the "safe and suitable" concept. Individuals who cannot attend the hearings can submit their views in writing.

(2) FDA is also conducting a consumer survey to determine the attitudes about, knowledge of, and purchasing behavior in response to food labeling. The survey will widen the opportunity for citizen comment and ensure a broader cross-section of opinion.

(3) Upon completion of the hearings and tabulation of the results from the survey, FDA, and other agencies, will utilize the mechanisms established under Executive Order 12044 and the Department of Health, Education, and Welfare's Operation Common Sense to help determine the adequacy of present regulations in the labeling area and identify regulations that should be amended or even repealed. Efforts will also be made to increase the internal consistency of the regulations as a whole. The Department of HEW and the Administration may

also request new legislation. Any new labeling legislation will be developed in conjunction with interested Members of Congress.

(4) A number of food regulations are either pending or under development. These proposals reflect current policies. Questions have been raised, however, about FDA's legal authority in the labeling area, particularly regarding imitation foods. FDA believes that current policies (outlined above) reflect reasonable interpretations of its statutory mandate to ensure "honest and fair dealing in the interest of the consumer." Better policies may emerge as a result of the hearings and surveys, in which case any final regulation will be rescinded or revised. FDA does not believe that the consumer's interest would be served by a cessation of regulation development activity until the hearings are over and the comments are processed.

All major regulatory proposals in the labeling area are now undergoing rigorous review to determine whether they should be held in abeyance until the hearings are completed.

Decisions to delay are based on the following considerations:

- (1) The impact of the proposal;
- (2) The proposal's present stage of development;
- (3) An assessment of the probability that the proposal will be changed following the hearings.

Table I displays the status of the eighteen major regulations under development. Seven are being held up primarily because of the hearings.

A total of 156 proposals with labeling implications are pending. 105 of these relate to food standards. No action is planned for 55 of these food-related standards during 1978. Progress on the others will depend upon the outcome of the hearings and other legislative or legal actions.

TABLE I.—PENDING MAJOR FOOD REGULATION PROPOSALS

Type of document	Title and description	Status
Common or usual name:		
Final regulation.....	Common or usual name for substitutes for margarine or butter.	Hold pending hearings.
Do.....	Fruit flavored spreads.....	Do.
Tentative final regulation.....	Plant protein—Common or usual names for nonstandardized foods, vegetable protein products which resemble and substitute for meats, seafood, poultry, eggs or cheese.	Publish with opportunity for comment.
Final regulation.....	Proposal for common or usual name for diluted fruit or vegetable juice beverages.	Publish.
Notice.....	Filled milk—Common or usual name.....	Do.
Nutritional quality guidelines:		
Final regulation.....	Nutritional quality guidelines for fruit or vegetable type beverage products requiring vitamin C.	Do.
Do.....	General principles for the addition of nutrients to food.	Hold pending hearings.
Standards of identity:		
Final regulation.....	Orange juice with preservatives identity.....	Do.
Proposal.....	Identity to provide for standardization of a food made in semblance of cheese or cheese products.	Publish.
Nutritional guidelines:		
Final regulation.....	Labeling statements relating to infant foods.....	Hold pending hearings.
Do.....	Infant food, junior food, toddler meal.....	Do.
Proposal.....	Formulated food products used under medical supervision.	Continue to develop.
Do.....	Labeling of sodium and potassium content of foods....	Do.
Information warning and percent labeling:		
Proposal.....	Food labeling: Designation of ingredients re nutritive sweeteners.	Hold pending hearing.
Do.....	Cholesterol-free egg substitute—Petition for reconsideration.	Continue to develop.
Tentative final regulation and proposal.	Liquid protein products warning statement.....	Do.
Final regulation.....	Labeling of yellow No. 5 in foods and cosmetics.....	Do.
Drained weight: Final regulation.....	Solid contents statement on canned fruit and vegetable products.	Fiscal year 1981 before ready to finalize.

[From the Federal Register Vol. 43, No. 112—Friday, June 9, 1978]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 78N-0158]

FOOD LABELING

HEARINGS

Agency: Food and Drug Administration.

Action: Notice.

Summary: The Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and the Federal Trade Commission (FTC) announce a series of five public hearings to discuss several issues related to food labeling, including ingredient labeling, nutrition labeling, and imitation foods.

Dates and locations: August 22-23, 1978—Century II Theater, 225 West Douglas, Wichita, Kans. September 18-19, 1978—Little Rock Convention Center, Robinson Auditorium, Room 102 or 103, Markham and Broadway, Little Rock, Ark. September 27-28, 1978—HEW Auditorium, 330 Independence Avenue, SW., Washington, D.C. October 12-13, 1978—Fremont Building, 215 Fremont Street, EPA Conference Room, 6th Floor, San Francisco, Calif. October 25-26, 1978—Howard Johnson's 57 Motel, 200 Stuart Street, Boston, Mass.

For further information contact:

Taylor Quinn, Bureau of Foods (HFF-300), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20240, 202-245-1243.

Supplementary information: The Commissioner of Food and Drugs announced in October 1977 his intention to hold hearings on the broad subject of ingredients labeling, nutrition labeling, food fortification, and related matters. As explained in his announcement, such hearings are essential in order to gather information and opinions on the subject of food labeling. This public input will in turn provide a basis for development of a comprehensive strategy aimed at providing consumers with useful nutrition-oriented information on the labels of all food products.

Representatives from FDA, FTC, and USDA have been meeting regularly since the announcement of the hearings in order to work out the details of the hearings and identify the subjects that need to be discussed. The hearings will be limited to discussions on the following topics:

1. Ingredient labeling.
2. Nutritional labeling and other dietary information.
3. Open date labeling.
4. Imitation and substitute foods.
5. Food fortification.
6. The total food label.
7. Safe and suitable ingredients.

A discussion on each of the above topics is published as an appendix to this notice. Copies of the discussion are also on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Additional copies may be obtained from FDA offices located in most major metropolitan areas and from the contact person identified above.

The hearings will be open to the public and will be held on the dates and at the locations listed above. Each hearing will begin at 9:30 a.m. and will be presided over by either an FDA or USDA representative. All seven topics will be discussed at each hearing.

The hearings will be conducted in accordance with Title 21 of the Code of Federal Regulations, Part 15—Public Hearing Before The Commissioner. Any person who desires to make a presentation at a particular hearing may do so by simply indicating this wish at the time of the hearing. However, for scheduling purposes, we encourage those who can to fill out and return the notice of participation form attached to this notice to Taylor Quinn at the address given for him above.

Individuals or organizations will be allowed only one opportunity to present their views in the course of the five hearings. Consumers with no organizational affiliation will be allowed to present their views first at each hearing. These are

public hearings and are open to all interested parties. However, organized consumer groups as well as regulated industries and their associations are experienced in the use of other avenues for making their views known to the agency, including making written submissions in response to Federal Register notices. It is the special aim of these national hearings to provide an avenue for the expression of the views of individuals. In allocating time at the hearings, therefore, we intend to extend preference to such submissions. Those who are unable to appear in person may submit information and views in writing to the Hearing Clerk by close of business November 10, 1978, at the address given above. Written submissions will also be accepted at the time of each hearing for those who want additional information included in the record. Consumers with no organizational affiliation may submit a single copy of their information and views, but others should submit four copies. The submissions should be identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office of the Hearing Clerk from 9 a.m. to 4 p.m., Monday through Friday.

Dated: June 2, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

FOOD LABELING HEARINGS
NOTICE OF PARTICIPATION

Please enter participation of: _____
(Name)

(Street Address)

(City, State, Zip Code)

I am representing (if other than self): _____

1. I will make an oral presentation at the _____
(Name of City)

Food Labeling Hearings. I request _____ minutes for my presentation.

I will be speaking on the following topics:

and/or

2. I am submitting for the record the attached comments on the following food labeling topics:

TOPICS

Ingredient Labeling

Food Fortification

Nutrition/Dietary Labeling

Total Food Label

Open Dating

Safe and Suitable Ingredients

Imitation and Substitute Foods

(Signature)

INTRODUCTION

Federal laws governing the labeling of food are enforced by the United States Department of Agriculture (meat and poultry products) and the Food and Drug Administration (all other food). These Federal laws were originally passed in 1906, and although some revisions have been made since then, the basic concepts with respect to food labeling have remained unchanged for about 40 years. Significant advances in food technology during this time, coupled with increasing demand for extensive and sophisticated information about food products and increasingly antiquated statutes, have led to a complex set of food labeling regulations.

The current goal of the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) is the development of an overall labeling strategy that provides consumers with information they want and need. In order to achieve this goal, a number of programs are underway including an audit of existing regulations to determine whether labeling regulations are adequate and to identify candidates for simplification, improved internal consistency, or elimination. The Federal Trade Commission (FTC) is also interested in food labeling because of its responsibility for regulating food advertising.

As part of the comprehensive review of food labeling, FDA, in cooperation with USDA and FTC, is seeking comments from consumers and other interested groups through public hearings. These hearings will elicit public concerns and ideas about:

- Ingredient labeling.
- Nutrition labeling and other dietary information.
- Open date labeling.
- Imitation and substitute foods.
- Food fortification.
- The total food label.
- Safe and suitable ingredients.

As an aid in focusing the discussion of these issues, background information and specific questions are provided for each topic. References are also furnished for a few pertinent statutory provisions, regulations, and judicial decisions. To aid in understanding food labeling terminology, examples of food labels are provided. Label No. 1 shows the principal food labeling elements.

INGREDIENT LABELING

In this section, we discuss how ingredients are listed on labels of both standardized and nonstandardized food. Comments are desired on these related topics:

- Listing of ingredients in order of predominance.
- Quantitative ingredient listing.
- Percentage of ingredient as part of product name.
- Names of ingredients.
- Changes in ingredients.

Label 1



LISTING OF INGREDIENTS IN ORDER OF PREDOMINANCE

Government regulations called standards of identity define the composition of many foods, state which optional ingredients may be used, and specify those ingredients which must be declared on the label. Examples of standardized foods are most canned fruits and vegetables, milk, cheeses, ice cream, breads, margarine, and certain seafoods, sweeteners and food dressings. Required or mandatory ingredients used in such standardized foods are exempt by law from label declaration. FDA has sought the legal authority to require the declaration of mandatory ingredients for a number of years. Proposed laws would require listing of ingredients in all foods, whether standardized or not.

Earlier standards required declaration of only a limited number of optional ingredients since the specific ingredients which could be used were named in the standard. Most standards have been or are being revised to permit greater flexibility in the use of ingredients and, at the same time, to require the declaration of all optional ingredients. The law requires, with few exceptions (e.g. spices, flavors, colors), the label declaration of all ingredients in foods which are not standardized. Labels for all meat and poultry products, whether standardized or not, must list ingredients. Government regulations require that whenever ingredients must be declared on the label, the ingredients must be listed in descending order of predominance by weight.

Label No. 2 for canned peas shows the listing of ingredients in order of predominance.

1. Some people may not know that food ingredients are listed on labels in the order of predominance. Should the label state that foods are listed in order of predominance?

2. Should exceptions be permitted from the order of predominance requirement for ingredients present in small amounts, such as spices or food colorings? FDA permits few exceptions, but some think we should be more flexible to permit minor changes in ingredients in order to keep costs down.

QUANTITATIVE INGREDIENTS LISTING

Some consumer representatives have proposed requiring that labels for all food declare the percent of ingredients in the ingredient statement. Bills to do this have been introduced into Congress. On September 7, 1976, FDA published a proposal requiring percentage ingredient labeling for infant foods. Use of percentage ingredient listing would provide an ingredient statement such as the following for canned peas:

Ingredients: Peas 65 percent, Water 32 percent, Sugar 2 percent, Salt 1 percent

There are other ways of declaring the amount of ingredients, such as giving the weight of each ingredient per ounce or gram of food.

3. Should labels for all foods declare the amount of ingredients in the product? How would quantitative ingredient labeling be more helpful than the present method of listing ingredients in descending order of predominance? Should the amount of each ingredient be declared using percentages or some other method?

4. Do you see any value in knowing the amount of ingredients present in small amounts, for example, spices, and flavorings? Do you favor a cutoff level below which ingredients present in small amounts would have to be listed, but not the amount? If so, what should the cut-off level be?

5. Should a cost/benefit study be conducted to help the government arrive at a decision on quantitative ingredient labeling, or should the decision be made on other grounds, such as the consumer's "right to know?" If you think cost should be a consideration, would you be willing to pay for the information? How much?

6. The FDA proposal for infant foods would require percentage ingredient labeling in 5 percent increments. This means that the amount of each ingredient present would be declared by rounding off to the nearest 5 percent. Would this degree of accuracy be satisfactory for all foods? If not, what increments would be better?

PERCENTAGE OF INGREDIENTS AS PART OF PRODUCT NAME

FDA requires a declaration of the percentage of some "characterizing" ingredients as part of the name of some foods when the amount of the ingredients has a material bearing on the consumer's acceptance of the food. For example, if a shrimp cocktail consists of 50 percent shrimp, the official name of the product is "Shrimp Cocktail—Contains 50 Percent Shrimp."

7. Should a declaration of the percentage of characterizing ingredients as part of the name of food be required for more foods? Which foods? Which ingredients in those foods do you consider to be characterizing? How important a priority is this to you?

NAME OF INGREDIENTS

Most ingredients must be listed on the label by the specific name of the ingredient. There are some exceptions to this rule. Under the law, spices, flavorings and colors may be declared in the ingredient statement without naming the specific ingredient used. Furthermore, generic or collective names can sometimes be used instead of the specific name. (Example: whey can be declared when it is reconstituted whey. See Label No. 3 for American Cheese Food.) Some consumers are confused by long chemical names, while others want some specific information about ingredient identity because they may be allergic to certain ingredients.

8. Do you favor changing the law to require listing of specific spices, flavors and color ingredients?

9. Are specific names of certain ingredients confusing? What changes do you suggest?

10. Under the law, artificial color may be used in butter, cheese and ice cream without the label declaring the presence of the color. Do you think this exemption should be changed?

11. The regulations allow for some flexibility in the declaration of a fat or oil ingredient. For example, a vegetable oil may be declared as follows: "vegetable oil shortening (contains one or more of the following: soybean oil, palm oil, and/or corn oil)." Food producers indicate that such labeling allows flexibility in purchasing fats or oils according to best available price. Do you believe such labeling should be permitted? Should this method of labeling be extended to other instances where multiple ingredients are similarly interchangeable?

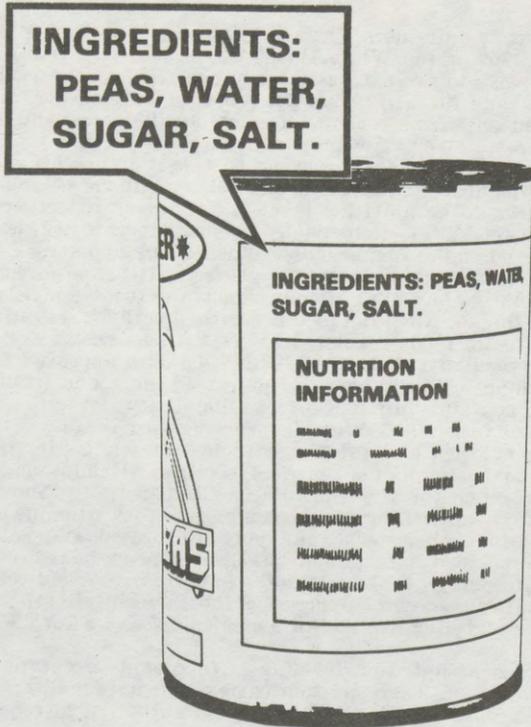
CHANGES IN INGREDIENTS

Some consumers want to require that food labels be flagged in some way when a change is made in the ingredients used. This is because once a product has been used for some time, the consumer might not realize that an ingredient change was made.

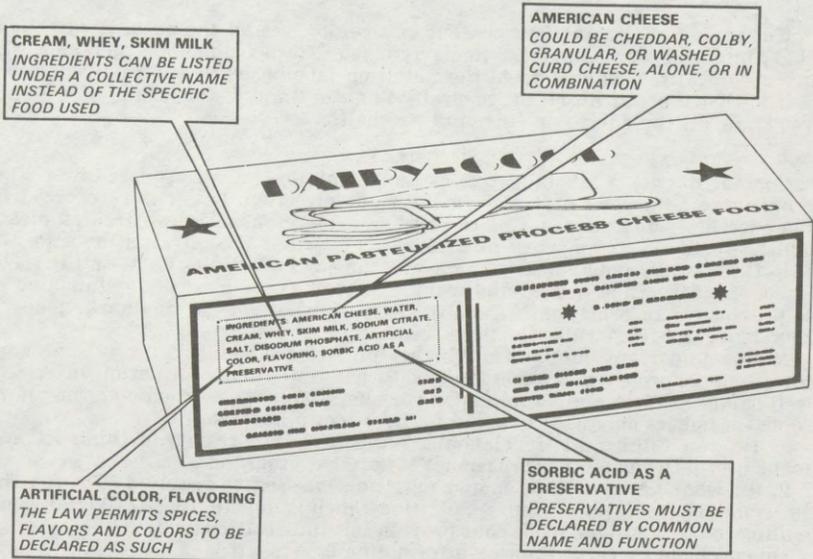
12. Do you believe that a change in ingredients should be prominently noted on the label? What kind of change (any new ingredient, removal of ingredient, etc.) should trigger the special notice?

13. Do you have any other suggestions on ingredient labeling?

Label 2



Label 3



Background

Nutrition labeling is quite new. Consumer interest in nutrition labeling came into focus in late 1969 at the White House Conference on Food, Nutrition and Health. Different ways to present nutrition information on the food labels were studied during 1970 and 1971. In 1972, FDA proposed a system for nutrition labeling, and many comments from consumers, scientists, industry, and other government agencies were received. The proposal was modified and issued as a final regulation in 1973. Nutrition labeling began to appear in grocery stores in 1973, and its use has expanded greatly since then. Many billions of dollars worth of our foods are known to be nutrition labeled, but what proportion of our total \$120 billion annual food bill is accompanied by such labels is not known. An FDA nationwide survey to find the answer will be finished this summer.

Nutrition labeling is partly a voluntary program. It becomes mandatory only when a processor makes any kind of claim about the food's nutritional value in labeling or advertising, or when the food is enriched with any essential nutrients. The program applies to foods regulated by FDA (most foods, except meat and poultry which are regulated by USDA). USDA has also approved the use of the same type of labeling on many types of processed meat and poultry products. When a food label contains nutrition information, that information must be provided in a standard format: Serving size, servings per container, and then for each serving—the calories and protein, carbohydrates and fats in grams, followed by protein and a minimum of seven specified vitamins and minerals in terms of the percentage of the U.S. Recommended Daily Allowances (U.S. RDA's). Quantitative information on the content of other vitamins and minerals, sodium and potassium, cholesterol, and polyunsaturated and saturated fatty acids may also be included in a standardized way. The standardized way of presenting all this information is thought to be important to avoid confronting the consumer with multiple ways of expressing the same information. Typical examples of nutrition labeling are shown as Labels Nos. 4 (Corn Flakes) and 5 (Salad Dressing).

The basic purpose of nutrition labeling is to provide accurate nutrition information about each food. There are four basic constraints to this:

The law does not provide FDA with express authority to require nutrition labeling on all foods.

Nutrition labeling may be costly because of the expense of analyzing products for nutrient content. FDA does not wish to take steps that would significantly increase food prices unless there is an important public health reason for doing so.

Knowledge of the nutrient content of some foods and the natural variation in this content is poor. This is particularly true of fresh fruits and vegetables, which are specifically exempted from the nutrition labeling regulation for this reason.

Knowledge about nutrition generally is quite limited. For example, we do not yet know all the effects of nutrients on health.

Some issues

Current nutrition labeling policies and regulations are considered by the government to be a good first step in the right direction, but it is recognized that the current system may not be the best possible. Consumer research studies are underway to try to improve nutrition labeling, but the government also needs help through the public hearing process. The current studies focus on the specific kinds of information needed and wanted as well as the most understandable way to present the information. After five years of experience in the marketplace, the time has come to consider the need for change.

A very important question is whether nutrition labeling is useful. The key to this issue is proper education in how to use nutrition information in selecting well-balanced diets and to minimize consumption of those food components that some consumers may wish to avoid for health or other reasons.

1. Do you think nutrition labeling is useful? If not, do you think it can be made useful through other programs? If so, what programs?

2. On what kinds of food should nutrition labeling be required? Do you think it would be useful to require nutrition labeling on all foods? Would you be willing to pay more for foods that provide this information?

