

**United States Department of Health and Human Services
Food and Drug Administration**

Food Labeling: Serving Sizes of Foods
That Can Reasonably Be Consumed at
One-Eating Occasion: Dual-Column
Labeling; Updating, Modifying, and
Establishing Certain Reference Amounts
Customarily Consumed; Serving Size for

Breath Mints; and Technical Amendments
Proposed Rule
Docket No. FDA-2004-N-0258 (Formerly
Docket No. 2004N-0456)

COMMENTS OF THE CENTER FOR SCIENCE IN THE PUBLIC INTEREST

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Dr. Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments; Docket No. FDA-2004-N-0258 (Formerly Docket No. 2004N-0456)

Dear Commissioner Hamburg:

The Center for Science in the Public Interest (CSPI) strongly supports the Food and Drug Administration's (FDA) proposal to revise the Reference Amounts Customarily Consumed (RACCs) for certain food and beverage products.

CSPI is a non-profit consumer education and advocacy organization that since 1971 has been working to improve the public's health through better nutrition and food safety policies. CSPI's work is supported primarily by the 900,000 subscribers to its *Nutrition Action Healthletter*, the nation's largest-circulation health newsletter. CSPI is an independent organization that does not accept any government or corporate funding.

We respectfully submit the following comments, outlined below:

1. We support the FDA's proposal to amend the definition for single-serving containers, but the FDA should raise the cut-off to include 300 percent of the RACC.
2. FDA should require packages that contain more than 300 percent and up to and including 400 percent of the RACC to utilize dual-column labeling.
3. We strongly support the FDA's proposal to revise the RACCs for specific foods to reflect the portions that Americans now customarily consume.
4. FDA should revise the RACCs for certain additional foods.
5. FDA should proactively address concerns about the possible unintended consequence that some consumers view serving sizes as portion recommendations.

We urge the FDA to expeditiously finalize this rule, as well as the companion proposal regarding revisions to the Nutrition Facts Panel.

I. We support the FDA’s proposal to amend the definition for single-serving containers, but the FDA should raise the cut-off to include 300 percent of the RACC.

We strongly support the FDA’s proposal to amend the definition of single-serving containers. Research has shown that people consume more food when it is served in a larger portion or packaged in a larger container.^{1,2} Additional research suggests that consumers have a difficult time calculating the calorie and nutrient amounts in products containing more than one serving per container. For example, when researchers showed 200 adults a food label for a 20-ounce (oz.) bottle of soda that contained 2.5 servings, only 32 percent of people could correctly calculate the amount of total carbohydrates in the whole bottle. Only 60 percent of the participants could calculate the total carbohydrates in half a bagel, when the serving size on the Nutrition Facts label was the whole bagel.³ Similarly, when researchers showed 778 adults and 206 student athletes an ice cream label showing 250 calories per serving and 4 servings per container, only half were able to calculate the calories per container.^{i,4}

The small serving sizes currently listed on Nutrition Facts labels have not kept consumers from eating large portions of foods. In fact, small serving sizes may mislead consumers to believe they are eating fewer calories, and less sodium, saturated fat, and sugars than they are actually consuming. Many people never check the serving size on the Nutrition Facts label. Many others check the label and then consume an entire package without realizing that the Nutrition Facts applies to only a fraction of the package. Revising the definition of a single-serving container would give consumers a more accurate idea of the calorie and nutrients they are consuming from packages that contain two to three times the RACC.

The FDA’s proposed amendment for single-serving containers to include *up to* 200 percent of the RACC excludes many foods that can reasonably be consumed by one person in a single eating occasion. Furthermore, food companies could avoid “per package” labeling by simply increasing the container size to slightly more than 200 percent of the RACC. Therefore, we urge the FDA to raise the cut-off for a single serving container to include up to 300 percent of the RACC.

Examples of such “single-serve” items are listed below (see Appendix). Many of the products are packaged in such ways as to invite consumers to eat the package over a short period of time.

