

114TH CONGRESS
2D SESSION

H. R. 6142

To amend section 403(q) of the Federal Food, Drug, and Cosmetic Act to prohibit the Food and Drug Administration from requiring the percent of daily value of added sugars to be included in the labeling of certain nutrient-dense foods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2016

Mr. DUFFY (for himself, Mr. MACARTHUR, Ms. HERRERA BEUTLER, Mr. LOBIONDO, Mr. KEATING, Mr. KIND, Mr. RIBBLE, Mr. KENNEDY, Mr. LYNCH, Mr. MCGOVERN, Mr. NEAL, Mr. HECK of Nevada, Mr. KILMER, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 403(q) of the Federal Food, Drug, and Cosmetic Act to prohibit the Food and Drug Administration from requiring the percent of daily value of added sugars to be included in the labeling of certain nutrient-dense foods, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fruit Labeling Accu-
5 racy Act of 2016”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) The 2015–2020 Dietary Guidelines for
4 Americans, published by the Department of Health
5 and Human Services and the Department of Agri-
6 culture, recognize that “there is room for Americans
7 to include limited amounts of added sugars in their
8 eating patterns, including to improve the palatability
9 of some nutrient-dense foods, such as fruits and
10 vegetables that are naturally tart (e.g. cranberries
11 and rhubarb)”.

12 (2) The Department of Agriculture regulations
13 establishing nutrition standards for all foods sold in
14 schools establish an exemption to standards for
15 added sugars for “dried whole fruits, or pieces, with
16 nutritive sweeteners that are required for processing
17 and/or palatability purposes (i.e. cranberries, tart
18 cherries, or blueberries)”. (78 Fed. Reg. 125; June
19 28, 2013).

20 (3) The Food and Drug Administration final-
21 ized a rule on nutrition and supplement fact labels
22 (81 Fed. Reg. 33741; May 27, 2016) that requires
23 the inclusion of the amount of added sugars, in
24 grams, and the percent daily value of added sugars.
25 The rule also recognizes that “a healthy dietary pat-
26 tern is characterized by a higher consumption of

1 . . . fruits”; that sugar occurring naturally in fruit
 2 is not a concern because of the nutrients delivered
 3 by the fruit, that added sugar is not different than
 4 naturally occurring sugar, that foods such as cran-
 5 berries “contain significant amounts of beneficial
 6 nutrients as well as added sugars”.

7 (4) The declaration of “added sugars” required
 8 by such rule will likely confuse consumers and lead
 9 them to misjudge fruit products containing added
 10 sugars to be less nutritious despite their beneficial
 11 nutrients.

12 **SEC. 3. FRUIT LABELING ACCURACY.**

13 Paragraph (q) of section 403 of the Federal Food,
 14 Drug, and Cosmetic Act (21 U.S.C. 343) is amended by
 15 adding at the end the following:

16 “(6) FRUIT LABELING ACCURACY.—

17 “(A) IN GENERAL.—The Secretary shall not,
 18 pursuant to subparagraph (1)(D), subparagraph
 19 (2)(A), or any other provision of this paragraph, re-
 20 quire the percent of daily value of added sugars to
 21 be included in the labeling of—

22 “(i) dried naturally tart fruits; or

23 “(ii) juice beverages that—

24 “(I) are made with at least 27 percent
 25 juice of a naturally tart fruit; and

1 “(II) contain no more than 28 grams
2 of total sugars per serving or 110 calories
3 per serving.

4 “(B) DEFINITIONS.—In this subparagraph:

5 “(i) The term ‘Brix/Acid ratio’ means the
6 ratio of the degrees Brix of a fruit to the grams
7 of anhydrous citric acid per 100 grams of the
8 fruit.

9 “(ii) The term ‘degrees Brix’ means the
10 percent by weight concentration of the total
11 soluble solids of a fruit when tested with a re-
12 fractometer with reference to the refractive
13 index of a sucrose solution.

14 “(iii) The term ‘naturally tart fruit’
15 means—

16 “(I) a fruit that in its raw state has
17 an average of total sugars of less than 5
18 percent and an average Brix/Acid ratio of
19 six or less; and

20 “(II) any other fruit or vegetable that
21 the Secretary reasonably determines by
22 regulation is comparably low in natural
23 sugar.”.

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