One problem concerns the way information is presented.

Serving sizes are expressed in common household measures (ounces, teaspoons, pieces, etc.).

Calories are expressed as calories in a serving.

Sodium, potassium and cholesterol are in milligrams.

Protein, vitamins and minerals are in percentage of the recommended daily allowances (U.S. RDA's).

Some nutrients (e.g. sugar) are expressed in grams per serving.

This degree of complexity may ultimately prove to be necessary because there may not be a better way, but the subject needs to be explored. For example, a suggestion has been made that all the nutrients be declared as amounts in the metric system (milligrams, etc.) per 100 calories, or that nutrients be declared as percentages of the daily allowance per 100 calories. This suggestion is referred to as the "nutrient density" concept. Another part of the problem is whether or not it would be better to eliminate as many numbers as possible, switching to some form of pictorial representation such as bar graphs or circular wedge charts ("pie charts"). It is also possible to combine nutrient density with pictorial methods. It is important, however, to think about how much education would be required to understand either one or both of these approaches. In addition, a system could conceivably be devised under which nutrition labeling would appear as words describing each food as an excellent, good, fair, poor, or zero source of each nutrient. These descriptive words would, of course, have to be defined in quantitative terms by regulation, but the quantities themselves need not appear on the label.

3. Rather than providing information in metric units and percent U.S. RDA's, should some other approach be used, such as nutrient density? Or should a system be devised that would permit simplification of labeling so that foods could be stated to be excellent, good, fair, poor, or zero sources of each nutrient? Do you have suggestions on how this might be done? If such changes were made, what implications would the change have for nutrition education?

4. Should the format be changed to include as much of the information as possible in graphic or pictorial form? Do you have suggestions on how to do this?

5. Do you think it would be possible to develop a "nutrition score" for each food? If so, how would you do it?

6. Do you think the current nutrition label has too much or too little information? If too little, what further information do you think should be included? If too much, what information do you think should be eliminated?

7. Do you have other suggestions on how to present nutrition information to consumers?

Another problem is the actual information itself. The information currently provided consists primarily of energy and nutrients known through nutrition research to be needed by humans. There is concern, however, whether this is sufficient. Some persons have suggested that the label give more information about substances in food that some consumers want to avoid for health or other reasons. Primarily because of tooth decay problems, some feel that carbohydrate information should be increased to show the quantity of sugar (sucrose) and other simple carbohydrates as compared with the quantity of starches and other complex carbohydrates. (This type of information is now voluntarily provided on the labels of many ready-to-eat breakfast cereals, but is not required by FDA.)

There also is interest in more explicit information on salt or sodium content primarily because of high blood pressure problems, and some concern about the need for more information on vitamins and minerals that may be in short supply in some American diets, such as folic acid and zinc. Coupled with these specific types of additional information is the matter of prominence of display. Some feel that the content of certain components should not only be declared on the nutrition label itself, but should be routinely emphasized on the front of the label; for example, the content of calories, percentage of sugars, salt, and cholesterol. Many of these concerns are brought out in the recent publication from the Senate Select Committee on Nutrition and Human Needs entitled "Dietary Goals for the United States" (Second Edition, December 1977, 95th Congress, 1st Session, U.S. Government Printing Office, Washington, DC 20402). This year FDA will propose that sodium and potassium content be declared on all nutrition labels. The agency also is considering ways to improve cholesterol labeling, and is in the process of developing a policy on sugar labeling.

8. If you were on a special diet, how could food be better labeled to help you to make food purchases wisely?

9. Do you think information on certain constituents should be required on the label; for example, amount of calories, sugars, sodium, fiber and/or cholesterol? Are there other examples? Should this type of information be provided on the nutrition label, on the principal display, or in both places?

10. Some consumers have suggested that the percentage of sugar in certain foods be declared as part of their names because they believe the amount of sugar is important to consumers for various reasons. Do you think that more information should appear on the label about the percentage or amount of sugar in food? For which foods should this information be provided? Should the amount of all sugars in the food be declared, including sugars added as a separate ingredient and those present in other ingredients? How should this information be presented on the label?

A related issue is how far we should go in determining when dietary information may be included in labeling claims or in the names of food. FDA is developing a definition for "low cholesterol" and "cholesterol reduced foods."

11. A similar problem exists concerning the sodium or salt content of foods. Should the government continue to develop systems for determining when labeling can make claims describing food as "cholesterol free", "low sodium", etc. Or is it better simply to provide consumers with quantitative information without further attempts to describe the nature of the food?

FDA has generally objected to claims in food labeling that a nutrient or other ingredient will cure or prevent a disease. These claims may make the food a drug, subject to the requirements governing drugs, including the requirements that the product be effective for the claimed purpose.

Furthermore, no disease-related or other claim can be made in food labeling if the claim is misleading. FDA has believed that it is difficult to phrase disease-related claims without being misleading because the subject may be scientifically controversial and because it is the total daily diet, not individual food items, that determine nutritional health or reduces risk of diet-related diseases. FDA has, for example, taken the position that it would be misleading to suggest that use of a specific low cholesterol food will prevent heart disease.

12. Should labels be permitted to contain statements about the relationship between use of the food and the prevention of diseases? If so, what type of evidence should be required in support of such statements? Does such disease information belong more properly in the classroom and doctor's office?

13. Are there other types of dietary information that should be included in food labeling?



**CORN
FLAKES**

**CORN
FLAKES**



CORN FLAKES

**NUTRITION INFORMATION
PER SERVING**

SERVING SIZE ONE OUNCE (ABOUT 1 CUP)
CORN FLAKES ALONE AND IN COM-
BINATION WITH 1/2 CUP VITAMIN D
FORTIFIED WHOLE MILK

SERVINGS PER CONTAINER 8

	CORN FLAKES	
	1 OZ	WITH 1/2 CUP WHOLE MILK
CALORIES	110	180
PROTEIN	2 g	6 g
CARBOHYDRATES	25 g	31 g
FAT	0 g	4 g

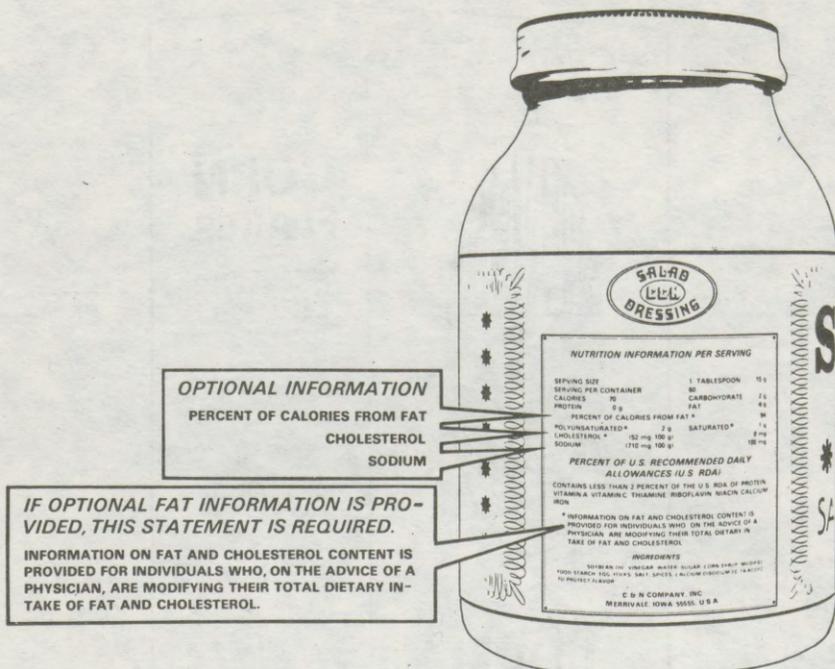
**PERCENTAGE OF U.S.
RECOMMENDED DAILY
ALLOWANCE (U.S. RDA)**

	CORN FLAKES	
	1 OZ	WITH 1/2 CUP WHOLE MILK
PROTEIN	4	15
VITAMIN B ₁	25	25
VITAMIN C	25	25
THIAMIN	25	25
RIBOFLAVIN	25	25
NIACIN	25	25
CALCIUM	*	15
IRON	10	10
VITAMIN D	10	25
VITAMIN B ₆	25	25
FOLIC ACID	25	25
PHOSPHORUS	*	10
MAGNESIUM	*	4
COPPER	2	2

*CONTAINS LESS THAN 2 PERCENT OF THE
U.S. RDA OF THESE NUTRIENTS

INGREDIENTS: MILLED CORN; SUGAR; SALT;
MALT FLAVORING; SODIUM ASCORBATE (C);
VITAMIN A PALMITATE; NIACINAMIDE; AS-
CORBIC ACID (C); IRON PYRIDOXINE HYDRO-
CHLORIDE (B₆); THIAMIN HYDROCHLORIDE
(B₁); RIBOFLAVIN (B₂); FOLIC ACID AND VI-
TAMIN D₂; BHA AND BHT ADDED TO PRE-
SERVE PRODUCT FRESHNESS

MADE BY KRINCHY COMPANY
PLEASANTOWN, N.Y. 06444 U.S.A.



OPEN DATE LABELING

An open date represents a calendar date on a food package indicating product freshness. It tells either when a product was packaged or processed, when the product should be sold by the store, or when the product should be used by the consumer. Open dating is voluntary under federal law, but mandatory for perishable foods in a few local jurisdictions. Some manufacturers voluntarily provide open date labeling.

With limited exception, the open date does not have to be accompanied by prefixes such as "Sell By," "Use By," or "Better If Used By" that tell the consumer its meaning. The exception relates to meat and poultry food products covered by the Federal Meat and Poultry Inspection Acts, which represent 25 to 30 percent of the food sold in grocery stores. Under regulations administered by USDA's Food Safety and Quality Service, if a calendar date is shown on the label of a meat or poultry food product, it must be explained in terms of "packing" date, "Sell By" date, or "Use Before" date.

Alternatively, USDA allows processors to label meat and poultry products with statements such as "Full freshness 10 days beyond date shown, when stored at 40° F or below." However, such labeling must be supported by test data that show that the statement is true. USDA also requires frozen or refrigerated meat and poultry products to be labeled "Keep Frozen" or "Keep Refrigerated."

Four types of open dates are in common use:

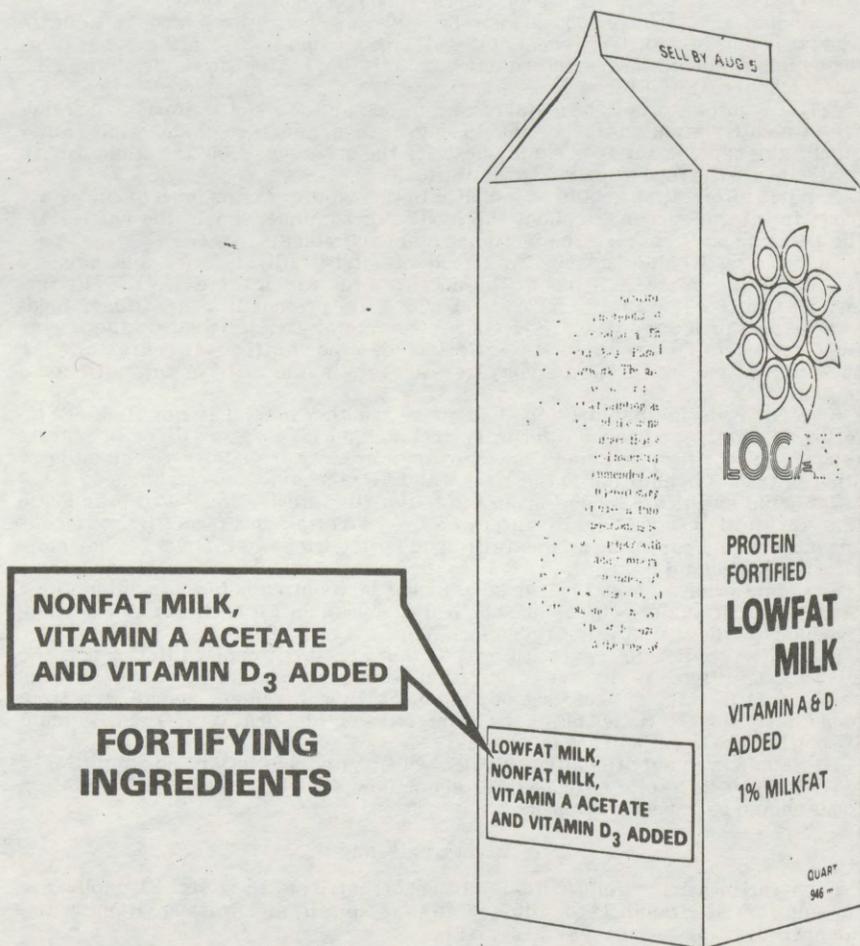
1. Pack date—the date of final packing.
2. Pull date—the last recommended day of retail sale that allows for sufficient home storage and use time.
3. Quality assurance date—the date after which the product is not likely to be at peak quality, e.g., "Sell By (date)."
4. Expiration date—the last day the product should be used for assured quality, e.g., "Do not use after (date)."

An example of open date labeling appears on Label No. 6, Low Fat Milk.

1. Should open dating be required for all foods, only perishable foods, or only selected perishable foods?

2. Should an explanation of the date shown be required?
3. Which of the four common types of open date labeling is most meaningful? Should different products have different types of open date labeling, such as pull dates for perishables and pack dates for canned food? Should certain products have two dates, such as the pull date and the expiration date?
4. Should storage and handling instructions be mandatory? Would home storage and handling instructions make open dating more useful?
5. Should all open dates be uniform with respect to label placement and application techniques, i.e., ink marked or pressure embossed?
6. Is an alpha-numeric (April 18) date more acceptable than a numeric (4-18) date?
7. Is open dating of more value than other information on the label? Which information? Are you willing to pay more for products that have open dating? How much more per week?
8. How often are foods thrown out because the open date on the package is considered to be a throwout date?
9. Would a labeling sticker that changed color, say from white to red, when temperature or time had affected the product be a more meaningful way of informing about the freshness of a food product?
10. Do you favor allowing retailers to sell "out of date products" (such as day old bread)?

Label 6



IMITATION AND SUBSTITUTE FOODS

Substitute foods are any foods that resemble and are intended to replace another food. Some substitute foods are considered to be "imitation" foods. Under Federal law, any food that imitates another food must be labeled "imitation——." Traditionally, FDA accepted the concept that substitute foods were inferior to the "real" food and has to be labeled as imitations. If a standard of identity were established for the substitute food, however, the substitute was viewed as a different food from the real food, and thus did not have to be called imitation. For example, salad dressing does not have to be called "Imitation Mayonnaise."

In 1973, FDA reviewed its policy and decided to identify nutritionally inferior foods by requiring them to be called "imitation," but to allow all other substitute foods to be sold without being called imitation, if they bore a name that accurately described the food. FDA made this change because it believed that the meaning of imitation was confusing.

Although the name "imitation" implies that the substitute food is inferior, some substitute foods may be equal to or better than the real food in nutrition. The substitute food might, for example, have lower amounts of fat and calories, which are rarely viewed today as valuable attributes. FDA also believed that its new policy would encourage manufacturers to make substitute foods nutritionally equivalent to the foods they replace, in order to avoid having to use the "imitation" label. FDA's interpretation of imitation has been upheld by the courts.

1. What kind of food should be called "imitation"?
 2. What does the word "imitation" on the food label mean to you?
 3. Should a substitute food always be called an "imitation" food, to indicate what it is not, in addition to being labeled with a name that identifies what it is; for example, should margarine be named "imitation butter" in addition to being labeled "margarine"? Why?
 4. If a food purports to be a standardized food but does not conform to a standard of identity, should it be possible to sell the food, and, if so, under what name? Should the name of the food simply describe the difference from the standardized food? Should the food be called an "imitation"?
 5. What information should be included in the name or on the label of substitute foods to inform consumers about the food? For example, should the name state the percentage of characterizing (important) ingredients?
- In deciding whether a substitute food is nutritionally inferior and must be called "imitation", FDA looks at the nutrients for which there are U.S. Recommended Daily Allowances (RDA) and which are present in conventional foods at 2 percent or more of the U.S. RDA per serving of each nutrient. If there were sufficient scientific support, FDA could include other nutritional characteristics, such as the nature of the carbohydrate or fat, in the criteria for nutritional equivalence.
6. What criteria should be used to judge whether a food is nutritionally inferior? Should nutritional inferiority include the type of fat or carbohydrate (sugar, starch, fiber)? Should nutritional inferiority include trace minerals or other nutrients in addition to those for which RDA's have been established?
 7. Should substitute foods that are nutritionally inferior be labeled to indicate that the food is nutritionally inferior? Do you think the term "imitation" is adequate to indicate that a substitute food is nutritionally inferior? What more information should be required?
 8. Should prior approval by the government be required before a manufacturer can sell nutritionally equivalent substitute food under an accurate and descriptive name without "imitation" labeling? Why?
 9. As discussed earlier, substitute foods that are nutritionally inferior must be labeled "imitation." Is the word "imitation" enough, or should the manufacturers be required to make substitute foods nutritionally equivalent? Should substitute foods have characteristics other than simply being identical in nutrient content? If so, what are the other characteristics?
 10. Should even nutritionally equivalent substitute foods be labeled "imitation"?
 11. Do you have other suggestions about how substitute foods and imitation foods should be named and labeled?

FOOD FORTIFICATION

Food fortification refers to the addition of nutrients to foods. Examples are the addition of vitamin D to milk, iodine to table salt, and various vitamins and minerals to ready-to-eat breakfast cereals.

FDA does not have a general, overall regulation that requires or prohibits food fortification. FDA has established some standards of identity that prescribe the extent to which some standardized food must be fortified. Examples are enriched bread, which must contain levels of three vitamins and one mineral, and margarine, which must contain a specific amount of vitamin A. The standard for soda water, on the other hand, specifically prohibits the addition of nutrients on the grounds that they are unsuitable optional ingredients. FDA's policies on imitation labeling encourage the fortification of a food substitute to make it nutritionally equivalent to the food substituted for.

Those who favor food fortification believe that fortification is appropriate to counteract dietary insufficiencies and prevent the occurrence of dietary deficiencies, to restore nutrients unavoidably lost in the processing of foods, and to enhance the balance of nutrients to calories in foods. For many years, nutrients added to common foods have contributed substantial proportions of the total amount of many essential vitamins and minerals in our national food supply. The addition of niacin to bread (and other baked cereal-based staples and rice) in the enrichment program in the 1940's was responsible for the decline and virtual disappearance of pellagra, which was then endemic in the South. The nutrient fortification of milk for infant feeding is an example of the addition of nutrients to prevent the occurrence of a dietary deficiency in a very susceptible population.

Because no regulations or official policy guidelines exist, over-fortification as well as inappropriate fortification of foods may occur. Over fortification in both quantity and kind of nutrients can lead to unusual and excessive intakes of some nutrients, particularly if it encourages consumption of a food which, itself, may be considered to be nutritionally undesirable by being high in calories or containing large amounts of salt or simply being a "fun food." Indiscriminate fortification might also imply to some consumers that fortification of any kind makes a good food out of one with less desirable nutritional characteristics. As an example, some believe that adding vitamins and minerals to potato chips is inappropriate fortification.

The nature of our food supply is changing. We eat an even higher proportion of almost-ready-to-eat foods and meals than a generation ago; some foods are highly processed conventional foods and others are formulated from a wide variety of ingredients. This change is coming about primarily because of economic factors and new living styles. More consumers have the ability to buy according to their preferences, and the economics of agricultural production and the national food marketing system foster the change. More plant-derived than animal-derived foods may be eaten in the future. Some believe that limited fortification of these kinds of foods would be a desirable form of health maintenance or protection.

Please provide comments on when food fortification is appropriate and the extent to which the government should regulate food fortification. A typical label for a fortified food is shown by Label No. 6.

1. What should be the criteria for fortifying a food? Is the nature of a food or its place in the diet important? Is the occurrence of a real or suspected nutrient deficiency disease in any part of the U.S. population the only signal that some food should be fortified?

2. Are there types of foods that should not be fortified with nutrients?

3. Should the government regulate food fortification to prevent unnecessary fortification even if the fortification is safe? If fortification is unnecessary, should the food be prohibited? Explain your answers.

4. Should the extent of fortification be based on a standard such as the U.S. Recommended Dietary Allowance?

5. If the government were to regulate fortification, should prior approval be required before a food can be fortified, or should a manufacturer be able to fortify with the government later bringing a court challenge when it believes the fortification to be illegal?