- 1. Snack foods.** Many snack foods have small RACCs, but are sold in two- or three-ounce packages, and the entire contents can reasonably be consumed at one time. For example, **Pringles the Original Potato Crisps** have a 30 gram (g) RACC. Just 1 oz. (the serving size) provides 150 calories and 150 milligrams (mg) of sodium. However, we suspect that most people would eat the entire contents of a 2.36-oz. “grab & go! stack” container at one time, which would mean consuming 360 calories

ⁱ The label used in this study did not use the current Nutrition Facts format, but it provided the same information as a Nutrition Facts label.

and 360 mg of sodium. Similarly, a 2.5-oz. package of **Pepperidge Farm “On the Go!” Goldfish Baked Snack Crackers** (2.4 servings) has 330 calories, a 3-oz. package of **Frito Lay Premium Quality Nut & Chocolate Trail Mix** (2.8 servings) has 450 calories, and a 4-oz. package of **Golden Emblem Greek Yogurt Covered Pretzels** (2.8 servings) has 540 calories. In fact, Frito-Lay has started using dual-column labeling on its **Lay’s Classic Potato Chips**, **Lay’s Kettle Cooked Potato Chips**, and other snacks that contain up to and including three servings per package. (These packages are often sold at sandwich shops as side dishes to be consumed at one meal.) Likewise, the label on **Jack Link’s Small Batch No. 11 Original Handcrafted Beef Jerky** lists just 80 calories and 670 mg of sodium per 1 oz. serving. The whole 2.5-oz. bag contains 200 calories and 1,680 mg of sodium — more than the *Dietary Guidelines for Americans (DGA), 2010* recommended limit of 1,500 mg per day for middle-aged and older adults, African Americans, and people with hypertension (about half of the population).⁵

2. **Frozen dishes.** Several foods “measurable by a cup” list small serving sizes that make foods look healthier than they are. Some packages contain two or three RACCs and are labeled as containing multiple servings. For example, **Marie Callender’s Cheesy Chicken & Bacon Pot Pie** lists a 1-cup serving (a little less than one-half the contents of a 16-oz. box). Most people likely would eat the entire pot pie, which would mean consuming 1,160 calories, 32 g of saturated fat, and 1,630 mg of sodium in one sitting. Likewise, a 20-oz. box of **Stouffer’s Satisfying Servings Macaroni & Cheese** supposedly contains 2.5 servings, but is clearly packaged for one person. An entire package contains 800 calories, 15 g of saturated fat, and 2,080 mg sodium. Some foods not “measurable by a cup” can also be consumed by one person. For example, many people would consume the entire contents of a 7.5-oz. (15 count) package of **Totino’s Pizza Rolls Cheese** flavor (2.5 servings), which would mean consuming 520 calories, 5 g of saturated fat, and 970 mg of sodium.
3. **Side dishes and entrées.** Rice and pasta side dishes, such as **Knorr Fiesta Sides Spanish Rice** and **Pasta Roni Parmesan Cheese** flavor, are packaged in boxes containing more than one RACC, but less than three RACCs. Eating the entire contents of the package as prepared would mean consuming 660 calories of Spanish rice or 800 calories of Pasta Roni. Microwavable dishes, such as **Bob Evans Tasteful Sides Macaroni & Cheese**, which the label indicates serves two people, can reasonably be consumed by one person. Eating the entire contents of a 20-oz. bowl would mean someone would consume 730 calories, 16 g saturated fat, and 2,710 mg of sodium — almost double the 2010 *DGA’s* daily recommended limit of sodium for half the population.⁵ The familiar blue package of **Kraft Macaroni & Cheese Dinner** (7.26 oz) tells a consumer it is “imported from your childhood.” An adult who eats the contents of the entire box in one sitting as prepared (2.9 servings) would consume 1,160 calories and 1,650 mg of sodium. Finally, some packaged seafood, such as a 5-oz. pouch of **Bumble Bee Premium Wild Pink Salmon Skinless & Boneless** (2.5 servings), can be reasonably consumed in one

sitting. Someone eating the entire contents would consume 150 calories and 460 mg of sodium in one sitting.

4. **Candy and cookies.** Some candy bars (40 g RACC) contain more than one and less than three servings, but most people would eat the entire bar at once. For example, consuming an entire **Dove Silky Smooth Milk Chocolate** bar (2.2 servings per 3.3-oz. package), which we presume many consumers would do, would mean consuming 510 calories, 18 g of saturated fat, and 51 g of sugar. Similarly, eating an entire **Ghirardelli Chocolate Toffee Crunch** bar (2.7 servings per 3.3-oz. package) would mean someone would consume 540 calories, 22 g of saturated fat, and 46 g of sugar. In addition to chocolate bars, **Reese's Pieces Peanut Butter** candy in a 4-oz. box (2.8 servings) can reasonably be consumed in one sitting, which would mean consuming 570 calories, 23 g of saturated fat, and 59 g of sugars. The 3 oz. cup of **Keebler Mini Fudge Stripes Original Cookies**, which can fit in a car's cup-holder, highlights its convenience for "easy snacking!" Someone consuming the entire contents "in the car!" or "on the run!" (as the label suggests) would consume 420 calories, 11 g of saturated fat, and 28 g of sugars.
5. **Microwave popcorn.** Serving sizes for microwave popcorn (30 g RACC) vary, but some packages, like **Orville Redenbacher's Movie Theater Butter Flavor Gourmet Popping Corn** and **Pop Secret Homestyle Premium Popcorn**, contain two or three servings per bag. Someone eating the entire bag of Orville Redenbacher's popcorn (2.4 servings) would consume 380 calories, 9 g of saturated fat, and 590 mg of sodium. Someone eating the entire bag of Pop Secret Homestyle Premium Popcorn (2.8 servings) would consume 480 calories, 7 g of saturated fat, 13 g of *trans* fat, and 1,080 mg of sodium.