6. Is the standard of identity the kind of regulation that the government should use to continue regulating food fortification? (It is the traditional way for such foods as enriched bread and skim milk fortified with vitamins A and D, and a few others.) If not, what other kind of regulation should be used? Should changes in the nutrient profiles of current food standards be made (either by eliminating nutrients or adding nutrients or changing levels)?

7. Do you have other suggestions on food fortification and labeling?

TOTAL FOOD LABEL

Labels have a limited amount of space on which there is a large quantity of information. Some information is required by law: common or usual name of the

food; name and address of packager, manufacturer or distributor; listing of ingredients for most foods; presence of artificial flavoring, coloring or preservative; and the amount of food contained in the package. Nutrition labeling is required by regulation if vitamins, minerals or protein are added to the food or if nutrition claims are made. The nutrition label may contain up to 28 items of information, such as the amount of vitamins, minerals, calories, protein, carbohydrate and fat present. In addition, the label may contain other information that the manufacturer wishes to put on it, such as brand name, price, vignettes or product photographs, serving directions, a code number related to the date of manufacture, recipe suggestions, offer to send information, premium offers, product guarantee, product coupons, advertising/benefit claims, ethnic symbols, universal product code, patent numbers, storage directions and name and address of container manufacturer. An example is shown by Label No. 7, Canned Sweet Corn.

In view of the quantity and complexity of package information, some people feel that the total communication effectiveness of package labels should be evaluated. Furthermore, additional information increases manufacturers' costs, and these costs may be added to the price of the food. Some manufacturers say they have to spend money to obtain the information, and, in some instances, have to adopt a fixed source of supply for some ingredients rather than use the lowest cost ingredients available at a particular time because varying the ingredients would require a change in the label. We need to determine what information should be conveyed by labels and how that information can be most effectively presented.

A number of proposals have been made to require additional information on labels including:

More specific identification of ingredients.

Amounts of ingredients.

Drained or fill weight.

Open date labeling.

Nutrition information.

In addition, proposals have been made to use symbolic markings or graphics to display information on nutrient content and certain food and color additives. Specific questions about ingredient, open date and nutrition labeling were discussed in other sections. Comments are invited on the following general questions concerning additional information needs and the total food label.

1. What type of product information should be conveyed using labels? How will this information benefit you?

2. Some people are concerned about "information overload," that is, having so much information on the label that it's confusing, overwhelming, or just hard to find what you want. Do you think that information overload is a problem with current labels? Would it be a problem if labels were required to have additional information?

3. Food packages are sometimes too small to accommodate a large amount of information on the label. Because of this, it may be necessary to limit label information. What current or proposed information on labels is most important? Least important? Put your answers to question No. 1 in order of priority. Does the importance of various types of label information change depending on the type of food products?

4. Do you have suggestions for improving the format or arrangements of food labels? Are there certain types of information that should be required to appear at different locations on the label?

5. Consumer representatives have suggested that symbolic markings on labels be used to call attention to the presence of a particular ingredient, such as an artificial flavor or color. This system might help people avoid certain ingredients to which they are abnormally sensitive. Do you favor this proposal? If so, give examples of specific ingredients that should be identified by symbols. How would people learn about what symbols mean?

Label 7

BRAND NAME

TRADE MARK

PICTURE
OF
PRODUCT**CREAM
STYLE**
**GOLDEN
SWEET CORN**

NET WT. 16 OZ. (1 Lb.)

INGREDIENTS CORN, WATER, SUGAR, SALT, STARCH

NUTRITION INFORMATION PER ½ CUP SERVING
SERVINGS PER CONTAINER APPROX 4

CALORIES	210	CARBOHYDRATE	46 g
PROTEIN	5 g	FAT	1 g

PERCENTAGE OF U.S. RECOMMENDED DAILY
ALLOWANCES (U.S. RDA) PER ½ CUP SERVING

PROTEIN	4
VITAMIN A	4
VITAMIN C	15
THIAMIN	2
RIBOFLAVIN	4
NIACIN	6
CALCIUM	•
IRON	4
PHOSPHORUS	4
MAGNESIUM	8

* CONTAINS LESS THAN 2% OF THE U.S. RDA
OF THIS NUTRIENTPACKED BY
E.Z. FOOD CO.
CITY-STATE ZIP**CREAM STYLE****GOLDEN SWEET CORN****RECIPE****CORN FRITTERS**—DRAIN AND ADD ONE EGG, ½ CUP FLOUR, ½ CUP MILK, ½ TEASPOON SALT, ¼ TEASPOON BAKING POWDER. DROP SPOONFUL ON HOT LIGHTLY GREASED GRIDDLE—LIKE GRIDDLE CAKES—AND BROWN BOTH SIDES QUICKLY. SERVE HOT EITHER PLAIN OR WITH SYRUP.

6. Product labels are not the only method of conveying information to consumers. Other means that could be used in addition to labels include placards on display at point of sale, booklets for use in stores or at home, package inserts, etc. What role, if any, do you propose for other media?

7. What other suggestions do you have about the total food label? Give examples of labels that you think are understandable and complete. Which labels do you like best? Why?

SAFE AND SUITABLE INGREDIENTS

FDA has issued regulations, called standards of identity, that describe the kinds of ingredients that can or must be used in making many traditional foods. Under the law, FDA can issue a food standard when the standard "will promote honesty and fair dealing in the interest of consumers." Standards of identity have been issued for milk, cheeses, frozen desserts, bread, flour, macaroni, canned fruits, canned vegetables, and other foods. Foods for which no standards of identity have been issued, such as soups, cookies and pizza, are called nonstandardized foods. In nonstandardized foods manufacturers may use any ingredients desired, but must give the food an honest and nonmisleading name, and declare all ingredients in the ingredient statement.

In the past, standards of identity were like recipes, naming the specific ingredients that could be used. These standards often allowed several optional ingredients to be used. For example, canned peas may be seasoned with one or more of the following optional seasonings: green or red peppers, mint leaves, onions, garlic, horseradish, lemon juice, butter or margarine. Thus, even under the recipe-type standard, manufacturers often have had some flexibility in making the food, and the food could vary to some degree in taste and other features.

In recent years, manufacturers have been allowed additional flexibility in choosing optional ingredients in standardized foods. Instead of listing by name in a recipe the specific ingredients that could be used, some standards permit any safe and suitable ingredient to be used for certain purposes. For example, instead of specifying the particular preservatives that could be used by name (calcium propionate, sodium benzoate, etc.), a standard might allow any "safe and suitable preservative" to be used.

When safe and suitable ingredients are permitted to be used in a particular standard, FDA believes that the additional flexibility would not change the basic character of the food. The "safe and suitable" approach also allows a manufacturer or food processor to use different ingredients because of seasonal changes or to take advantage of new ingredients and economic conditions. Previously, such flexibility could be achieved by seeking to amend the applicable regulations. Amendment is a lengthy and elaborate procedure, even where the changes do not affect the character or nutritional value of the finished food.

Only safe ingredients can be used in any food, including a standardized food. An ingredient is considered suitable only if it performs an appropriate function in the food in which it is used. The government would not consider an ingredient to be suitable if its use significantly changed or degraded the basic characteristics of the food. Characteristics in this sense include nutritional value, taste, smell, appearance, stability, etc.

Standards vary in how much flexibility they provide in using safe and suitable ingredients. Some examples: the authorization to use safe and suitable preservatives in the cane syrup standard; safe and suitable nutritive sweeteners in a number of food standards, including the sweetened condensed milk standard; safe and suitable breading ingredients in the frozen raw breaded shrimp standard; any safe and suitable optional ingredient, except vitamins and certain other ingredients, in the soda water standard; and safe and suitable milk-derived ingredients to build solids in the creaming mixture for cottage cheese.

FDA revised the ice cream standard to permit any safe and suitable milk-derived ingredient to be used to meet the minimum dairy requirements. FDA received objections to this change because some people thought the change would lower the nutritional quality of the food or alter its character. FDA revoked this change because of a possible difference in nutritional quality, and it is no longer in effect.

1. Do you think food standards are a good way to regulate foods? What alternatives would you suggest? For which foods are standards of identity needed? Why?

2. Do you think standards of identity should provide flexibility in the use of optional ingredients? Do you agree that a food processor or manufacturer should

have the ability to use new ingredients in a standardized food? If the change does not significantly alter what the food is? If the food is informatively labeled?

3. Does the "safe and suitable" policy allow too much flexibility in the way standardized foods are made? Which of the examples of the use of "safe and suitable" ingredients given above do you agree or disagree with and why? If you disagree with any of the uses, would you have a different view if more information about the ingredients were provided on the labels?

4. Do you think there would be as much need for standards of identity if the labels for all foods provided more information, such as information in the name about the percentage of important ingredients, percentage ingredient labeling, nutrition information, or other information? Which do you think is more important, to have more standards of identity, or to have more information on the labels of all foods? If more information is desirable, specify what information.

5. What factors should be considered in determining whether the use of a new option ingredient alters the basic character of a food? Do you think that the use of new ingredients that are similar to existing ingredients alters the basic character of a food? Does your answer depend on the type of food involved?

6. Should food standards always specify the specific function (preservative, flavor, sweetener, etc.) for which safe and suitable ingredients may be used? For example, the soda water standard permits the use of any safe and suitable optional ingredients without specifying the functions for which the ingredients may be used? Should this be changed? How?

7. Do you have any other suggestions about food standards or about the use of safe and suitable ingredients?

Section	United States Code	
401.....	21 U.S.C. 341.....	Food standards.
403(a).....	21 U.S.C. 343(a).....	False and misleading claims.
403(c).....	21 U.S.C. 343(c).....	Imitation.
403(i).....	21 U.S.C. 343(i).....	Common or usual names; ingredient labeling; spices, flavorings and colorings.
403(j).....	21 U.S.C. 343(j).....	Special dietary foods.
403(k).....	21 U.S.C. 343(k).....	Labeling of artificial flavoring, artificial coloring or chemical preservatives; exceptions.
701(a).....	21 U.S.C. 371(a).....	Rulemaking authority.
701(e).....	21 U.S.C. 371(e).....	Procedures for food standards and certain other rules.

REFERENCES

FEDERAL FOOD, DRUG, AND COSMETIC ACT REGULATIONS—TITLE 21 CODE OF FEDERAL REGULATIONS

Sec.

101.3(e) Imitation labeling; nutritional inferiority.

101.4 Designation of ingredients; order of predominance; specific versus collective names.

101.6 Label designation of ingredients for standardized foods.

101.9 Nutrition labeling of food.

101.22 Labeling of spices, flavorings, colorings and chemical preservatives.

101.25 Labeling of foods in relation to fat and fatty acid and cholesterol.

102.5 Common or usual name for non-standardized foods; characterizing ingredient.

102.54 Name of seafood cocktail.

105 Labeling of foods for special dietary use.

130.3 General provisions for food standards; safe and suitable.

131-169 Specific food standards.

Examples

135 Frozen desserts.

136 Bakery products.

145 Canned fruits.

165 Nonalcoholic beverages.

166 Margarine.

169 Food dressings and flavorings.

131-169 Safe and suitable.

Examples

- 131.120 Sweetened condensed milk.
 133.128 Cottage cheese.
 161.175 Frozen raw breaded shrimp.
 165.175 Soda water.
 168.130 Cane syrup.

STATUTORY PROVISIONS

Federal Food, Drug, and Cosmetic Act citations are listed in the first column. The United States Code citation is given in the second column.

JUDICIAL DECISIONS

62 Cases of Jam v. United States, 340 U.S. 593 (1951)—Imitation labeling.
Federation of Homemakers v. Schmidt, 539 F. 2d 740 (D.C. Cir. 1976)—FDA regulation on imitation labeling.

[FR Doc. 78-15965 Filed 6-8-78; 8:45 am]

[HEW News Release]

The Food and Drug Administration (FDA), United States Department of Agriculture (USDA) and Federal Trade Commission (FTC) today launched a major effort to learn directly from consumers what information they want on food labels.

The agencies are inviting consumers to express their views personally at five hearings across the country starting in August.

Consumers who are unable to attend the meetings are being invited to write.

The consumer comments will be used to develop a coordinated strategy to improve food labels. The strategy may involve changes in current labeling regulations, new regulations, or recommendations for new legislation. The goal is to make sure that the information on food labels is what consumers want and is presented in a way consumers can understand.

The three agencies will publish in the Federal Register on June 9 a series of documents explaining the issues the government is asking be addressed in the hearings and written comments.

Each of the agencies regulates some aspect of food labeling and marketing, and are coordinating their activities in this area. FDA regulates the labeling of all foods except red meat and poultry, which are regulated by USDA. FTC regulates food advertising.

Donald Kennedy, Commissioner of Food and Drugs, said: "Today's food labeling laws and regulations are complex and may or may not be providing consumers with usable and understandable information. Our goal is to make labels more sensible and intelligible. We want to learn directly from people what type of information they want and expect from food labels, and how that information should be presented to enable them to pursue intelligent nutritional strategies of their own."

Carol Tucker Foreman, Assistant Secretary of Agriculture for Food & Consumer Services, said: "Labeling and advertising can be the two most effective tools consumers can use in making informed choices about the nutritional quality, safety and economic differences among the foods they buy. Thus, we need to know what individual consumers think about the issues that will be discussed during these hearings so that future government policies affecting food labeling and advertising can reflect common goals that serve the needs of consumers and provide incentives to our nation's farmers."

The hearings are scheduled as follows:

August 22-23—Century 11 Theater, Wichita, Kansas.

September 18-19—Little Rock Convention Center, Little Rock, Arkansas.

September 27-28—HEW Auditorium, Washington, D.C.

October 12-13—Fremont Building, San Francisco, California.

October 25-26—Howard Johnson 57 Motel, Boston, Massachusetts.

Dr. Kennedy and Ms. Foreman personally will preside over some of the hearings.

Among the questions on which the government is seeking public comment are:

Should ingredient labeling be required for all foods? (Some foods are excluded by law from ingredient declaration.)

Should food labels tell the percentage of each ingredient in the product?

Should raw commodities as well as all processed foods be required by law to carry full nutrition labels? (Now, only foods to which nutrients are added or which make a nutritional claim must carry the nutrition label.)

Should all foods have "open dating"—such as the date on which a food was packed or the last recommended day of retail sale—and which date would be most useful?

If a food is an "imitation" of another, should that food be called "imitation" or should it be given a new name?

Are there types of foods to which vitamins and minerals should not be added? What current information on food labels is most important? Least important? What new information should be on labels?

Copies of the issues papers can be obtained from Taylor Quinn, FDA Bureau of Foods, 200 C Street, S.W., Washington, D.C. 20204.

Consumers can write to Mr. Quinn to tell him they will present their views at the hearing, or may sign up the day of the hearing.

Written comments on the issues can be sent to Hearing Clerk, HFC-18, Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, Maryland 20857.

[Reprinted from FDA Consumer—July–August 1978]

GETTING CONSUMERS' VIEWS ON FOOD LABELS

(By Harold Hopkins)¹

(Is there enough information on food labels? Of the right kind? Is it understandable? Is nutrition labeling useful? How can it be improved? These are the kinds of questions FDA is asking consumers to find out what they want on food labels. Public hearings are scheduled in five cities to get consumers' views and people who can't or don't want to appear in person can simply put what they want to say on paper and send it to FDA.)

The Government is going to the people to find out what they need—and want—on food labels.

Hearings will be held in five U.S. cities in late summer and into the fall as part of a cooperative undertaking by FDA, the U.S. Department of Agriculture, and the Federal Trade Commission to get first hand information about what consumers think and their suggestions concerning several major aspects of food labeling. Consumers' views are being sought on ingredient labeling, nutrition labeling and other dietary information, open date labeling, imitation and substitute foods, fortification of food with vitamins and minerals, the overall food label, and the kinds of ingredients permitted in standardized foods.

To get a wide range of information more likely to be truly reflective of many consumer viewpoints, the three Federal agencies have set up procedures for handling and considering comments if presented in person or in writing, formally or informally. The five hearings will run 2 days each at Wichita—August 22–23, Little Rock—September 18–19, Washington—September 27–28, San Francisco—October 12–13, and Boston—October 25–26.

Those who want to make presentations in person can walk into one of the hearings without prior notice or scheduling. Consumers who can't or don't want to appear in person can simply put what they want to say on paper and send it to FDA. Their views will be considered if mailed so as to reach the Office of Administrative Procedures, FDA, Room 4-65, 5600 Fishers Lane, Rockville, Maryland 20857, by November 10, 1978.

To brief consumers on what the hearings are about FDA has prepared a paper summarizing the background and the issues concerning the major subjects to be discussed in the hearings. The summary was published in the June 9 Federal Register and copies are available. Persons who want to familiarize themselves with the issues can get the paper from FDA District Offices, read it in the Federal Register, which is available in many local libraries, or request a copy from Taylor Quinn, Associate Director for Compliance, Bureau of Foods, FDA, 200 C Street, S.W., Washington, D.C. 20204.

¹ Harold Hopkins is editorial director of FDA Consumer.

In an announcement of the scheduled hearings, FDA said its objective is "the development of an overall labeling strategy that provides consumers with information they want and need." To do this FDA is looking at existing regulations on labeling to determine if they are adequate and whether they can be simplified, otherwise improved, or eliminated.

The FDA announcement mentioned the increasing complexity of food regulations in the 40 years since the last major food labeling laws were enacted. Advances in food technology and increasing demands for extensive and sophisticated information about food products have contributed to this complexity, the Agency said. FDA and the Department of Agriculture are the principal Federal food regulation agencies. The Federal Trade Commission is interested in the hearings because of its responsibility for regulating food advertising.

Here are brief summaries of the issues being studied:

Ingredient labeling.—Both standardized and nonstandardized foods are involved. A standardized food is one required by FDA regulation to contain certain ingredients which give the food its identity. For example, mayonnaise is a standardized food. FDA's standards of identity require that any food sold as mayonnaise must contain not less than 65 percent by weight of vegetable oil and use vinegar, lime juice, or lemon juice as an acidifying agent. It also must contain egg yolk. Certain other ingredients also may be used. Standards of identity have been issued for milk, cheeses, frozen desserts, bread, flour, macaroni, canned fruits, canned vegetables, and other foods.

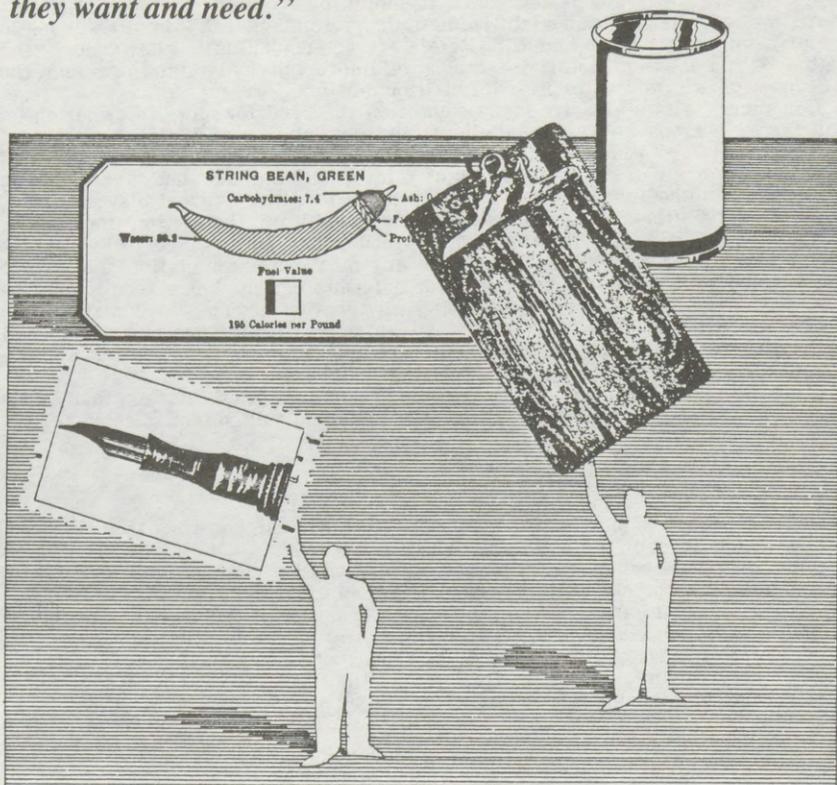
Foods for which no standards of identity have been issued, such as soups, cookies, and pizza, are called nonstandardized foods. In nonstandardized foods manufacturers may use any ingredients desired, but must give the food an honest and nonmisleading name.

FDA regulations now require that all the ingredients used in nonstandardized foods be listed on the label, with the major ingredient by weight listed first. Under present law FDA cannot require that the mandatory ingredients in standardized foods be listed on the label, but it can require the listing of optional ingredients. The Agency supports legislative proposals to require label listing of all ingredients in standardized foods.

The FDA hearings will look into requests by some consumers urging that labels show the percentages of all ingredients used in a food product. For example, under such a requirement an ingredient statement for canned peas could read as follows: "Ingredients: Peas 65 percent, water 32 percent, sugar 2 percent, salt 1 percent."

FDA also is asking consumers whether they think the percentage of the characterizing ingredient—for example, the percentage of shrimp in shrimp cocktail—should be part of the name of the product more often. Other questions cover such concerns as identification of spices, flavors, and colors used as ingredients; use of more precise names of ingredients for better identification; and the provision in the current law which exempts dairy products from the requirement that the label of a food must indicate when artificial colors are used.

FDA said its objective is "the development of an overall labeling strategy that provides consumers with information they want and need."



Safe and suitable ingredients.—Comments and any recommended changes are being sought for FDA's current policies concerning "safe and suitable" ingredients. This term was developed to give manufacturers some flexibility in the use of optional ingredients in certain standardized foods. A choice among ingredients is permitted in a standardized food only if the alternative ingredients do not change the food's character or nutritional value.

The "safe and suitable" approach allows a manufacturer or food processor to use different ingredients because of seasonal changes or to take advantage of new ingredients and economic conditions. Previously, such flexibility could be achieved only by seeking to amend the applicable regulations. Amendment is a lengthy and elaborate procedure, even where the changes do not affect the character or nutritional value of the finished food.

Consumers' views are being sought on expansion of the use of optional ingredients in standardized foods; the appropriate degree of flexibility; the actual need for standards of identity for foods if more ingredient information were given on labels; whether the "safe and suitable" approach should be modified; foods for which standards of identity are needed; and appropriate procedures for issuing or changing standards.

Nutrition labeling and other dietary information.—FDA said four basic difficulties are the lack of clear statutory authority to require nutrition labeling of all food; the need for justifying the cost of nutrition labeling in terms of public health benefits; the poor state of scientific knowledge about the nutrient content of some foods, especially fresh fruits and vegetables; and the limitations of general knowledge about nutrition.

FDA wants consumers' opinions on the usefulness of nutrition labeling and ways to improve it; foods for which it should be required; methods of listing nutrition information that might be more understandable than the present method of using metric units and U.S. RDA's (recommended daily allowances); the value of graphic or pictorial symbols in improving understanding; and the adequacy of information in present nutrition labeling.

Consumers' views also are being sought on the need for more information on labels for persons on restricted diets; the desirability of listing amounts of calories, sugar, sodium, fiber, and cholesterol; the inclusion of percentages of sugar in the name of the food; descriptive information about such ingredients as cholesterol and sodium; and label claims that a food will prevent disease.

Food fortification.—Comments are being sought on the reason for adding vitamins and minerals to (fortifying) food other than to correct "real or suspected" nutrient deficiency disease in any part of the population. The issues being considered include the criteria for determining whether a food should be fortified; the advisability of prohibiting fortification of some foods; standards for limits on fortification; the relative advantages of prior Government approval of fortification or use of court challenges to correct improper fortification; and the value of standards of identity in regulating fortification.

Open date labeling.—Consumers are being asked if "open dating" on food labels should be required for all foods, for perishable foods only, or for selected perishable foods only.

There are four kinds of open dates now in use:

Pack date, or the day the food was packed.

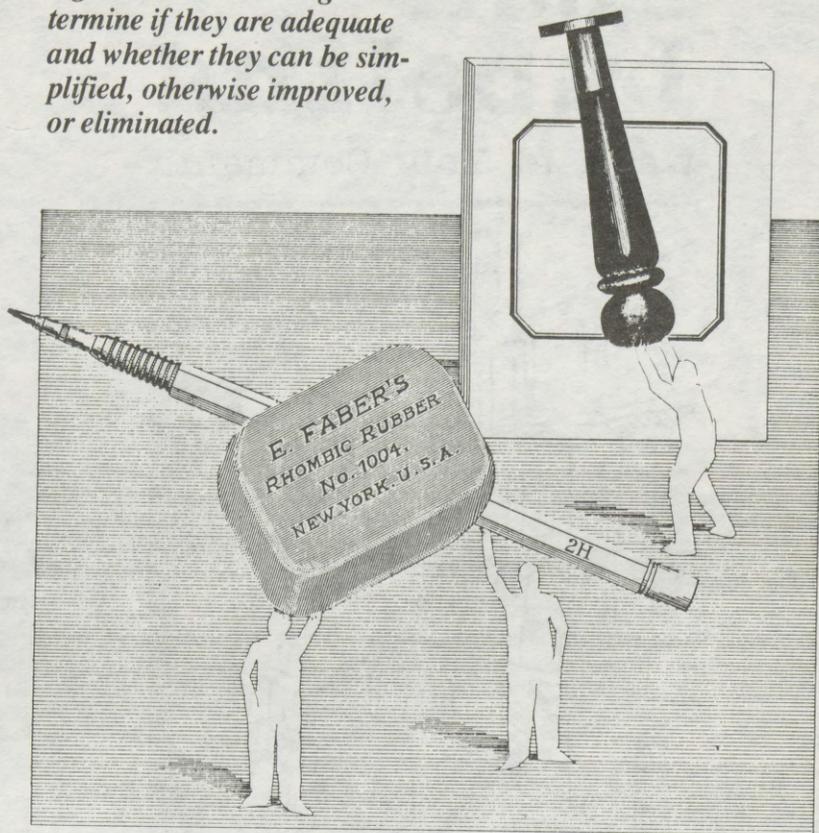
Pull date, or the recommended last day for retail sale.

Quality assurance date, or the latest day freshness can be reasonably expected.

Expiration date, or the date after which a food should not be used.

Some questions being examined are the desirability of explaining the significance of dates on labels; instructions on the label for storage and handling; desirable types of open date labeling; uniformity of open dating; legibility or understanding of dates; comparison of benefits of open dating to other label information; losses of food products when dates expire; and other methods of informing the purchaser about the relative freshness of the food, such as chemical markers that change color when a food is no longer fresh.

FDA is looking at existing regulations on labeling to determine if they are adequate and whether they can be simplified, otherwise improved, or eliminated.



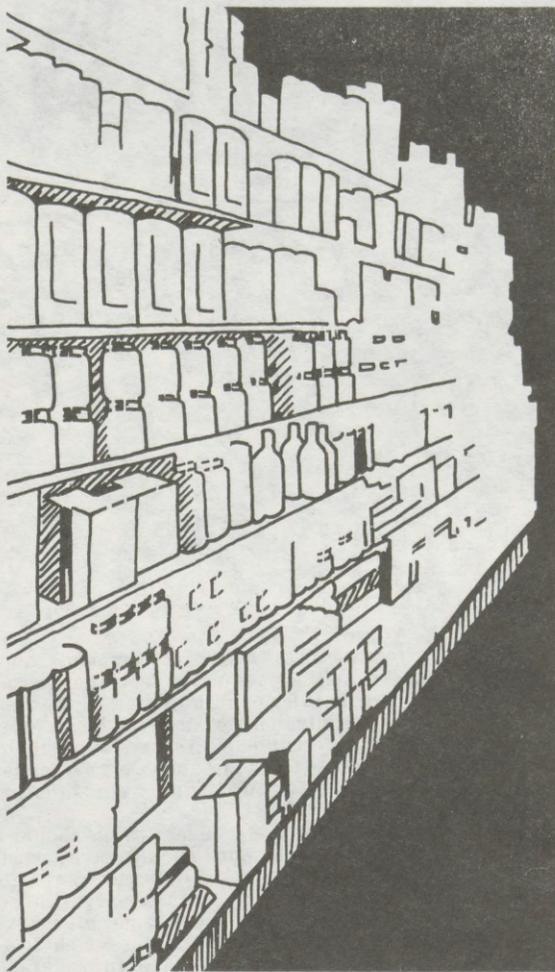
Imitation and substitute foods.—FDA will seek comments about its policy on "imitation" foods. Present regulations require a food that resembles another food to be called "imitation" if it is inferior in nutrition to the food it imitates. If the substitute is nutritionally equivalent or superior to an existing product, the manufacturer may give it a different name rather than call it "imitation." For example, margarine is the name for a product that resembles butter, has many of the same uses as butter, and is nutritionally equivalent to butter, but may be made from vegetable fats.

FDA wants to know the type of foods consumers think should be labeled as imitation and the meaning they think the word should have; whether a substitute food should be labeled "imitation" so as to indicate what it is *not* as well as what it is (should FDA, for instance, require that margarine be labeled also as "imitation butter"?); whether the Agency should permit marketing of food whose appearance suggests it is a standardized food but which does not conform to a standard of identity, and the name and other label information FDA should require for such foods; and kinds of information about substitute foods that ought to be included on the label, such as percentages of characterizing or important ingredients.

The Agency wants consumers' opinions on whether FDA should consider criteria other than U.S. Recommended Daily Allowances (U.S. RDA's) in determining whether a substitute food is nutritionally inferior to the conventional food it resembles, such as types of fat or carbohydrate content and trace minerals and other nutrients for which no U.S. RDA's have been established.

Food Labeling

We Want Your Comments



U.S. DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
FOOD AND DRUG ADMINISTRATION

Other issues being considered include whether a nutritionally inferior food should be so labeled in addition to being labeled as imitation; whether FDA should require substitute foods to be made nutritionally equivalent as well as being labeled as imitation; and what characteristics other than nutritional equivalence consumers feel substitute foods should possess.

Total food label.—Consumers are being asked their opinions on the kind of information they think ought to be on food labels and its benefits; the possible problems with putting so much information on a label that the consumer may miss some of the most vital information; priorities to be considered in conveying information when a package is too small for its label to give much information; the cost to the consumer in increased prices for information a manufacturer must put on the label; suggestions for improving labels.

Consumers' views also are being sought on possible use of symbols to indicate the presence of a particular kind of ingredient such as an artificial color or flavor or a substance known to cause allergic reactions in some people; consumer problems of learning the meaning of such symbols; methods other than labeling to inform consumers about foods, such as placards, booklets, and other means of communication; and personal preference among various types of labels.

FOOD LABELING

Food labels. Do you think they're confusing or helpful? Vague or specific? What should go on the label? What should be deleted? Your answers to these and other questions on labeling are important to the Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and the Federal Trade Commission (FTC).

Each agency regulates some aspect of food labeling and marketing. Together, we are trying to come up with a food labeling plan that will provide consumers with the information they want and need. To do this, we need your ideas on ingredient, nutrition, and open date labeling; imitation and substitute foods; food fortification; and safe and suitable ingredients.

Hearings have been scheduled in several cities so that people throughout the country can come and discuss what they think should be included on food labels. The hearings are scheduled for: August 22, Century II Theater, Wichita, Kans.; September 18, Little Rock Convention Center, Little Rock, Ark.; September 27, Department of Health, Education, and Welfare Auditorium, Washington, D.C.; October 12, Fremont Building, San Francisco, Calif.; October 25, Howard Johnson 57 Motel, Boston, Mass. Hearings will be held a second day in any city where necessary.

If you can't get to one of the hearings, please write your comments and send them to the Hearing Clerk, HFC-18, Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, Md. 20857, by November 10.

Here is a summary of the major issues to consider when commenting on food labeling. More detailed papers explaining these issues are available from Taylor Quinn, FDA, Bureau of Foods, 200 C Street, S.W., Washington, D.C. 20204.

INGREDIENT LABELING

Federal regulations cover many aspects of ingredient labeling, but some of the current requirements have been challenged as inappropriate or inadequate, and additional regulations have been suggested.

To understand ingredient labeling problems and proposals, you must understand what a "standardized" food is.

Currently, there are Federal standards of identity for many foods, such as canned fruits and vegetables, meat and poultry products, milk, cheeses, breads, and margarine. These standards state the name of the food, define the composition of the food, state whether optional ingredients may be used and, specify which ingredients must be listed on the label.

Required ingredients in standardized foods do not have to be listed on the label, but optional ingredients usually do. With a few exceptions, nonstandardized foods must have ingredients listed on the label, and all meat and poultry products—whether standardized or not—must list ingredients. When ingredient listing is required, ingredients must be listed in descending order of predominance by weight.

Some consumer groups have proposed requiring all food labels to list the percentage of ingredients. For example, canned peas might be labeled "Ingredients: Peas 65 percent, Water 32 percent, Sugar 2 percent, Salt 1 percent."

Which food labels should be required to list the amount of ingredients in the product? If listed, should the amount of each ingredient be given in percentages or some other method? Would you be willing to pay more for additional ingredient information on food labels?

FDA now requires that labels state the percentage of some "characterizing" ingredients as part of the name of some foods when the amount is important to consumer acceptance of the food. For example, shrimp cocktail with 50 percent shrimp must be labeled "Shrimp Cocktail—Contains 50 percent Shrimp."

Is this type of label information useful to you? Do you think this type of labeling should be required for more products? If so, what types of food products?

Under the present regulations, most ingredients must be listed on the label by their specific name, such as salt. However, some ingredients, such as spices, flavorings, and colors, may be declared without naming the specific ingredient. Also, generic or collective names can sometimes be used instead of the specific name. For example, reconstituted whey can be listed simply as "whey" on cheese labels.

Although some consumers say long chemical names are confusing, others need specific ingredient information because they're allergic to certain ingredients or must reduce or eliminate consumption of certain items for health reasons.

What do you think? Should the law be changed to require listing of every specific ingredient?

Under the law, artificial color may be used in butter, cheese, and ice cream without listing it on the label. Do you think this exemption should be changed? Do you think other products should have this exemption?

The regulations also permit some flexibility in declaring fat and oil ingredients. For example, a vegetable oil may be listed "vegetable oil shortening (contains one or more of the following oils: cottonseed, soybean, palm)." Producers claim that this type of labeling allows flexibility in purchasing fats and oils to get the best available price, and thus keeps down product price to consumers.

Do you think this labeling should be permitted? Should it be extended to other products where multiple ingredients are interchangeable?

NUTRITION LABELING AND OTHER DIETARY INFORMATION

Nutrition labeling must provide certain information in a standard format. It must show serving size and servings per container. And for each serving, the label must show the calories and the grams of protein, carbohydrates and fats, followed by the percentage of the U.S. Recommended Daily Allowance (U.S. RDA), for protein and seven specified vitamins and minerals. The illustration on page 105 shows an example of nutrition labeling.

Nutrition labeling is required only when a processor makes a claim about nutritional value in food labeling or advertising, or when the food is enriched with essential nutrients.

There are several problems involved in effective nutrition labeling. Information on the nutrient content of some foods and the natural variation in content is incomplete. Nutrition knowledge is a developing science and we do not yet know all the nutrients essential for good health. In addition, because of the expense of analyzing products for nutrient content, nutrition labeling may increase food prices.

Do you think nutrition labeling is useful? Should it be required on all foods?

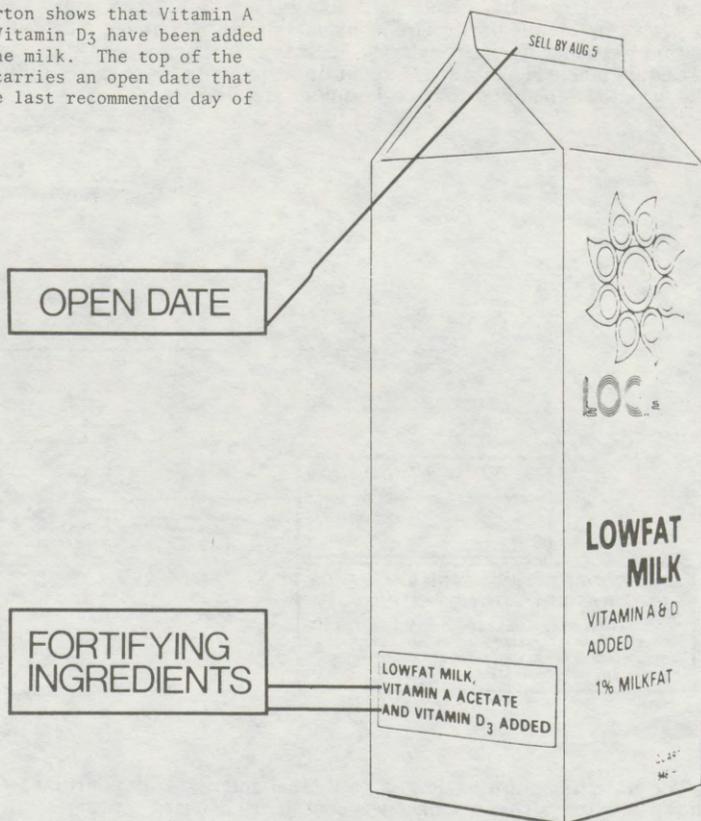
Some people think that the way the information is now presented is confusing. Serving sizes are expressed in common household measures such as ounces, cups, teaspoons, and pieces; calories are expressed as calorie per serving; protein, vitamins, and minerals, in percentage of the U.S. RDA; sodium, potassium, and cholesterol, in milligrams; and some nutrients, such as carbohydrates, are expressed in grams per serving.

Others think that all food labels should be required to carry explicit information on substances related to health problems, such as salt or sodium, and information on vitamins and minerals which are in short supply in some diets.

How do you think food labeling could be improved to help you in food buying and meal planning? Which foods should be required to carry information on calories, sugars, sodium, fiber, and cholesterol on the label?

A related issue is how far the Government should go in determining when dietary information may be included in labeling claims or in the names of food. FDA is now working on a definition for "low cholesterol" and "cholesterol-reduced foods." A similar problem exists with the sodium or salt content of foods.

This milk carton shows that Vitamin A Acetate and Vitamin D₃ have been added to fortify the milk. The top of the carton also carries an open date that indicates the last recommended day of retail sale.



FOOD FORTIFICATION

Food fortification refers to the addition of nutrients to foods. Examples are the addition of vitamin D to milk; iodine to table salt; and various vitamins and minerals to breakfast cereals. The illustration above shows a fortified food label.

FDA has no general regulation on food fortification. Some identity standards prescribe the extent to which foods must be fortified. Examples are enriched bread, which must contain specified levels of three vitamins and one mineral; and margarine, which must contain a specific amount of vitamin A. Some standards prohibit the addition of any nutrients.

Because there are no regulations or guidelines, there can be both overfortification—which can lead to unusual and excessive intakes of some nutrients—and inappropriate fortification of foods.

What should be the criteria for fortifying foods? Are there types of foods that should not be fortified? If so, which foods?

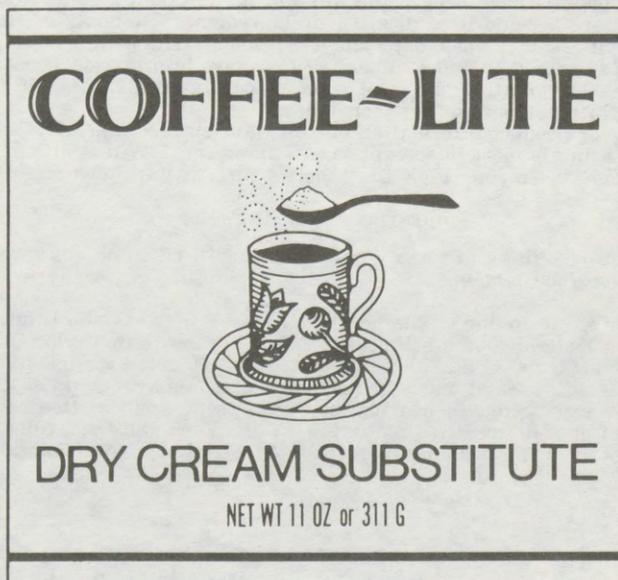
IMITATION AND SUBSTITUTE FOODS

Under current regulations, a food that uses the same name as a standardized food but does not conform to a standard of identity must be labeled as "imitation." Traditionally, an imitation food has been considered inferior to the food it resembles.

Substitute foods, although they resemble standardized foods, carry a different name and sometimes are equal to or better nutritionally than the real food. The substitute might, for example, have lower amounts of fat and calories.

Substitutes can be labeled without the word "imitation" if they are nutritionally equivalent to the standardized food and bear a name that accurately describes the food. A substitute food label is illustrated below.