Raising the single-serving cut-off to include 300 percent of the RACC would mean that the label would list the Nutrition Facts "per package" or "per container," rather than "per serving." Changing the definition of single-serving packages to include 300 percent of the RACC would also reduce label clutter by eliminating the need for dual-column labeling on many products.

If FDA were to raise the single-serving cut-off to 300 percent of the RACC and finalize its proposal to increase the RACCs for some foods, a 1-quart, 1-liter, or 36-oz. beverage container or a 12-oz. package of 4-oz. bagels or muffins would be labeled a single-serving even though those products would be unlikely to be consumed by one person at a sitting. The FDA should consider whether those or other foods or categories should be exempt from the single-serving cut-off of 300 percent of the RACC.

II. **FDA should require packages that contain more than 300 percent and up to and including 400 percent of the RACC to utilize dual-column labeling.**

We support the FDA's proposal to require packages containing up and including 400 percent of the RACC to utilize dual-column labeling and list the Nutrition Facts "per

serving” and “per package.” Although dual-column labeling makes the label more complex and cluttered, it would alert consumers to the nutrients (and especially the calories) in the entire package. Consumers who might otherwise simply assume that the Nutrition Facts apply to the entire package would see, at a glance, that the Nutrition Facts for the entire package are considerably greater than the Nutrition Facts for the FDA’s serving size. Seeing two sets of Nutrition Facts would prompt people to think about what size serving they consume.

Examples of products that could be consumed on one eating occasion and would require dual-column labeling are listed below (see Appendix):

1. **Snack Foods.** Some packages of chips contain more than three times the 30 g RACC, yet the contents can reasonably be consumed by one person at a single eating occasion. For example, a 3.4 oz. bag of **Doritos Nacho Cheese Flavored Tortilla Chips** contains just 140 calories and 210 mg of sodium in a 1-oz. serving (about 11 chips). With dual-column labeling, manufacturers would have to disclose that an entire package contains 480 calories and 720 mg of sodium. A 3.8 oz. bag of **Cheetos Crunchy Cheese Flavored Snacks** (3.8 servings) would have to list 570 calories and 950 mg of sodium “per package.” A 3.25 oz. bag of **Sun Chips Harvest Cheddar** flavor (3.25 servings) would have to list 455 calories and 680 mg of sodium “per package.”
2. **Frozen dishes.** **Birds Eye Voila!** frozen **Garlic Chicken** entrée contains just 240 calories per 1-cup cooked serving. Many people would consume the whole 21 oz. package in one sitting (3.3 servings), which supplies 790 calories, 3.5 g of trans fat, and 2,050 mg of sodium. Likewise, many people would consume an entire 12 oz. package (3.5 servings) of **Birds Eye Steamfresh Chef’s Favorites Broccoli, Cauliflower, Carrots with Cheese Sauce**, while others would split it with another person, which would mean that each person would consume 88 calories and 600 mg of sodium in one sitting. Many people would eat an entire **DiGiorno Pizzeria! Quattro Formaggi/Four Cheese Pizza**, while others would eat half the pizza, which would mean consuming 660 calories, 12 g of saturated fat, and 1,480 mg of sodium. Both scenarios are more likely than consuming a quarter of the pizza (the RACC), with just 330 calories, 6 g of saturated fat, and 740 mg of sodium. Dual-column labeling would signal to consumers who split packages of products like those that the calories they are consuming fall somewhere between the “per serving” (RACC) and “per package” amounts listed on the Nutrition Facts panel.
3. **Side dishes and entrées.** Some rice dishes, such as **Glory Foods Seasoned Southern Style Blackeye Peas and Rice**, can reasonably be consumed by one person. Someone eating the contents of a 15-oz. can (3.3 servings) would consume 330 calories and 2,220 mg of sodium in one sitting. Many people would eat the entire contents of a 6.9-oz. box of **Zatarain’s New Orleans Style Yellow Rice** (3.5 servings). The package of **Kraft Macaroni & Cheese Deluxe Sharp Cheddar & Jalapeño with Ridged Macaroni** depicts three ideas to “make it a main dish.” Someone who consumes the entire contents of an 11.6-oz. package in one sitting