What does the word "imitation" on the food mean to you? Do you think the term "imitation" adequately indicates that a substitute food is nutritionally inferior? Should even nutritionally equivalent substitute foods be labeled "imitation"? For example, should margarine be labeled "Imitation Butter" in addition to being labeled "Margarine"? What criteria should be used to judge whether a food is nutritionally inferior?



This substitute dry cream carries a label that describes the product. Substitute foods can be labeled without the word "imitation" if they are nutritionally equivalent to the standardized food they resemble.

SAFE AND SUITABLE INGREDIENTS

FDA standards of identity describe the kinds of ingredients that can or must be used to make many food products. However, nonstandardized foods may contain any safe ingredient, but all ingredients must be listed on the product label.

Even in some standardized foods, manufacturers have a certain amount of flexibility in choosing among optional ingredients allowed by that standard. Some standards permit any safe and suitable ingredient to be used for certain purposes. According to FDA, an ingredient is "suitable" only if it performs an appropriate function in the food in which it is used. It must not significantly change or degrade the basic characteristics of the food, its nutritional value, taste, smell, appearance, stability, and the like.

A standard might, for example, allow any "safe and suitable preservative" to be used, but may not require identification of the particular preservative by name.

This approach allows food processors to use different ingredients because of seasonal changes in supplies or to take advantage of new ingredients and economic conditions.

Does the "safe and suitable" policy allow too much flexibility in the way standardized foods are made?

Should food standards always specify the function—preservative, flavor, sweetener, or whatever—for which safe and suitable ingredients may be used?

TOTAL FOOD LABEL

Some label information is required by law, including: the common name of the food; name and address of packer, manufacturer, or distributor; list of ingredients for most foods; presence of artificial flavoring, coloring, or preservative; and the amount of food contained in the package.

In addition, nutrition labeling is required if protein, vitamins, or minerals are added or if nutrition claims are made.

The label may include other information such as brand name, price, illustrations, recipes, and storage instructions.

Several proposals have been made to require additional information on labels including: more specific identification of ingredients; amounts of ingredients; drained or fill weight; open date labeling; and nutrition information.

In view of the quantity and complexity of package information, some consumers have suggested evaluating the total communication effectiveness of food labels in providing information useful to consumers.

What type of product information do you want on food labels? What information do you think is most important? Least important? Will additional information help you or do you think that there's already too much information on labels?

QUESTIONS AND ANSWERS

As you can see, there are many questions that need to be answered before a comprehensive food labeling policy can be developed. That's why we need your help.

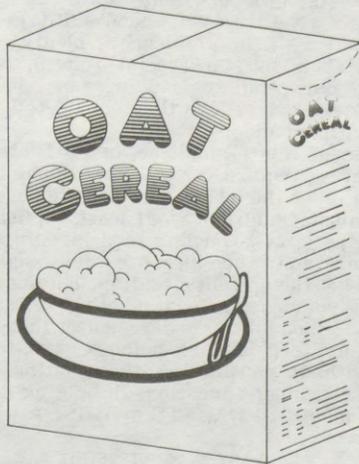
If possible, come to one of the hearings and tell us what you think should be included in a Federal food labeling policy. You can write to Taylor Quinn, FDA, Bureau of Foods, 200 C St., SW., Washington, D.C. 20204, to tell him that you will present your views at one of the hearings or you may sign up at the hearing.

And if you can't attend a hearing, be sure to send your written comments on the labeling issues to the Hearing Clerk, HFC-18, Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, Md. 20857, by November 10, 1978.

Food Labels

Do they tell you what you want to know?

Do they help you when you shop?



We Want to Know What YOU Want on Food Labels

The Food and Drug Administration, U.S. Department of Agriculture, and Federal Trade Commission want to know what consumers want on food labels. They are interested in your views on nutrition labeling, open dating, ingredient listing, artificial colors and flavors, food fortification, and other issues. These agencies will use this information to make food labels more useful and understandable. To express your views write to:

Food and Drug Administration
Room 4-65
5600 Fishers Lane
Rockville, Maryland 20857

You can get a free booklet explaining the issues the agencies are seeking your views on, by writing to:

Department 703 F
Consumer Information Center
Pueblo, Colorado 81009

STATEMENT OF HON. CAROL TUCKER FOREMAN, ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman, I am pleased to have this opportunity to appear with Dr. Kennedy and Mr. Kramer before the Subcommittee on Nutrition of the Senate Agriculture, Nutrition, and Forestry Committee.

I cannot state too strongly my conviction that basic reevaluation of our labeling policies is essential and long overdue.

We need look no further than the calendar to see why. It has been 70 years since the USDA and FDA food labeling laws were passed. Things were a lot less complicated in pre-world War I days. The marketplace offered mostly raw agricultural commodities. And the marketplace was likely to be a peddler's pushcart or the mom-and-pop grocery store at the corner.

In the 1940's, one food company proudly advertised its "57 Varieties." We were suitably awed. Mom and Pop were getting a mite pressed for space. In big cities, people were pushing their own carts—not in the streets, but up and down the aisles of big new, not just markets, but supermarkets. The age of the superlative was at hand.

I confess I don't know how many varieties the Heinz people offer us today. But I do know that the consumer in 1978 is confronted with a bewildering array of some 10,000 food products, many of them highly processed and pre-packaged. No one wants a return to the good old days of limited choice but we must have ways to deal with the problems of plenty.

In today's world, labels play a crucial role in helping consumers make intelligent choices. In our complex food system, labels should do more than merely identify the product. I believe they should tell us something about both its quality and its nutritional adequacy.

The recommendation of this Committee, in its Dietary Goals for the United States, that the Congress require certain nutritional information to be placed on all foods is recognition of the label's enormous importance. It seems to me that this recommendation also acknowledges, at least implicitly, that present labeling regulations, and perhaps laws governing food labeling, need to be re-examined.

The series of hearings and other measures discussed by Dr. Kennedy will be a good start in remedying the present situation. There are three obvious problems with current Federal policies on food labeling. First, they are inconsistent. Second, they are not based on adequate data concerning the needs and perceptions of consumers. Third, our food labeling policies have, by and large, been formulated in isolation, without considering the relationship of food labeling to nutritional needs and consumer education. In holding a series of public hearings over the next several months, FDA, FTC and USDA will begin to address these problems.

PAST INCONSISTENCY

It is important that these hearings be a joint FDA-USDA effort. A good part of the inconsistency in present policies results from dual responsibility. USDA is responsible for labeling regulations on meat and poultry products. FDA is responsible for regulating labels of most other food products. We enjoy a good relationship with FDA and have worked closely with them in a number of areas. But our approaches to labeling have not always been the same. For example, FDA has relied on standards of identity for a large number of food products. These are rather strict recipes that govern the type and amounts of ingredients that may go into products—such as those labeled as mayonnaise, cottage cheese, or macaroni. USDA has generally relied on standards of composition, that set only minimum requirements for certain ingredients. In addition, USDA requires that all ingredients in meat and poultry products be listed on the label in order of predominance, while the law does not permit FDA to require that all ingredients in standardized foods be listed.

The differences have not necessarily been a bad thing. We now have a basis for comparison. It is time we learn from each other's experience. It is time to develop mutual labeling policies that are consistent and comprehensive. The joint hearings are an important step in that development.

LACK OF CONSUMER INPUT

The hearings will directly address the problem of the lack of consumer participation in shaping present labeling regulations. Dr. Kennedy has described the extensive efforts we are making to solicit consumer views. The need for consumer participation is obvious. Yet, in the past, both FDA and USDA have often formulated label requirements without knowing whether the information was useful, or even if it had any meaning to consumers. Dr. Kennedy mentioned "riboflavin" or "niacin." Those words have appeared on labels for years. I wonder how many consumers know what riboflavin is, and why it may be important. Why haven't we asked them?

To use another example, USDA makes a strict distinction between "ground beef" and "beef patties." "Ground beef" must contain only lean meat and fat

from beef muscle tissue. "Beef patties" may contain cereal, non-fat dry milk, and beef byproducts. We know that. So do meatpackers. But do the people who buy it and eat it know?

I wonder how many consumers are aware that the item listed as "byproduct" can be parts of the stomach, snout, or spleen of an animal. Many consumers might consider this in the "Ignorance is bliss" department. But many others might want to know. Or they may be interested in the amount of protein provided by byproducts and the quality of that protein. The point is, we just do not know what information consumers want on labels. In the next several months, we intend to find out.

THE CONTEXT OF NUTRITION NEEDS AND EDUCATION

Past labeling policies have not adequately taken the nutritional needs of our population into account. Nor have they used nutrition education to best advantage. This committee has pointed out that there is a great need for intensified research in nutrition. We know too little. The development of comprehensive and meaningful labeling policies should be closely linked to increased nutrition research. Labeling policies often fail to utilize even the data that is available.

For example, products that are nutrition labeled are required to list eight nutrients, and may include 12 more. However, several of the nutrients and vitamins that must be listed—protein, riboflavin, and niacin—are not current problems in U.S. diets. But, a number of nutrients on the optional list—magnesium, zinc, and vitamin B₆, for example—do appear to be problems in certain population segments. Present nutrition labeling policy would appear to be not terribly helpful in guiding consumers to good food sources of the problem nutrients.

If labeling is to be effective as a means of providing nutrition information, it must also be incorporated into nutrition education systems. Some nutrition education materials are now available, including pamphlets developed by USDA, FDA, the National Nutrition Consortium, and the food industry. However, to my knowledge, none of these materials has been tested to see how effective they are in improving consumers' knowledge. Nor have we made a real effort to fully utilize our various educational resources in developing an effective nutritional labeling policy. It is important that members of the scientific and academic communities be involved in our efforts these next several months. It is essential that improved labeling policies address the nutritional needs of our population. Stepped up nutrition research and the resources that our educational system can provide will be invaluable tools.

I believe the USDA Human Nutrition Policy Committee, established last April by Secretary Bergland, will play a very useful role in relating labeling policy to the nation's overall nutritional needs and goals. The Committee will provide coordination and policy direction for the Department's various human nutrition activities. These include the food labeling, as well as the inspection and grading responsibilities of the Food Safety and Quality Service. The Committee is co-chaired by myself and Dr. Rupert Cutler, Assistant Secretary for Conservation, Research and Education. It includes representatives of FSQS, the Food and Nutrition Service, the Economics, Statistics, and Cooperatives Service, the Science and Education Administration, the Human Nutrition Center, and the Office of Governmental and Public Affairs. According to Secretary Bergland, one of the functions of the Committee will be "to assure close coordination between the Department's human nutrition research activities and the nutritional aspects of other Departmental programs." In addition, the Committee will be the focal point for coordinating USDA human nutrition activities with other Federal agencies, most notably HEW.

FOOD LABELING TOPICS

Dr. Kennedy has described very well the food labeling topics that will be covered in our public hearings. I have little to add, but I would like to comment briefly on one or two aspects that may be of interest to the committee.

I should mention that the Department of Agriculture now requires percentage labeling for meat and poultry products purchased for use in the domestic assistance programs. The labels on canned beef and turkey rolls, for example, must list the percentage of meat and the percentage of salt or other seasonings. Cut up chicken with breasting must be labeled with the percentage of chicken and the amount and type of breasting material. We hope to extend this requirement to processed fruits and vegetables and dairy products. These experiences will be

valuable background for our discussions on the possibility of percentage labeling in commercial retail markets.

With respect to nutritional labeling, I have already mentioned the need to consider this topic in the context of educational efforts to increase consumer awareness and promote good dietary habits. I might mention that the Department is undertaking a pilot project to determine what communication techniques are effective in informing children about good nutrition. The project will combine media, marketing, promotional, and educational techniques. Testing will probably be done in three roughly comparable urban/suburban communities. One community will receive "extensive exposure" to nutrition messages only through TV, radio, and newspapers. In the second, media messages will be reinforced by activities in school classrooms and cafeterias, grocery stores, medical facilities, and the food stamp program. The third community will receive only a limited level of the TV and radio spots—"the usual" exposure of public service announcements. If we find a strategy that works, we will be in a position to consider its wider applications.

The experience of the Department of Agriculture with open dating indicates that consumer education is also essential in this area. USDA has maintained a voluntary open dating program since 1974, and a significant number of packers have participated. We have found, however, that understanding of open dating among shoppers is limited, perhaps because the variety of dates used—pull dates, packed dates, expiration dates, etc.—has caused some confusion. A USDA study of a Chicago grocery chain's food dating program showed 63 percent of the 429 shoppers interviewed had used open dating at least once, but only 20 percent knew that the pull date was the last date the product should be sold. Forty-five percent believed it was either the date manufactured, packaged, delivered, or put on display—a past date. The pull date should be, of course, a future date.

Much of this confusion is caused by the failure of food manufacturers to explain the open date label they are using and by the variety of dates used either voluntarily or as required by law. As of May 1973, 10 States had laws or administrative regulations which required open dating for perishable foods. The laws differ in their requirements. For example, Washington and California require the open date to be the pull date. However, Oregon, which shares a common border with both Washington and California, gives the manufacturer the option of using either a pack or a pull date. If open dating is to be useful to consumers, there is need for more education as well as greater consistency.

On the topic of imitation and substitute foods, it will be interesting to have the viewpoint and experience of consumers. I personally believe that substitute foods have no inherent right to take on the name of the traditional food they mimic. If you can make a steak in a laboratory that has the nutritional value of a steak from a steer and looks and tastes like a steak from a steer, then it should probably be allowed on the market, but not labeled a steak. Substitute titles are appropriate for substitute products. Butter and margarine are a good example.

We also need to consider the effect of adding "imitation" to nutritionally inferior foods. If "coffee whitener" were called "imitation cream," for example, it might lead a consumer to expect that the product could be whipped, used in baking, or poured on cereal. We do not want to prejudge the issue, but when we consider substitute and imitation foods, our discussion must include the possibility of using new, descriptive names for substitute products.

As Dr. Kennedy has indicated, the safe and suitable concept will be examined very carefully in our discussions with consumers. The concept is employed because it permits new processes and new technology without having to amend each standard whenever a processor wishes to use a new ingredient. I am not sure, however, that making regulations easier for the bureaucracy to handle and easier for the regulated industry to cope with, is always advantageous to the consumer. At a time when there is mounting concern over chemical additives in our food supply, there may be something to be said for slowing down the approval process for new ingredients. We should indeed look for ways to eliminate the unnecessary burden of government regulation; but we cannot abdicate our responsibility for assuring a safe and nutritious food supply.

In conclusion, I would like to make an observation concerning "standards of identity." In recent years, as industry has developed new products, substitute ingredients, and new processing techniques, there has been a trend away from the traditional strict standards of identity for products. The safe and suitable concept, of course, has contributed to this flexibility. Given the great flood of new products and new techniques, some people question whether standards of identity are still useful.

I think the answer has to be yes. However great the importance of the food label, it has its limitations. We live in a society that "eats out" a great deal more than it used to. In 1954, \$15 billion out of the total of \$59 billion in consumer food dollars was spent on food consumed outside the home—about 25 percent. By 1977, this had increased to more than 35 percent, as \$77 billion out of \$219 billion food dollars was spent on food consumed in restaurants, cafeterias, and fast food chains.

With Americans eating out on such a grand scale, standards of identity can be very important. A conscientious consumer who examines the label on a package of hot dogs in the supermarket, is in quite a different position when he buys a red-hot at Memorial Stadium during an Oriole-Red Sox game. One of the tasks before us is to make food labels and standards applicable to the eating habits of modern America.

Thank you, Mr. Chairman. I will be happy to answer any questions.

STATEMENT OF ALBERT H. KRAMER,* DIRECTOR BUREAU OF CONSUMER PROTECTION,
FEDERAL TRADE COMMISSION

The Bureau of Consumer Protection of the Federal Trade Commission is pleased to respond to your request for our views concerning current issues in the area of food labeling and advertising and the provision of nutrition information to consumers. We see these issues as ranging from a rather specific set of concerns regarding federal policy as to how foods should be identified and described in labeling to the far broader questions of the federal government's role in ensuring that the public has adequate and accurate information as to the nutritional value of various foods that are available as a potential part of their diet. In asking representatives of the Food and Drug Administration, the U.S. Department of Agriculture, and the Federal Trade Commission to meet with you today, you have brought together three of the federal agencies with major responsibilities in these areas. I am happy to report that, although our agencies have always worked closely on many issues, our communications and coordination have continued to improve in both quantity and quality over the last year.

The FTC's involvement in these issues flows from its enforcement of the Federal Trade Commission Act's prohibition of unfair or deceptive food advertising (sections 5 and 12). FDA and USDA have primary responsibility for protecting the public from labeling misrepresentations. While food labeling also falls within the Commission's jurisdiction,¹ the focus of our activities is directed to promotional materials other than labeling. Our statutory mandate is to prevent foods from being marketed in an unfair or deceptive manner. This includes a significant effort to ensure that advertising claims about the nutritional content or value of foods are neither unfair nor deceptive. Where these claims are found to be in violation of our statute, remedial action may include a requirement that additional information be disclosed or a prohibition of certain types of claims. Corrective advertising may also be sought in appropriate cases.

The public makes its food purchase decisions in the context of an information environment which includes both labeling and advertising, as well as other, non-commercial sources of information. Thus, each agency in designing regulations must take into account the total information environment. For example, FDA has made a determination that when a nutrition claim is made about a food, whether that claim appears in advertising or in labeling, the food's label must bear a basic nutrition profile in order that consumers not be confused or deceived about its actual nutritional value (21 CFR 101.9(a); see 38 Fed. Reg. 2125, January 19, 1973).

Similarly, the FTC's proposed Trade Regulation Rule on Food Advertising (proposed 16 CFR 437.2(d), 39 Fed. Reg. 39842, November 11, 1974) would require that whenever advertising representations are made about a food's caloric content, that content must be determined and expressed in accordance with FDA or USDA regulations, thus ensuring that advertising and labeling information will be consistent.

*The remarks in this statement represent the views of the director of the Bureau of Consumer Protection. They do not necessarily reflect the views of the Commission or any individual commissioner nor should they be construed to be any official commission policy.

¹ For purposes of sections 12 and 14 of the Act, "false advertisement" is restricted to advertising other than labeling that is misleading in a material respect (FTC Act, section 15(a)).

These are not isolated examples of agency coordination. In another FTC inquiry involving the identification or description of a food in advertising, one consideration would be whether or not the food was identified in accordance with any applicable FDA and USDA common or usual name regulations. Another consideration might be whether an advertisement's description of a food's ingredient content was consistent with that used in labeling. The FTC pays close attention to important FDA and USDA food labeling determinations. Thus, we recently supported legislation which would strengthen and clarify FDA's authority to require that food labeling provides consumers with important and useful product information.² That bill would also guarantee FDA and USDA the flexibility to keep pace with developments in the science of nutrition and the relationships between nutrition and health.

Perhaps the most current example of our commitment to interagency cooperation and coordination is our participation with FDA and USDA in the development of a framework for eliciting public opinion on a broad range of labeling issues. This effort has culminated in a plan to hold a series of public interagency hearings in five cities in the late summer and fall (43 Fed. Reg. 25296, June 9, 1978). The hearings will serve as the basis for a comprehensive strategy for providing consumers with comprehensible and useful label information.

These hearings will explore questions about food composition (such as fortification policy and the use of safe and suitable ingredients in standardized foods) and food identification (such as the naming of substitute foods and inclusion of the amounts of characterizing ingredients in foods' names). The hearings will also raise a whole range of issues as to what ingredient content and dietary property information should be required and how such information should be expressed in labeling. Although ultimate decisions on these issues will be left to FDA and USDA, the hearings are relevant to the FTC's regulation of food advertising in several respects.

First-hand participation in the process of gathering information from consumers on these issues will improve our understanding of FDA and USDA decision-making. This is important because those decisions, as indicated above, are frequently critical factors in our own activities. For example, even though we do not deal directly with questions of proper food fortification in regulating advertising, in our rulemaking proceeding on food advertising referred to above, a number of persons have expressed concern about advertising which promotes foods on the basis of nutrients which have been inappropriately added to foods or added to excessive levels. Therefore, we must be concerned with the regulation of improper fortification. Action in this area is particularly important insofar as advertising regulations might encourage the fortification of foods.

The Labeling Hearings will focus on the information environment in which food purchase decisions are made. Thus, they will reveal the importance to consumers of certain types of dietary information, such as foods' sugar, salt, and fat content. Consumers' understanding of various terms, such as "imitation", will also enhance our understanding of and our ability to deal with, a number of advertising problems.

Finally, and perhaps most important from our perspective, the hearings pose communications questions which the FTC is facing directly in its regulation of advertising. We hope to learn more about how information about foods can be expressed accurately and completely so as not to be misleading, and yet be simple enough to be understood and used. Because we believe that the development of symbols, figures, and other devices may hold great potential for facilitating the communication of various types of information in advertising, we are particularly interested in that portion of the hearings aimed at eliciting commentary in this area (see 43 Fed. Reg. 25296, 25301-25302, 25306). In this regard, we are also very interested in the consumer research FDA is currently conducting on the presentation of nutrition information in labeling. This research will complement the information collected at the hearings with actual data on, *inter alia*, specific alternative formats for expressing nutrition information.

The scope of these hearings is intended to provide FDA and USDA with a basis for the development of a comprehensive strategy for all food labeling.

² Comments on H.R. 10358, the Food Safety and Nutrition Amendments of 1978, submitted on July 28, 1978 to Congressman Rogers, Chairman, Subcommittee on Health of House Committee on Interstate and Foreign Commerce.

In fact, one of the hearing topics is the "total food label" (43 Fed. Reg. 25296, 25306). In other words, the food label is an information package which is quite uniform across a wide range of products and fairly stable over time. Within this package, there are different categories and types of information. For example, nutrition information is one type of information on a food label. That information would be provided in the context of a basic nutrition profile, in a standardized format, and along with other information about the food.

Given the importance of advertising as a source of information about foods, the proliferation of fabricated and modified products about which consumers lack information from non-commercial sources, and increasing public concern about the relationships between dietary patterns and health, the Commission and its staff have recently been attempting to move beyond our traditional approach to consider the "bigger picture": what foods are advertised, to whom are they advertised, and what messages are conveyed by food advertising as a whole. In other words, we have been looking at the commercial information environment as a whole and attempting to determine the need for additional remedies in the enforcement of the FTC Act's prohibition of unfair or deceptive advertising as well as the extent to which action outside the bounds of our statute should be undertaken by various governmental and/or non-governmental groups.

Despite our interest in compatible agency actions, our focus on the regulation of food advertising, as opposed to labeling, may involve somewhat different concerns. Advertising for foods and other products does not generally attempt to provide a total information package. Instead, it usually focuses on a particular aspect of a food, highlighting it as a positive attribute which consumers should consider in making product choices. The regulation of food advertising has therefore traditionally not been aimed at providing a complete picture of the advertised product, but only at preventing deceptive or unfair advertising claims.

Moreover, advances in communications technology have accelerated the trend away from informational advertising towards techniques which focus on persuasion. One of our goals is to update our traditional remedies for regulating advertising to cope with this trend.

The Commission's proposed Trade Regulation Rule on Food Advertising illustrates one aspect of our traditional approach. The proposed rule would require that when an advertiser chooses to promote a food on the basis of certain dietary properties (such as its value as a source of nutrients or its low caloric content), such claims are truthful and adequately substantiated. While we believe that this rule is a necessary step in regulating the use of food advertising to convey nutrition information, the rule leaves the initiative with the individual food advertiser to decide whether or not to promote a particular product on the basis of its nutritional attributes, as well as which of those attributes to mention. The extent to which nutrition information is provided depends upon the claims the advertiser makes.

Our recent children's rulemaking proceeding (16 CFR Part 461, 43 Fed. Reg. 17967, April 27, 1978) illustrates our more recent attempts to examine the total informational environment.

A major portion of this proceeding focuses on the effects of food advertising, particularly the promotion of sugared products, on children's health. In addition to examining the problems posed by individual food advertisements, the Commission will be considering how best to deal with the total context of food advertising to children, a subset of food advertising in which most messages stress the desirability of consuming sugared products while few messages apprise children of the dental health problems of overconsumption of these foods or promote more balanced eating habits or the consumption of other, worthwhile foods.

The Commission has reached no conclusions yet as to what, if any, remedial action is necessary and appropriate to deal with the problems posed by advertising to children. A number of remedies are being considered, including the requirement that advertising of sugared products be contingent on advertisers' funding of supplementary information to balance the overall information environment. In other words, the possibility that the harm done by advertising to this group as a whole can be remedied by an affirmative disclosure scheme dealing with the problem as a whole and outside the body of individual product advertisements is being actively pursued. If this, or other forms of information disclosure remedies, are found to be inadequate to prevent deception or unfairness to children of certain young age groups, then a prohibition of certain claims, or advertising of certain products or all products to children will have to be considered.

This proceeding will be focused directly on FTC's distinctive duties in regulating unfairness and deception in advertising while taking into account data and views within the scientific community and the findings of agencies with scientific expertise such as FDA and USDA on the issues of the potential health hazards posed by sugar in the diet. Some people have questioned why, since FDA currently treats sugar as "generally recognized as safe" or "GRAS," the FTC should be concerned about advertising for sugared products to children on the basis that the sugar poses health hazards. There are two distinct answers to this question.

First, a finding by FDA that a substance is "GRAS" incorporates an assumption that the substance will be used appropriately in the food supply and as part of a balanced diet by individuals. It does not imply that the substance is risk-free. In fact, as with sugar, "GRAS" substances can pose substantial risks. A report which FDA received from the Life Sciences Research Office of the Federation of American Societies for Experimental Biology entitled "Evaluation of the Health Aspects of Sucrose as a Good Ingredient" (LSRO Report) as part of its review of substances currently on the GRAS list concluded that:

"Reasonable evidence exists that sucrose is a contributor to the formation of dental caries when used at the levels that are now current and in the manner now practiced." (LSRO Report, p. 14)

As Commissioner Kennedy stated to us in a letter of December 19, 1977 supporting our inquiry into children's advertising—

"Little doubt exists that excess sugar in the diet contributes to dental caries. Although the degree of potential harm is controlled by many variables including the amount of sugar, the form of the food, and the manner in which the product is consumed in the diet, the introduction of large amounts of sugar into the diet at any time enhances the risk of tooth decay. Moreover, it seems clear that children are more vulnerable to dental caries and that the damage to the teeth resulting from tooth decay in childhood can have a substantial detrimental effect on dental health in later life."

Second, FDA's decision to place sugar on the "GRAS list" does not take into account the way that products containing this substance are promoted and, in particular, their heavy promotion to children. The effect of these promotional practices is within the particular jurisdiction and expertise of the Federal Trade Commission. We will be considering such issues as the ability of children at various ages to recognize and understand the selling purpose of advertising or to otherwise comprehend commercial messages on television. We will also look at the extent to which the volume and the form of advertising directed at or viewed by children encourages the consumption of sugar at excessive levels and in ways that are particularly deleterious to dental health—such as encouraging the consumption of sticky, sugar-laden between meal snacks.

Finally, the Commission recently sponsored a conference which focused on the availability and adequacy of nutritional information disseminated to consumers. On June 26 and 27, 1978 a number of nutrition and health professionals, food industry members, advertisers and other media professionals, and government officials involved in the regulation of food marketing met to explore the possible strategies to improve the nutritional information environment. Various sessions considered different aspects of these questions, including both the quantity and quality of the information to be conveyed and the adequacies of the current public service announcement system as a communications vehicle. In sponsoring this conference, one of our goals was to act as a catalyst and to provide a forum in which the issues could be more clearly defined. Another goal was to explore possible explanations for the trend away from informational advertising, towards an increasing emphasis on persuasive techniques. Improvements in the current system of providing nutritional information to consumers will only come through the collective action of a number of bodies both in and out of government. We would be happy to supply copies of the background materials used for this workshop for the record. We will close our remarks with several observations based on those materials and our discussions at the conference.

Currently, commercially-sponsored media messages about food tend to focus on promoting the consumption of highly processed and fabricated foods. Little time is devoted to foods such as fresh fruits and vegetables. Alternative messages on food and nutrition are very limited in number and primarily disseminated through the PSA system, although we are hopeful that commercial advertisers will recognize it as their responsibility to provide balanced nutritional educa-

tion through television messages. Although empirical data on the number, type, and audience reach of PSA's are sketchy, this system in its current form appears to be inadequate to the task of providing consumers with basic nutrition information on a wide range of foods or balancing the commercial messages consumers receive about foods: Access is limited and the messages are not well-targeted to appropriate audiences. Budgets are low and this is reflected in the quality of the materials produced. To be successful, media efforts should not only remedy the defects of the PSA system but should also bring together the perspectives and expertise of the various groups that were present at our workshop. These are issues which the Congress should explore.

We hope that these remarks will be of assistance to the Subcommittee.

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C., June 30, 1978.

DR. DONALD KENNEDY,
*Commissioner, Food and Drug Administration,
Rockville, Md.*

DEAR COMMISSIONER KENNEDY: Hypertension—or high blood pressure—contributes to hundreds of thousands of deaths per year due to heart attacks and strokes. Nearly one-fifth of the adult U.S. population has hypertension; the rate is roughly twice as high among Blacks and the elderly. Moreover, the direct medical costs due to high blood pressure are estimated at roughly \$8 billion per year.

Among the suspected causes, salt (sodium chloride) consumption has received continued attention over the last 70 years. The available evidence, based on epidemiological, animal, and clinical studies, has convinced numerous distinguished researchers and official committees to recommend decreased salt consumption as a primary step in preventing hypertension.

Unfortunately, as 35 million Americans with hypertension know, it is extremely difficult to reduce one's sodium intake without knowing how much sodium is present in foods. Most people know that pretzels, potato chips and french fries are salty, but few are aware that many other foods—from pastries to cheeses to packaged breakfast cereals—also contain large quantities of sodium.

Accordingly, the Food and Drug Administration is being petitioned to require that the sodium content of all foods be listed on the package. We are submitting this letter to the FDA supporting the basic concept raised in the petition that the FDA should require disclosure of the sodium content of foods in such a manner (written and/or graphic) that any person who wants to restrict sodium intake for health reasons can do so with confidence and ease.

Sincerely,

George McGovern, Edward M. Kennedy, Patrick Leahy, Donald Riegle, James Abourezk, Wendell R. Anderson, Bob Dole, Richard Schweiker, Mark O. Hatfield, Ted Stevens, Edward Brooke, Clifford Case, Dick Clark, Muriel Humphrey, Gaylord Nelson, Claiborne Pell, Harrison A. Williams, Howard Metzenbaum, Birch Bayh, Abraham Ribicoff, John Melcher, Paul Hatfield, Spark Matsunaga, John Chafee.

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C., May 23, 1978.

HON. ERNEST HOLLINGS,
*Chairman, Senate Subcommittee on Appropriations, Russell Senate Office
Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We understand the Senate Subcommittee on Appropriations for State, Justice, Commerce, the Judiciary, and related agencies presently is considering an amendment to halt the Federal Trade Commission in its current inquiry on Children and Food Advertising. The evidence, including hearings before, and reports by, the Senate Select Committee on Nutrition and Human Needs, indicates that there is a need for such an inquiry.

Children see 70 hours of food advertising per year—10,000 commercials. They have no knowledge of the dental and nutritional factors which should enter

prudent food selection. Children's food habits are influenced by T.V. commercials. Thus, their television experiences are critically important in the development of food attitudes. All of this is summarized in a report, *Edible TV*, which was published by the Select Committee and is submitted with this letter for the hearing record.

Furthermore, it would be a very poor precedent to cut off funds for an investigation solely because the inquiry may present perplexing substantive questions. The issues the investigation raises are difficult. The first amendment rights of advertisers and broadcasters must be considered, as well as the health needs of our children. However, during these times in particular, we fear that to terminate funding for an inquiry that is in the public interest and has a great deal of support, including a unanimous vote to proceed by the FTC Commissioners, would only make reconciling the issues more difficult.

Finally, the FTC inquiry does not overlap FDA's jurisdiction. Because a product, which has been found to be safe by the FDA, can still be susceptible to false and misleading advertising, Donald Kennedy, the FDA Commissioner, strongly supports the FTC's activity on this matter.

Thus, we urge the Subcommittee to reject any provision or any report language which might impede the FTC's current inquiry with respect to protecting the nation's children.

We appreciate your full attention on this important matter.

Sincerely,

GEORGE MCGOVERN,
PATRICK LEAHY,
HENRY BELLMON,
EDWARD KENNEDY,
DONALD RIEGLE,
U.S. Senators.

STATEMENT OF ELLEN HAAS, COMMUNITY NUTRITION INSTITUTE

Community Nutrition Institute is a non-profit public interest organization that supports the development of a national food and nutrition policy serving consumer needs at the community level. It publishes a weekly newsletter (the CNI Weekly Report) on food and nutrition issues. It provides training and technical assistance services as well as sponsoring workshops and conferences on public policy issues on food and nutrition.

It is indeed a pleasure to participate in these preliminary hearings on Food Labeling and Nutrition Information. Before getting under way, however, I would like to call attention to the very significant and invaluable contribution made by the late Senate Select Committee on Nutrition and Human Needs in blazing the trail toward a greater level of nutrition awareness among this nation's people and policymakers. Particularly for its efforts to bring home to the nation the links between diet and disease and the long term consequences of contemporary consumption patterns the committee deserves the gratitude of all people.

The disorders which have repeatedly been implicated by researchers as resulting from current dietary patterns—heart disease, stroke, cancer, obesity and hypertension—place a tremendous collective strain on society in increased medical costs, human disability, premature death, and decreased human potential during much of life. More importantly, the diseases are not easily cured—they will only be controlled successfully through increased efforts of prevention.

In our opinion, prevention emphasizes two summary facets: (1) increased efforts to educate consumers of the links between diet, health, and human productivity and (2) providing information to consumers which can effectively be used as tools to properly implement the knowledge gained through education.

Largely due to the efforts of the Select Committee, as well as research scientists and educators and researchers, the public is becoming more aware of the relation between diet and health and by and large people are clamoring for more and better information on which they can base intelligent buying decisions.

According to a February, 1978 study by Yankelovitch, Skelly and White, 77 percent of consumers are more interested in nutrition than they were a few years ago, yet only 24 percent of the public consider themselves to be well informed on the subject. In the same survey, 73 percent of those interviewed paid at least some attention to the nutrition label; 78 percent of those interviewed felt more information on the ingredients contained was needed and almost 60 percent said the information given was useful in obtaining a measure of nutrition for the dollar.

The label is perhaps the most important vehicle by which an increasing understanding of the importance of nutrition can be put to use—it is the means by which specific information on individual products can be communicated and thus the vehicle through which comparative shopping can be facilitated as an effective consumer tool.

We must emphasize, moreover, that the concept of a usable nutrition label does not exist in a vacuum—it must be integrated as a component of a comprehensive food policy structured with health concerns at the center. For too long, health objectives have been assigned only a supporting role to the economic concerns of the food system—its structure must be realigned to reflect the influence of diet on health about which we are learning more and more.

Structure of a sound labeling policy is critical to this task. For example, if composition of fats were required on non dairy coffee creamers, as well as on cartons of milk and half and half, persons who have traditionally used the artificial variety for economic or "health" reasons might question their judgement. Many varieties of the non dairy creamer actually contain more saturated fat than their counter parts and most contain over 60 percent sugar. They may also contain up to three times as many calories.

Furthermore the information which is currently communicated through the label is often confusing or misleading. Consumers are presently taught to consider the value of foods in terms of vitamin and mineral content as represented by portions of the USRDA. Yet in terms of communicating the information necessary for disease prevention, these values are easily the least important and clearly the most confusing aspect of the food label. If the label is to be molded into a useful tool it must be restructured to reflect this fact.

For example, if a package of commercial cereal were required to list percentages of sugar, a person who would ordinarily buy such a product due to the presence of seven or eight synthetic sprayed-on vitamins might think twice before doing so.

In short, it is clear that a proper understanding of nutrition is critical to health maintenance and a useful way to present consumers with information on individual foods is key to an effort to implement this understanding. The nation's health and a sound labeling strategy go hand in hand in the effort to eradicate disease—the benefits to be reaped from such a program span the economic as well as the medical.

We urge that the formation of labeling strategy be considered from a wholistic perspective—as an integral component of a health oriented food policy. In this light we must (1) determine which aspects of nutrition and food are most critical to proper health maintenance and disease prevention, (2) evaluate what the resulting informational needs of consumers are, and (3) pinpoint how these needs can best be accommodated through a usable labeling format.

INGREDIENT LABELING

It is generally agreed that the labeling provisions which apply to foods covered by standards of identities effectively hide pertinent information necessary for nutrition and healthful food choice from consumers. These provisions have also been responsible for the increase in consumer confusion over processed foods in recent years. We strongly recommend, therefore, that all ingredients in all food products be listed by percentage.

Listing ingredients in order of predominance is almost always confusing. Even for those consumers who do understand that lists of ingredients are arranged in some sort of order consumers can easily be misled when making comparisons between products and brands and as to the actual economic value of individual products. For example, amounts of beef could vary between different brands of beef stew without being evident from comparison of the two labels and whereas a type of chicken noodle soup could contain "water, noodles, chicken, etc." the fact that the product need only contain 2 percent chicken would remain hidden.

OPEN DATING

In survey after survey, consumers indicate they want access to information concerning the freshness of products for sale—as indicated by open dating or the date by which a product should be sold. For example, a 1976 USDA survey of over 1400 consumers found that 90 percent believed open dates on food packages to be very useful and the 1978 Yankelovitch study cited earlier found

that 74 percent of over 1,100 shoppers surveyed felt that such dating "made a lot of difference" in making purchase decisions.

Use of one "sell" date on food labels causes problems, however, not the least of which is the fact that different products can be kept for different periods of time. Thus we urge the adoption of requirements that would mandate the use of an additional "use-by" date or a verbal explanation of proper storage time. Such a statement might read "For safe and proper use, consume within seven days after the sell date listed above."

LISTINGS OF COLORING, FLAVORING, AND OTHER ADDITIVES

Not only does the consumer have the right to know the identity of the specific colorings and flavorings used, but often this information is important for health reasons. The safety of many additives is subject to great doubt, as few are given the indepth evaluations necessary to certify safety. Many of the flavorings are known to cause allergic reactions and some are believed to contribute to the hyperactive state of some children.

THE USE OF SYMBOLS ON FRONT DISPLAY PANELS

For no other aspect of the comprehensive food label must we be more careful to avoid "information overload" than with the symbols which appear on front display panels. Whereas we feel indicators of excessive amounts of fats, refined sugars, or sodium should be required to appear on display panels, we urge caution in defining the term "excessive." A strict interpretation of the term could well cause 90 percent of the processed foods which appear on grocery store shelves to be adorned with one or more display panel symbols—thus removing the unfavorable connotation associated with the symbols and defeating the purpose of their use.

LABELING OF FOOD SOLD IN RESTAURANTS

Currently over one quarter of the food dollar is spent on away from home eating and in coming years this figure is predicted to grow by great strides. Information on foods sold in restaurants is every bit as important as that on food sold at the retail level—thus in coming years a vehicle to transmit this information will become increasingly important.

We suggest that restaurants, cafeterias, institutions and the like provide complete patron access to a separate "nutrition and ingredient menu" which would list the ingredients contained and describe the nutritional composition of each dish, beverage, topping, and sauce available for sale at the restaurant. This auxiliary menu could be provided at each table and at the carryout counter. Consumers who are concerned enough to read a label on a food package could be expected to consult the auxiliary menu before ordering a meal.

NUTRITION LABELING

Easily the most important component of the food label is that which conveys information on the nutritional character of the food product. The information presented can be highly influential in determining just which food products are purchased and, more importantly, provide the mechanism by which an understanding of nutrition can be utilized.

In determining what the proper label should look like, we must keep in mind the purpose of labeling in the overall context of nutritional awareness and health maintenance. Any label must be founded on the principals mentioned at the start of my talk—those aspects of nutrition most critical to sound health must be determined and appropriate information on certain foods must be developed and presented through labeling in a useful manner.

Today's nutrition label includes calories as well as the content of protein, carbohydrates, and fat but concentrates most on the values for vitamins and minerals expressed as percentages of the Recommended Daily Allowances. At the time the present nutrition label was developed, nutrition policy makers felt vitamin and mineral content was the most important aspect of food and these values were emphasized because educating the public in order to prevent nutrient deficiencies was considered primary.

Today, however, we have a completely different set of health and dietary concerns. Excessive caloric consumption, overconsumption of fats, salt, and

refined sugars, and increasing dependence upon processed foods have created a new set of nutrition related health problems—obesity, heart disease, stroke, hypertension and cancer. Equally important, the problems related to conventional nutrient deficiencies are all but non-existent. Thus the current information format of our label is inappropriate; designed in another age with a different set of public health objectives, it does not convey the information necessary to reduce contemporary nutritional problems.

In designing the format for the most appropriate and useful label we must keep two things in mind at the outset.