(3.9 servings) would consume 1,050 calories and 3,430 mg of sodium — more than double the 2010 *DGA*'s recommended limit for a whole day.⁵ A 20-oz. container of **Hormel Country Crock Loaded Mashed Potatoes with Sour Cream, Bacon and Chives** can reasonably be consumed by one person (4 servings), which would mean consuming 760 calories, 20 g of saturated fat, and 1,800 mg of sodium in one sitting. Finally, some packaged seafood, such as a 6.4-oz. pouch of **StarKist Chunk Light Tuna In Water** (3.2 servings) could be eaten at once. That would mean consuming 190 calories and 780 mg of sodium.

4. **Candy and cookies.** FDA should require packages of movie theater-sized candy, such as a 4.5-oz. box of **Jolly Rancher Original Flavors Gummies** (40 g RACC), which contains 3.3 servings, to label the contents of the package “per serving” (120 calories and 22 g sugars) and “per container” (390 calories and 72 g sugars). Likewise, a 5-oz. box of **Milk Duds** (3.6 servings) candy should list the Nutrition Facts “per serving” (170 calories and 20 g of sugars) and “per container” (620 calories and 72 g of sugars). A **King-Size!** package of **Golden Double Stuf Oreo Sandwich Cookies** (4 oz.) lists a serving size of just two cookies. Someone who eats the entire contents of the package (8 cookies), and we suspect there are many such people, would consume 590 calories, 8 g of saturated fat, and 47 g of sugars.
5. **Microwave and other popcorn.** Some microwave popcorns (30 g RACC), such as **Newman's Own Oldstyle Picture Show Microwave Popcorn Natural** flavor contain more than three servings per bag (3.3 servings). Someone (and we suspect there are many such people) eating the entire contents of a 3.5-oz. bag in one sitting would consume 430 calories, 7 g of saturated fat, and 660 mg of sodium. A 4.5-oz. container of **Jiffy Pop Butter Flavored Popcorn** contains 3.8 servings per package. Some people would eat the entire contents, which would mean consuming 530 calories, 6 g of saturated fat, and 830 mg of sodium, and would be alerted to those nutrition numbers if dual-column labeling revealed the calories and nutrients in the entire package.

The FDA should consider whether certain foods or product categories should be exempt from this rule. For example, under the FDA's proposal, one quart of milk (32 fl. oz.) would require dual-columns, although people are unlikely to consume the contents of the container in one sitting.

Should the FDA finalize, despite our comments above, the proposed rule that packages containing *up to* 200 percent of the RACC be labeled a single-serving, we support FDA's tentative conclusion that dual-column labeling should be required on packages that contain two times the RACC and up to and including four times the RACC.

- III. **FDA should require the principal display panel of packages containing up to and including four times the RACC to disclose the total number of calories per container.**

Containers with up to and including four times the RACC should list the calories “per container” on the **front of the package**. In a nation where two out of three adults and one out of three children and teens is overweight or obese, it is crucial that labels clearly and prominently disclose the calories in a serving that people might reasonably consume in one eating occasion. Millions of consumers never turn over the package to look at the Nutrition Facts. Displaying calories per package prominently on the front panel of containers holding up to four times the RACC would alert them to the large number of calories that they might unknowingly consume. That information is as important as the disclosure of net weight on the front of the package. (Again, the FDA could exempt certain product categories, if appropriate.)

IV. We strongly support the FDA’s proposal to revise the RACCs for specific foods to reflect the portions that Americans customarily consume.

Labels that list the Nutrition Facts for outdated serving sizes are misbranded under section 403(q)(1)A(i) of the Food, Drug, and Cosmetic (FD&C) Act, which requires serving sizes to reflect the amount of food “customarily consumed.” As the FDA notes, the original RACCs were established using U.S. Department of Agriculture (USDA) survey data from 1977–1978 and 1987–1981.⁶ Consumption patterns have changed over the past few decades, due in part to increases in portion size and package sizes for many foods.^{7,8,9} Using consumption data from the most recent National Health and Nutrition Examination Survey (NHANES) 2003–2008, the FDA proposed to modify an existing RACC if the median consumption increased or decreased by *at least* 25 percent, compared to the RACC established in 1993. In some cases, the FDA also took into account information from citizen petitions, industry comments, and market trends when deciding to modify an existing RACC that did not change by at least 25 percent.¹⁰

We support each of the FDA’s proposals to modify the RACCs. In particular, it is critical that FDA increase the RACCs for **bagels and muffins, beverages, and ice cream**, given that these are popular foods that people customarily consume in larger servings than the RACCs established in 1993.¹¹ Given that NHANES data tend to underestimate food consumption and that the most recent NHANES data is nearly a decade old, even the new proposed RACCs may underestimate the servings that people customarily consume.

V. FDA should revise the RACCs for certain additional foods.

According to NHANES data, the median intakes of several food categories increased by at least 25 percent, and yet the FDA did not propose new RACCs. We urge the FDA to consider the following:

- 1. Canned soup.** Canned soup presents a dramatic example of an unrealistic serving size. The Nutrition Facts label for Campbell’s Chunky Classic Chicken Noodle lists a 1-cup serving that has 120 calories and 790 mg of sodium (less than one-half of an 18.6 oz. can). However, about two-thirds of consumers of these “chunky” soups eat

an entire can in one sitting, according to a 2010 national telephone survey commissioned by CSPI.¹² An entire can has 280 calories and 1,820 mg of sodium — more than the 2010 *DGA*'s recommended daily sodium intake for half of the population.⁵ Likewise, about two-thirds of consumers said they eat a whole can of Campbell's condensed soups at one sitting, which is about 2.5 cups, or 2.5-times greater than the 8-ounce serving size indicated on the labels. Another indication that the 245 g RACC (8-oz.) is outdated is that single-serve soups are typically 15 oz. (about 2 cups). The labels on Campbell's single-serve soups say that a 15-oz. container of soup has about two servings, yet it is clearly intended to be consumed by one person at one sitting. Therefore, the FDA should double the RACC for soup to 490 g (2 cups). At a minimum, the FDA should set the RACC that reflects the most recent NHANES data (median 1.3 cups).

2. **Powdered coffee creamers.** Powdered coffee creamers now have a 2 g RACC (a one *level* teaspoon serving), but many consumers pour much more than that into their coffee because they want their coffee to be as creamy as the cup depicted on the label, because they drink much more than a 6-oz. serving of coffee, and, in some cases, because they may believe that the creamer is fat-free no matter how much they use. NHANES data show that median consumption of powdered coffee creamer has doubled (now 4 g, or 2 teaspoons). One *tablespoon*, or 6 g, is a more realistic serving, given that a typical coffee mug holds about 10 oz. — and the smallest size coffee on the menu board at Starbucks — a “tall” is 12 oz. The FDA should boost the RACC for powdered creamers to one *tablespoon*, the same serving size as for liquid creamers.
3. **Spray cooking oils.** Cooking sprays such as PAM Original Non-Stick Cooking Spray, have tiny serving sizes: a third-, quarter-, or fifth-of-a-second spray, based on the 1993 RACC of 0.25 g. Those products claim to have no calories or fat, even though they are essentially pure oil. No current intake data were available from NHANES, but some PAM labels state that it takes *one* second to coat a 10-inch skillet. When we asked 15 people to demonstrate how they would use PAM to coat a 10-inch skillet, subjects sprayed the pan for an average of 1.6 seconds — with the range being 1 to 3 seconds. Some of PAM's labels disclose that a *one*-second spray contains 9 calories and 1 g of fat. The FDA should increase the RACC for spray cooking oils to a two-second spray, so consumers have a better understanding of the calories and fat they are consuming.
4. **Breakfast cereals, ready-to-eat, weighing 20 g or more but less than 43 g per cup.** Medium-density breakfast cereals weighing at least 20 g but less than 43 g per cup, such as Post Bran Flakes, Kellogg's Corn Flakes, and Kellogg's Froot Loops, have an unrealistically small RACC (30 g), which typically corresponds to a $\frac{3}{4}$ -cup or 1-cup serving size. The NHANES data showed that Americans typically consume 30 percent more of such cereal in one sitting (median 39 g), yet the FDA did not propose a change in the RACC. Furthermore, the NHANES data showed that 10 percent of Americans consume an average of 78 g, which is 2.6 times the current RACC.¹³