(1) The Secretary of USDA must be given concurrent responsibility with the Secretary of HEW for the development of the food label. It must be kept in mind that the role of the label in food policy is supported by nutrition research and dependent upon nutrition education—both activities are centered in USDA, designated by Congress last year as the “lead nutrition research and education agency.” In addition, USDA retains responsibility for the marketing of poultry and meats as well as fresh fruits and vegetables.

(2) The existing labeling format should be required to undergo review every 8 years. The review should be required by law and changes or modifications should be investigated to accommodate for the nutrition-based health concerns which will have developed as well as the usefulness of the design through which the information is presented. Just as our concerns about the nutrition status of the nation differ greatly from those of 10-15 years ago, so will they be completely different after the next decade. The state of this country's health and nutrition awareness is in constant flux and the labeling design through which we choose to present information on individual foods must reflect this fact—we must recognize that the label is a dynamic instrument and for best use it must be tuned and adjusted periodically to reflect changing needs. The concept of the definitive label for all times is a fantasy—the best we can do is to legislate a system responsive to consumer needs whereby the purpose and usefulness of the food label to consumers is primary and then insure that the label is reviewed every 8 years and changes are made as needed.

Critical to this effort, moreover, is the active and complete participation of public representatives to ensure an accurate representation of the public viewpoint.

At the present time we should push toward the development of a policy that will address the factors concerning food consumption that most directly relate to health maintenance and disease prevention. Through the course of the work we have begun today, as well as the administrative hearings scheduled for the fall, I feel confident that we will successfully develop the labeling format that can serve this integral and fundamental function as a component of a wholistic food policy strategy. I am certain that the format we design will be relevant, realistic, and above all, responsive to consumer needs.

STATEMENT OF DR. TIMOTHY M. HAMMONDS, SENIOR VICE PRESIDENT, FOOD
MARKETING INSTITUTE

This statement is submitted on behalf of the Food Marketing Institute, a national non-profit trade association representing approximately 800 food retailers located throughout the United States. One-third of our members are single store operators. Another 40 percent operate ten stores or less. Most large food chains and wholesalers are also members of FMI. The composite of these firms do business in every state and in nearly every county in the nation. Stores operated by our combined membership numbered about 24,000 and did approximately \$75 billion in sales in 1977, representing roughly 50 percent of all food store sales in the United States.

We welcome this opportunity to appear here today because FMI's members are philosophically and functionally committed to good nutrition for the American public. Although many individual companies further back in the distribution channel have a good track record in this area, food retailers and wholesalers as a group have two unique advantages. First, we are purchasing agents for the consumer. Second, we are not product or process specific. Being buyers and sellers of all kinds of food products, we have no vested interest regarding any individual product or commodity category. We see ourselves as a part of the solution process, capable of providing a credible forum to bring varying points of view together

on issues, and capable of providing constructive and positive input in the interest of our customers.

FMI and its members believe strongly in the customer's right to freedom of choice and the grocer's responsibility to assist in providing enough meaningful information to consumers so they can make an informed choice.

Our own research confirms that consumers are confused about the different messages they now get regarding nutrition and that nutritional labeling as it now exists is not as helpful as it could be. Consumers clearly want simple, understandable nutrition information that will help them in their purchasing decisions and in planning a varied, healthy, balanced and nutritious diet for themselves and their families.

We must find a way to develop and communicate this information. Otherwise, all the millions of dollars we spend on scientific research and ambitious education and information programs will be wasted, and a public need unsatisfied.

To this end, FMI has undertaken a series of research projects over the last two years. This testimony will highlight these projects with a more complete summary attached for your reference.

It is readily apparent that more than opinion, even expert opinion, will be needed if the growing debate over nutrition policy and nutrition information is to produce meaningful results. Information must be meaningful and relevant to the customer's decision process if it is to be useful. In addition, it must be presented in a format which is practical and economically feasible for industry compliance.

With this in mind, FMI undertook two research projects in January of 1978 to discover what the public really wants to know and how that information might be made readily understandable. The customer must be the starting point.

We learned quickly that nutrition information and education are complex issues with no "quick fix" solutions. A variety of information sources which reinforce each other will be needed. Neither an educational program alone, nor a media program alone, nor a revised label format alone will accomplish the task.

Before broader educational programs can be effective, customers must be able to readily identify what is in the products they buy. They do not feel they can do this with current food labels. Since our research indicated that the label was the focal point of much consumer concern, we experimented with a variety of alternative formats.

We will use sample hot dog labels to illustrate this testimony. Many products were tested but we will have time to talk about only one in today's short discussion. The hot dog was selected because it is a popular product which fits the category of food people are most interested in from a nutrition information perspective: processed main meal, main item foods.

It should be emphasized that our research was at least as important for our findings as to what consumers did not like as for our findings concerning what they did like.

Since the list of ingredients seemed to be of primary importance, we experimented with a variety of alternative presentations. In each case focus group participants were shown large mock-ups where explanations were needed but were then given actual label size mock-ups for comment and behavior observation.

Here an example of what might be a current hot dog label (Exhibit A). You will notice the visual emphasis is on the list of vitamins and minerals, a category which we found to be of very little use to customers. Perhaps of greater importance, the list of ingredients, which we found to be of major interest to consumers, receives very little emphasis.

Since graphic labels are currently the topic of so much discussion, we started with a variety of graphics. Sample bar graphs (Exhibit B) and pie charts (Exhibit C) were used for openers.

Typical reactions were negative with comments like: "This makes it hard to see the small (percentage) ingredients"; "It takes me back to school"; "Don't treat us like babies." And the very important observation: "It would make me lazy." That is, this type of graphic creates a tendency to look at the main ingredient only. These were observations from medium-to-low income and medium-to-low education level individuals. The level of sophistication of nutritional information and knowledge is clearly higher than anticipated at the beginning of this project.

It soon became clear that people wanted more than a mere presentation of ingredients. It was a mistake to assume that because people concentrated on current ingredient lists, this was their only interest. They would like more in-

formation but pay little attention to current labels because they are poorly organized and difficult to use.

With this in mind, we broadened our scope to include nutritional information. There is now in use in the Netherlands a graphic label popularly called the Albert Heijn label or the Dutch label (Exhibit D). In preparation for testing of this version, we presented an extensive explanation which we do not have time to repeat here. Put very simply, this graphic represents the nutritional content (density) of products by depicting the relationship between nutrients and calories. The top half of the large circle contains a wedge representing nutrient content with the bottom half wedge representing total calories.

We found that while this label may work well in the Netherlands, and may be the subject of much discussion over here, it was a disaster in our focus groups. This was a major surprise to us since we hypothesized this format would be very well received.

The typical reaction was: "My God, it looks like a test!" Other initial reactions indicated there was no obvious entry point, the format was too complex, and the organization was a barrier to use. This was true in spite of the explanations given prior to exposure.

Beyond the initial reactions, a significant secondary reaction was common to our focus groups and was one of the most important findings of this project. Almost everyone wanted to know how the size of the nutrient content wedge was calculated. The people in our focus group were very suspicious of any graphic which reduced nutrient information to a simple form because they feared the method used would not reflect their own values and opinions.

As a further exploration of graphics, we tried a new system designed to incorporate many of the comments we were hearing (Exhibit E).

There were many, many problems with this one. People simply did not relate well to it. One problem was the tendency to translate recommended daily amounts as upper limits. For example, sample products high in protein compared to the recommended daily amount tended to cause concern that other high protein products should not be eaten in the same day.

But there was a more fundamental concern with the portion of the label indicating actual recommended daily limits. There is considerable mistrust of "experts" who recommend actual product choice decisions or trade-offs instead of leaving these to the public. It is one thing to present a variety of recommendations from independent sources subject to public judgment, quite another to institutionalize one particular set of judgments on the label.

It was through this line of reasoning that the basic problem with graphics finally came out. Graphics tend to editorialize. That is, by their nature the design tends to predispose some products to look good and others to look bad. This is particularly significant since different consumers in our focus groups clearly used different judgment criteria in their own product decisions.

The mood in our sample of consumers was definitely one of "don't editorialize." The public told us loud and clear they would prefer to make their own judgments based on product information because they know their own budget limitations, their own family's tastes, and their own lifestyle patterns. There was considerable concern that many foods would not survive a new label format, particularly a graphic label; and that selective fortification could make almost any product look good under an over simplified display system.

Not being quite ready to give up on systems which simplify information, we tried a currently available non-graphic nutritional indicator: Dr. Michael Jacobson's nutritional scoreboard approach. This again was a system requiring considerable explanation before its actual exposure. We used copy taken from Dr. Jacobson's writings (Exhibits F and G), a sample advertisement showing how comparative information might be presented (Exhibit H), and our researchers interpretation of the actual label format itself (Exhibit I).

For some this may be an excellent system, but not for the general population as represented by our focus groups. Comments included: "We would all have to be re-educated"; "This editorializes, we can decide for ourselves"; and "What is the basis for this?"

What had we learned to this point in the research? First, that people are not looking for oversimplification; they recognize the complexity of nutrition issues and the trade-offs versus their own budgets and lifestyles. Second, better organization of the information currently available on the label is needed. Third, the approached most favored seems to be the presentation of basic information leaving actual product choice decisions to the individual.

It is easy to see why better organization is important to people. We have been dealing with a reasonably simple product in our illustrations but consider another product we also tested, frozen waffles, (Exhibit J). Notice how long and how confusing this list of ingredients is. Even with a simpler product such as hot dogs (Exhibit K) people ask how the information may be sorted into meaningful categories.

When we explored basic information needs more thoroughly, we found three basic categories which appear to be generally useful. First, a list of characterizing ingredients which our focus group panels felt should include percentages by weight. Second, a list of additives and artificial flavoring or coloring agents. The presence or absence of these agents seemed to be sufficient for those concerned with this category. Percentages were not found to be a useful supplement. Third, a list of nutrient facts which seem to be most usefully presented in grams.

In addition, we found that people preferred the total list of ingredients to be as complete as possible. One woman gave the example of corn syrup. She was allergic to this particular ingredient and her doctor had told her not to buy any product which merely listed "other sweeteners" without spelling out what these were.

Observing how people tend to use labels and how they think about nutritional information led our Kelly Kason researchers to evolve the format which I call the Organized Label (Exhibit L).

As you can see, it is easy to use and proceeds in a logical order. Major ingredients are listed by percentage content and minor contents are named even though not listed by percentage. Additives, coloring agents, and flavoring agents are highlighted separately.

Nutritional information follows on the organized label highlighting the items of most interest to our population sample: calories, protein, carbohydrates, fat, total sweeteners, and cholesterol.

Our groups were not interested in food composition data. Taking water in a stew product as an example, people seemed interested in knowing how much water was added but not how much water naturally occurred in the vegetables contained in that product.

This label format was consistently well received by every focus group exposed to it regardless of the order in which it was presented.

Vitamins and minerals would appear to be best treated separately at some other position on the label. Although people seem to like the idea that this information is available, most pay little attention to it and it is certainly of less importance than the information already highlighted. As you can see (Exhibit M), vitamins and minerals appear as they do in current label formats except that protein has been moved to the nutritional information part of the organized format. This was done because including it with vitamins and minerals tended to lead people to think Vitamin A or B was equally important as protein.

SUMMARY

We have presented an organized label format which evolved from stated consumer preferences and observed consumer behavior. This has not been tested for technical or economic feasibility. We are not preaching this as a final solution by any means. This research is a solid beginning to discussion, not the end of debate.

This is a well received format, but we clearly need further research and discussion as to where to go from here. Other formats may prove even more useful. If any new programs are to be developed, they must (and I underscore must) be developed with the full cooperation of consumers and the entire food industry. Those who are closest to the consumer and who best understand their needs and concerns are an essential part of this process. Therefore, we would encourage you, Mr. Chairman, and the members of your Committee, to continue to seek input from industry and consumers as you develop programs in this area.

We feel the key findings we have to offer are:

First, people do not need a radically different or exotic label. Graphic formats in particular did not seem to be well received;

Second, any new system must leave room for fun foods. One of the greatest consumer concerns was that any new labeling system would force popular products off the market place or price them out of reach;

Third, people are concerned about making their own decisions based on the type of information shown here. They want facts, not editorials or opinions;

Fourth, it is a mistake to think legislating someone's diet. People want to make their own trade-offs within their own budgets and lifestyles. Time and time again we heard the phrase: "I don't want the Government telling me what to eat.";

One woman illustrated this last point by using the example of fruit drink versus fruit juice. She said she knew drinks were much higher in water content than were juices. But with a large family, when her children came in from play and wanted something besides water, she just could not afford to give them juice.

Fifth, we need coordination of the many government nutrition programs currently underway. I understand there are now more than 30 Federal entities with nutrition education or information responsibilities;

Sixth, we need experimentation with different ways of presenting nutrition information and labeling in the marketplace. Right now companies are restricted in this area because of regulations already in place or proposed by FDA, USDA or the FTC. Perhaps there should be a controlled moratorium for a period of time on nutritional labeling and information regulations to provide for such marketplace experimentation;

Seventh, we need to insure that major nutrition education and information programs aimed at the public be pilot tested for effectiveness before they are nationally implemented;

Eighth, we need to make sure that we do not inadvertently touch off a "horsepower race" with nutritional claims and counterclaims. This would threaten the credibility of all nutritional information;

Ninth, we need to insure that this issue does not become a divisive one among food industry segments. An adversarial relationship between differing food industry groups, would not be in the interest of the goals of this Committee, the consumer public, or FMI and its members; and

Tenth, we need to remember that equally important to the consumer's right to know is the right to choose. That choice should not be pre-empted.

A final point in conclusion. Information overload is already upon us. Our sample of consumers was already confused by conflicting claims and counterclaims about foods and nutrition. A few more major reversals of what have been recently presented as "facts" could turn the public away from this issue altogether. All of us including the Government, the media, the nutrition professionals, and especially the non-professionals, must be very careful to avoid unsubstantiated claims concerning the health or safety of particular foods. Now is the time to tread carefully in our public pronouncements.

The following tables are examples of label formats tested and are not to be taken as final recommendations. These are not to be reproduced without the specific written permission of the Food Marketing Institute.

These illustrations are not meant to be representative of any individual manufacturer and the ingredient content data have been altered slightly to prevent any inadvertent similarity to an actual product.

Exhibit A

HOT DOG

Company Name, City

INGREDIENTS: Beef and Pork, Water, Salt,
Corn syrup, Flavoring, Dextrose,
Sodium ascorbate, Sodium nitrite

CALORIES	140	FAT (<small>PERCENT OF CALORIES: 70%</small>).....	13g.
PROTEIN	5g.	POLYUNSATURATED	1g.
CARBOHYDRATE	2g.	SATURATE	12g.
		CHOLESTEROL*	100mg
		SODIUM	900mg

**PERCENTAGE OF U.S. RECOMMENDED DAILY
ALLOWANCES (U.S.RDA's)**

	<u>%</u>		<u>%</u>
PROTEIN	10	CALCIUM	0
VITAMIN A	0	IRON	2
VITAMIN C	15	VITAMIN B₆	2
THIAMINE	2	VITAMIN B₁₂	8
RIBOFLAVIN	2	PHOSPHORUS	4
NIACIN	6	ZINC	6

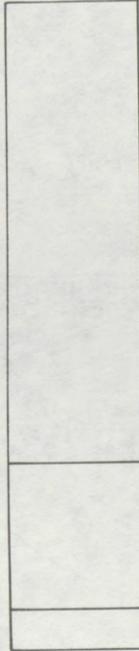
* Information on fat and cholesterol content is provided for individuals who, on the advice of a physician, are modifying their dietary intake of fat and cholesterol.

Exhibit B

HOT DOG

Company Name, City

Ingredients (one link)



Beef and Pork 72%

Water 23%

Other Ingredients 5%

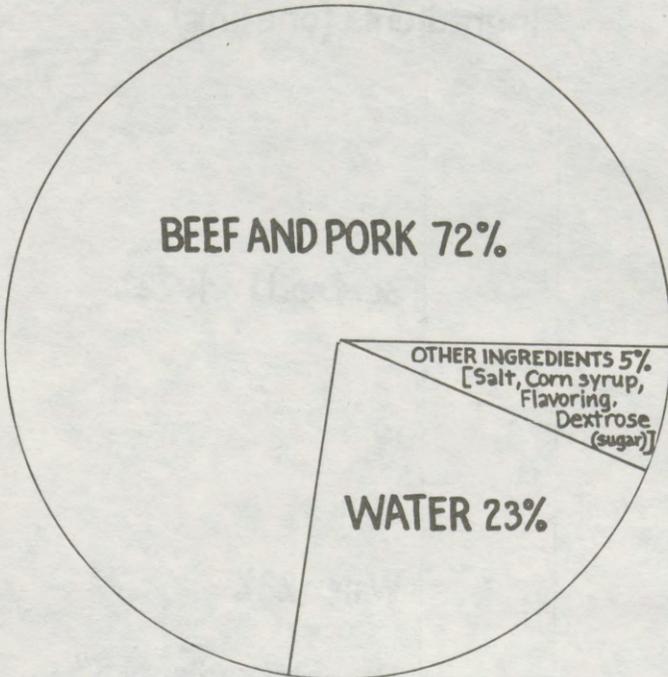
[SALT, CORN SYRUP, FLAVORING, DEXTROSE (SUGAR)]

ADDITIVES: Sodium Ascorbate, Sodium Nitrite
(color and flavor preservative, prevents spoilage)

Exhibit C

HOT DOG

Company Name, City



ADDITIVES: Sodium Ascorbate, Sodium Nitrite
(color and Flavor preservative, prevents spoilage)

Exhibit D

HOT DOG

Company Name, City

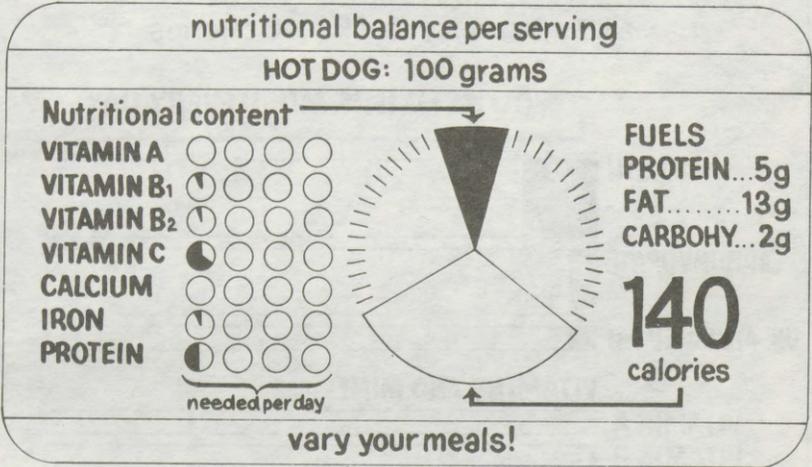


Exhibit E

HOT DOG

Company Name, City

average serving: 1 link - 140 calories

YOU NEED THIS MUCH EVERY DAY

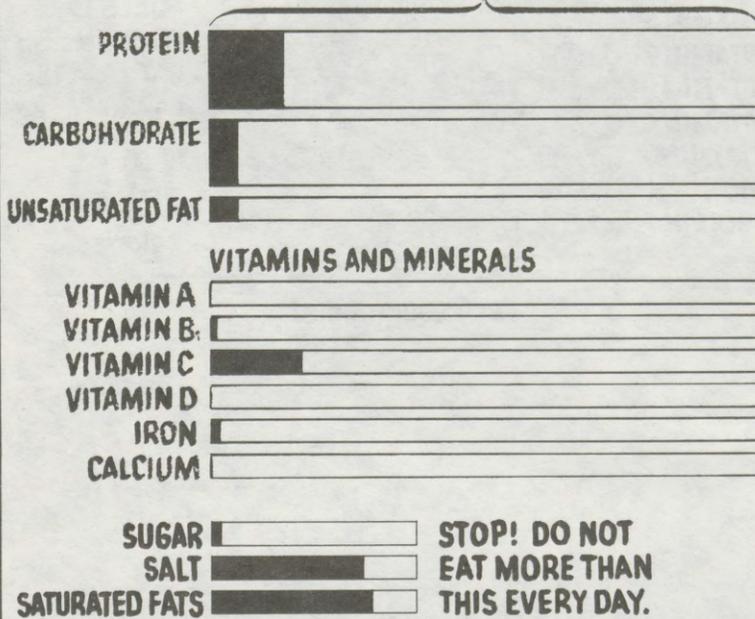


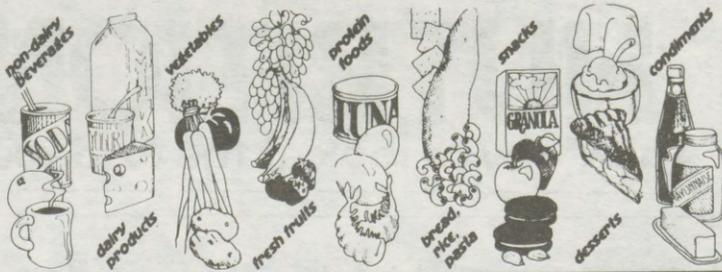
Exhibit F

NUTRITION

a new way to look at the food you eat.

Getting the right nutrients every day is one of the keys to good health and great looks, but unfortunately, many of the foods we tend to consume in quantity aren't necessarily those with the highest nutritional value. The chart at right was designed to help you choose more wisely. It's based on a numerical-scoring formula designed by Dr. Michael Jacobson, executive director, center for Science in the Public Interest. It works quite simply. Foods are given positive points for their content of nutrients such as protein, unsaturated fats, naturally-occurring carbohydrates, vitamins, minerals, trace elements and fiber. Foods lose points when they contain added sugar and corn syrup, saturated fats and fat content exceeding 20 percent. Thus the higher a food item scores on the chart, the better it is for you nutritionally.

Exhibit G



orange juice	skim milk	frozen collard greens	cantaloupe	beef liver	rye bread	granola and milk	cantaloupe w/ice cream	wheat germ, 1T.
62	49	126	99	172	29	45	90	10
V-8 juice	buttermilk	frozen chopped spinach	water-melon	chicken liver	enriched egg noodles	sunflower seeds	water-melon	catsup, 1T.
40	45	91	74	158	28	44	74	2
tomato juice	plain low-fat yogurt	raw tomato	orange	chicken breast	whole wheat bread	almonds	peach	cream, ¼ oz.
37	44	69	68	62	26	31	29	1
lang (fortified)	Swiss cheese	canned carrots	honeydew melon	tuna fish in oil	enriched spaghetti	cashews	apple-sauce	margarine, 1 pat
30	43	59	59	55	26	24	9	-1
apple juice	whole milk	asparagus	strawberries	lean pork chop	enriched white bread	raisins	angel food cake	butter, 1 pat
7	39	49	50	47	22	13	-15	-3
coffee w/cream	cheddar cheese	baked potato	grapefruit	cooked soybeans	brown rice	apple	ice cream	salad dressing, 1T.
1	38	32	45	41	22	12	-18	-4
coffee or tea	creamed cottage cheese	romaine lettuce	diced pineapple	two eggs	enriched white rice	potato chips	apple pie	mayonnaise, 1T.
0	34	28	35	36	16	8	-40	-7
artificially sweetened soda*	American cheese	iceberg lettuce	banana	shrimp	enriched instant rice	sandwich cookie	gelatin dessert	jelly, 1T.
0	32	10	26	24	14	-7	-45	-9
coffee w/sugar	butter	celery	grapes	pure beef hot dog	white bread	milk chocolate	chocolate cake	sugar, 1T.
-9	-3	7	12	6	12	-27	-52	-27
soda pop	ice cream	onion	plum	bacon	crackers	brownie	frozen coconut cream pie	syrup, 1T.
-92	-18	6	9	4	8	-30	-62	-34

high-scoring foods

low-scoring foods

Exhibit H

KNOW THE SCORE.

The nutrition scoreboard takes the mystery out of nutrition.

Now there's a simple way to know which foods are the most healthful. Just look at the Nutrition Scoreboard on the back of labels. Example: a hamburger (without roll) scores +34, a Product X candy bar scores +33, a portion of broccoli scores +116.

The higher the score, the better. And so the hamburger is better for your family's health than the candy bar.

Look at the chart on the side

to show how too many minus (-) nutrients add up to a very low score for the candy bar.

In the hamburger, everything scores pretty well, except for fat.

You can see how we add up the scores for the food item's nutrients, to get its total score.

When you shop, look for our Nutrition Scoreboards on the back of many food labels.

Plan your meals with lots of high scoring foods.

And then you'll be sure that your family is eating right, for good health!

Hamburger	
Protein	20
Carbohydrate	0
Fat quantity	-8.5
Fat quality	-4.7
Minerals: A	0.9
B	2.3
C	1.2
D	0
Minerals: iron	7.5
calcium	0.8
Nutritional value rating	+34
Additives	none

Product X Candy Bar	
Protein	31
Carbohydrate: natural	3.8
added sugar (corn syrup)	-12.5
Fat quantity	0
Fat quality	-20
Minerals: A	1.5
B	4
C	0
D	0.5
Minerals: iron	0.5
calcium	0.8
Nutritional value rating	-33
Additives	sodium benzoate



Exhibit I

NUTRITION SCOREBOARD

HOT DOG

Company Name, City

PROTEIN.....	5
CARBOHYDRATE.....	1
FAT QUANTITY.....	-3.5
VITAMINS: A.....	1
B ₁	2
B ₂	2.5
B ₃	0
C.....	1
MINERALS: IRON.....	1.2
CALCIUM.....	0.5

NUTRITIONAL VALUE RATING..... +6

TOTAL CALORIES..... 140

Exhibit J

FROZEN WAFFLES

COMPANY NAME, CITY

Ingredients: enriched flour (flour, niacin, reduced iron, thiamine mononitrate, riboflavin), whey, water, corn flour, partially saturated soybean oil (with citric acid added to preserve freshness), sugar, whole eggs, soy flour, salt, monocalcium phosphate (a leavening agent), monosodium glutamate (a flavor enhancer), ferrous fumarate (an iron source), artificial coloring, niacin pyridoxine hydrochloride (one of the B vitamins), riboflavin, thiamine mononitrate, vitamin B₁₂

Exhibit K

HOT DOG

Company Name, City

Ingredients:

Beef and Pork,
Water, Salt,
Corn syrup,
Flavoring, Dextrose,
Sodium ascorbate,
Sodium nitrite

Exhibit L

HOT DOG

Company Name, City

• Ingredients:

Beef and Pork	72%
Water	23%
Other ingredients	5%
[LESS THAN 2% EACH: SALT, CORN SYRUP, FLAVORING, DEXTROSE (SUGAR)]	

• Additives:

Sodium Ascorbate	}	(COLOR AND PRESERVATIVE, PREVENTS SPOILAGE)
Sodium Nitrite		

• Artificial Flavoring/Color:

none

• Nutritive Facts (single serving link):

Calories	140
Protein	(10% of USRDA) 5 grams
Carbohydrates	2 grams
Fat	13 grams
Total sweeteners	1 gram
Cholesterol	100 milligrams

• Net Weight: 16 oz.**• Open date: 12-8-78**

Exhibit M

VITAMINS & MINERALS

(PER SERVING)
SERVING SIZE: 1 LINK

PERCENTAGE OF U.S. RECOMMENDED DAILY
ALLOWANCES (U.S. RDA's)

	<u>%</u>		<u>%</u>
VITAMIN A.....	0	IRON.....	2
VITAMIN C.....	15	VITAMIN B ₆	2
THIAMINE.....	2	VITAMIN B ₁₂	8
RIBOFLAVIN.....	2	PHOSPHORUS.....	4
NIACIN.....	6	ZINC.....	6
CALCIUM.....	0		

ATTACHMENT

FMI first became involved in the nutrition issue two years ago when our on-going consumer research identified this as a major area of concern for our customers. At about that same time, our good friends from Family Circle Magazine in the person of John Pfriendler came to us with their identification of the same emerging issue. From these initial discussions came the first jointly sponsored national nutrition conference held last year and a statement from our Board of Directors targeting nutrition as a major concern for FMI.

The feedback from our first conference convinced us that more than opinion would be needed, even expert opinion, if the growing debates over nutrition policy and nutrition information were to produce meaningful results. FMI decided it was time to find out what our customers' interests and concerns were relative to nutrition. We undertook an exploratory project on the presentation of nutrition information to discover what the public really wants to know and how that information might be made more readily understandable.

To guide us in our project design we sought the input of representatives from many interest groups including the U.S. Department of Agriculture, the professional nutrition community, food retailers, and consumer organizations. These groups told us one of the major gaps in nutrition research and education was that no recent studies had brought the talents of communications professionals to bear on the development of nutrition information programs.

With this in mind, we selected as our prime contractor on this research, the firm of Kelly Nason, Inc. Kelly Nason is a group of professionals located in New York City whose speciality is the development of advertising and communication strategies. The unique strength of this group is that all concepts are developed directly from original consumer research. They observe actual consumer behavior through a series of shopper interrupts and focus groups to determine information needs and to test the concepts developed to fill those needs.

The objective of this phase of our research was to develop a readily understandable nutrition indicator or set of nutrition indicators which would be meaningful to the general public in their food purchase decisions. We had no preconceived notions as to the final delivery system which would be most appropriate. We felt the final product or products might be useful in school educational programs, in point-of-purchase displays, on product labels, in media programs aimed at adults, or in a variety of other delivery formats.

The focus groups for this phase of the research consisted of 10 panels geographically dispersed from New York to California and assembled during the months of March through May of 1978. The groups were held in metropolitan areas and consisted primarily of women between 20 and 45 years of age with at least 2 children living at home, representative of an appropriate ethnic mix for the region, and having middle to low-middle income and educational levels.

Because Kelly Nason's process is creative, employing qualitative research to observe actual behavior, we felt it was important to cross-check the key hypotheses and assumptions through quantitative research where possible. For this purpose we relied on specific directed questions administered to a representative and projectable national sample of food shoppers by Yankelovich, Skelly and White, Inc. of New York. Part of this quantitative research was drawn from our regular yearly sample of consumer attitudes and behavior, and part from special studies. We would be happy to supply copies of the Yankelovich studies to those of you who are interested. Now to the research itself.

As to where nutrition information should be provided, our research (all references are drawn from the Kelly, Nason studies unless otherwise specified) shows that no single source will be sufficient. Nutrition information and education are complex issues with no "quick fix" solution. A variety of information sources which reinforce each other will be needed.

At this point in time, people want nutrition information relevant for their purchases but they do not want to become "professional nutritionists". That is, people are interested in information which will improve their shopping and meal planning but have no desire to become scientists in the process. The quantitative Yankelovich research supports this with the finding that currently only 15 percent of the shoppers feel "strongly" about "eating only what is good for them," while 60 percent "try for a balanced diet but don't make a big deal of it," and 17 percent "eat what they like and don't worry about it." But there is no doubt the level of interest is growing. The Yankelovich survey finds 77 percent of the population "more interested in nutrition than a few years ago."

We also learned that the new interest in nutrition is primarily because of the broader interest in the United States in health, physical fitness, and staying thin.

Consumers use the word nutrition as an umbrella term covering eating habits, health, and lifestyle in a context much broader than the meaning of the word within the professional nutrition community.

Our qualitative research picked up something else very important. Even though shoppers are interested in nutrition information from a variety of sources, their prime concern right now is that they do not think they really know what is in the products they buy. Since this type of evolutionary creative research must move in the direction established by the consumer focus groups, Kelly Nason arrived very quickly at the product label as the focal point. The panels told us they do not pay much attention to current nutritional labeling because it is not useful to them. Broader education is of interest but labeling should be tackled first.

The quantitative Yankelovich research confirmed this finding. Approximately 75 percent of the shoppers say they use current nutritional labeling "some" or "not at all." Even the 25 percent who say they use it "a lot" would seem to use only part of the label based on our experience in the focus groups. When presented with a variety of products and asked to comment on them, our focus group label readers spent little time with the actual nutritional information. Instead, they moved very quickly to the list of ingredients. They seemed to be especially sensitive to additives and ingredients which might impact special dietary sensitivities. We learned quickly that a surprisingly high percentage of people in the United States have diet problems or allergies which require them to pay special attention to the ingredient list. Our Yankelovich survey confirmed this with the finding that 51 percent of the families identifying someone in the family as having allergies or health problems requiring special diet information.

We will use sample hot dog labels to illustrate this presentation. Many products were tested but we will have time to talk about only one in today's short discussion. The hot dog was selected because it is a popular product which fits the category of food people are most interested in from a nutrition information perspective: processed main meal, main item foods.

It should be emphasized that our research was at least as important for our findings as to what consumers did not like as for our findings concerning what they did like.

Since the list of ingredients seemed to be of primary importance, we experimented with a variety of alternative presentations. In each case focus group participants were shown large mock-ups where explanations were needed but were then given actual label size mock-ups for comment and behavior observation.

Here is an example of what might be a current hot dog label (Exhibit A). Since graphic labels are currently the topic of so much discussion in Washington, we started with a variety of graphics. Sample bar graphs (Exhibit B) and pie charts. (Exhibit C) were used for openers.

Typical reactions were negative with comments like: "This makes it hard to see the small (percentage) ingredients"; "It takes me back to school"; "Don't treat us like babies." And the very important observation: "It would make me lazy." That is, this type of graphic creates a tendency to look at the main ingredient only. Remember, these were observations from medium-to-low income and medium-to-low education level individuals. The level of sophistication of nutritional information and knowledge is higher than anticipated at the beginning of this project.

It soon became clear that people wanted more than a mere presentation of ingredients. It was a mistake to assume that because people concentrated on current ingredient lists, this was their only interest. They would like more information but pay little attention to current labels because they are poorly organized and difficult to use.

With this in mind, we broadened our scope to include nutritional information. There is now in use in the Netherlands a graphic label popularly called the Albert Heijn label or the Dutch label (Exhibit D). In preparation for testing of this version we presented an extensive explanation which I do not have time to repeat here. Put very simply this graphic represents the nutritional content (density) of products by depicting the relationship between nutrients and calories. The top half of the large circle contains a wedge representing nutrient content with the bottom half wedge representing total calories.

We found that while this label may work well in the Netherlands, and may be the subject of much discussion over here, it was a disaster in our focus groups. This was a major surprise to us since we hypothesized this format would be very well received.

The typical reaction was: "My God, it looks like a test." Other initial reactions indicated there was no obvious entry point, the format was too complex,

and the organization was a barrier to us. This was true in spite of the explanations given prior to exposure.

Beyond the initial reactions, a significant secondary reaction was common to our focus groups and was one of the most important findings of this project. Almost everyone wanted to know how the size of the nutrient content wedge was calculated. The people in our focus groups were very suspicious of any graphic which reduced nutrient information to a simple form because they feared the method used would not reflect their own values and opinions.

As a further exploration of graphics, we tried a new system designed to incorporate many of the comments we were hearing (Exhibit E). There were many, many problems with this one. People simply did not relate well to it. One problem was the tendency to translate recommended daily amounts as upper limits. For example, sample products high in protein compared to the recommended daily amount tended to cause concern that other high protein products should not be eaten in the same day.

But there was a more fundamental concern with the portion of the label indicating actual recommended daily limits. There is considerable mistrust of "experts" who recommend actual product choice decisions or trade-offs instead of leaving these to the public. It is one thing to present a variety of recommendations from independent sources subject to public judgment, quite another to institutionalize one particular set of judgments on the label.

It was through this line of reasoning that the basic problem with graphics finally came out. Graphics tend to editorialize. That is, by their nature the design tends to predispose some products to look good and others to look bad. This is particularly significant since different consumers in our focus groups clearly used different judgment criteria in their own product decisions.

The mood in our sample of consumers was definitely one of "don't editorialize." The public told us loud and clear they would prefer to make their own judgments based on basic product information because they know their own budget limitations, their own family's tastes, and their own lifestyle patterns. Our Yankelevich research found the most important factor in deciding what people eat is still "balancing the budget" at 41 percent of the sample. There was also considerable concern that fun foods would not survive a new label format, particularly a graphic label; and that selective fortification could make almost any product look good under an oversimplified display system.

Not being quite ready to give up on systems which simplify information, we tried a currently available non-graphic nutritional indicator: Dr. Michael Jacobson's nutritional scoreboard approach. This again was a system requiring considerable explanation before its actual exposure. We used copy taken from Dr. Jacobson's writings (Exhibits F and G), a sample advertisement showing how comparative information might be presented (Exhibit H), and our researchers' interpretation of the actual label format itself (Exhibit I).

For some this may be an excellent system, but not for the general population as represented by our focus groups. Comments included: "We would all have to be re-educated"; "This editorializes, we can decide for ourselves"; and "What is the basis for this?"

What had we learned to this point in the research? First, that people are not looking for oversimplification; they recognize the complexity of nutrition issues and the trade-offs versus their own budgets and lifestyles. Second, better organization of the information currently available on the label is needed. Third, approach most favored seems to be the presentation of basic information leaving actual product choice decisions to the individual.

It is easy to see why better organization is important to people. We have been dealing with a reasonably simple product in our illustrations but consider another product we also tested, frozen waffles, (Exhibit J). Notice how long and how confusing this list of ingredients is. Notice also we have listed functional properties for the less well known ingredients. Our focus group panels liked this very much for they tend to shy away from ingredients which are difficult to pronounce and serve no obvious purpose. Functional property listing helps them to understand what is in a product and why it is in there. Ascorbic acid for example sounds much less threatening when shoppers can immediately see that it is Vitamin C. Even with a simpler product such as hot dogs (Exhibit K) people ask how the information may be sorted into meaningful categories.

When we explored basic information needs more thoroughly, we found three basic categories which appear to be generally useful. First, a list of characterizing ingredients which our focus group panels felt would include percentages by weight. Second, a list of additives and artificial flavoring or coloring agents.

The presence or absence of these agents seemed to be sufficient for those concerned with this category. Percentages were not found to be a useful supplement. Third, a list of nutrient facts which seem to be most usefully presented in grams.

In addition we found that people preferred the total list of ingredients to be as complete as possible. One woman gave the example of corn syrup. She was allergic to this particular ingredient and her doctor had told her not to buy any product which merely listed "other sweeteners" without spelling out what these were.

Observing how people tend to use labels and how they think about nutritional information led our Kelly Nason researchers to evolve the format which I call the Organized Label (Exhibit L).

As you can see, it is easy to use and proceeds in a logical order. Major ingredients are listed by percentage content and minor contents are named even though not listed by percentage. Additives, coloring agents, and flavoring agents are highlighted separately.

Nutritional information follows on the organized label highlighting the items of most interest to our population sample: calories, protein, carbohydrates, fat, total sweeteners, and cholesterol.

Our groups were not interested in food composition data. Taking water in a stew product as an example, people seemed interested in knowing how much water was added but not how much water naturally occurred in the vegetables contained in that product.

This label format was consistently well received by every focus group exposed to it regardless of the order in which it was presented.

Vitamins and minerals would appear to be best treated separately at some other position on the label. Although people seem to like the idea that this information is available, most pay little attention to it and it is certainly of less importance than the information already highlighted. As you can see (Exhibit M), vitamins and minerals appear as they do in current label formats except that protein has been moved to the nutritional information part of the organized format. This was done because including it with vitamins and minerals tended to lead people to think Vitamin A or B was equally important as protein.

SUMMARY

We have presented an organized label format which evolved from stated consumer preferences and observed consumer behavior. This has not been tested for technical or economic feasibility. We are not preaching this as a final solution by any means.

This is a well-received format, but we clearly need further discussion about where to go from here. We welcome the input of this conference, and we welcome the cooperation of grocery manufacturers. Our research is a solid beginning to discussion, not the end of debate.

We feel the key points of this research are:

First, people do not need a radically different or exotic label. Graphic formats in particular did not seem to be well received;

Second, any new system must leave room for fun foods. One of the greatest concerns was that any new system would force products off the market place or price them out of reach;

Third, people are concerned about making their own decisions based on the type of information shown here. They want facts, not editorials or opinions; and

Fourth, it is a mistake to think legislating someone's concept of "bad" foods out of existence will automatically improve everyone's diet. People want to make their own tradeoffs within their own budgets and lifestyles. Time and time again we heard the phrase: "I don't want the Government telling me what to eat."

One woman illustrated this last point by using the example of fruit drink versus fruit juice. She said she knew drinks were much higher in water content than were juices. But with a large family, when her children came in from play and wanted something besides water she just could not afford to give them juice.

A final point in conclusion. Information overload is already upon us. Our sample of consumers was already confused by conflicting claims and counter-claims about foods and nutrition. A few more major reversals of what have been recently presented as "facts" could turn the public away from this issue altogether. All of us including the Government, the media, the nutrition professionals, and especially the nonprofessionals, must be very careful to avoid unsubstantiated claims concerning the health or safety of particular foods. Now is the time to tread carefully in our public pronouncements.