Ready-to-eat cereals are a common breakfast food, particularly for children and adolescents, who typically consume more than the RACC. An industry-funded study found that children and adolescents aged 6 to 18 consumed an average of 42 g to 62 g of cereal in a meal, depending on the cereal's sugar content.¹⁴ A randomized trial of 91 children, aged 5 to 12, found that those offered a high-sugar cereal ate twice as much (61 g) as those offered a low-sugar cereal (35 g).¹⁵

Many cereals are high in added sugars even according to the unrealistically small serving sizes on labels.¹⁶ That is particularly concerning for children, who already consume more added sugar than the American Heart Association recommends — a limit of 12g (3 teaspoons) per day for someone consuming a 1,600-calorie per day diet, which represents the calorie recommendation for children aged 4 to 8.^{17,18} The Children's Food and Beverage Advertising Initiative (CFBAI) has established voluntary criteria for the nutritional quality of cereals marketed to children.ⁱⁱ The current CFBAI standard limits the advertising of cereals to ones that contain no more than 10 g of total sugar per serving.¹⁹ If the FDA increased the RACC for medium-dense cereals, fewer sugary cereals would meet that criterion, and hopefully, fewer would be marketed to children and companies would reduce the sugar content of popular cereals to enable them to be marketed to children.

We recommend that the FDA increase the RACC to 45 g, which is similar to the *mean* amount consumed, according to NHANES data, and better reflects the larger amounts Americans are consuming according to other studies (cited above). At a minimum, the FDA should modify the RACC for medium-density cereals to 40 g to reflect the median amount consumed (39 g).

- 5. Pasta with sauce.** The median consumption of “pasta with sauce” in the “mixed dishes, foods measurable by a cup” category (1 cup RACC), increased by 50 percent (to 1.5 cups), yet the FDA did not propose a change in RACC. The FDA did not propose to increase the RACC for pasta with sauce because the two products with the largest samples sizes in the product category — “Rice, flavored” (consumed by 3,477 respondents) and “Mixtures with sauce” (consumed by 2,919 respondents) — did not increase to more than 1 cup.²⁰ However, pasta with sauce was the third most popular food group, and it was consumed by 2,871 respondents, virtually the same number who consumed “Mixtures with sauce.” We respectfully disagree with the FDA's rationale to keep the entire “measurable by a cup” category at 1 cup because the foods in that product category vary so widely (e.g., pot pies, lasagna and ravioli, casseroles, chili and stew, mixtures with sauce, and mixtures without sauce). At a minimum, FDA should increase the RACC for pasta with sauce mixed dishes to 1.5 cups to reflect the median amount of *pasta* with sauce consumed, according to NHANES data. Furthermore, that median likely underestimates what people consume because the survey does not ask people to specify whether pasta was eaten

ⁱⁱ The Children's Food and Beverage Advertising Initiative is the food industry's voluntary self-regulation program, operated by the Council of Better Business Bureaus.

as a side dish or a main dish. The FDA cannot accurately assess the serving size of a food if it mixes side dishes with main dishes. Mixing side and main dishes or lumping pasta in with other foods “measurable by a cup” violates the FD&C Act, which requires RACCs to be based on amounts “customarily consumed.”²¹ Most restaurant chains, such as Carrabba’s Italian Grill, Olive Garden, or Romano’s Macaroni Grill offer three- to four-cup servings of pasta with sauce a main dish.²² Clearly, a 1.5 cup serving is unrealistically small.²¹

6. **Alfredo sauce.** The FDA proposed adding alfredo sauce to the product category “minor main entrée sauces,” which includes gravy and cocktail sauce. However, the amount typically consumed for those sauces is much less than the typical amount of alfredo sauce used to coat a serving of pasta. The NHANES data indicated that the median consumption of alfredo sauce was 47.5 g (0.2 cups). When we called half a dozen locations of some of the largest Italian restaurant chains, most said that they use as much alfredo sauce (0.25-cup RACC) as tomato sauce (125 g RACC, about 0.5-cup). Therefore, the FDA should keep alfredo sauce a “major main entrée sauce” and double the serving size for alfredo sauce to a half-cup.

VI. FDA should proactively address concerns about the possible unintended consequence that some consumers may view serving sizes as portion recommendations.

The RACCs used to establish serving sizes must be based on the amount of food people customarily consume. However, to help prevent some consumers from assuming that Nutrition Facts serving sizes are *recommended* servings, the FDA could either (1) require labels to say “typical serving” or (2) include a footnote such as “the serving size is based on typically consumed, not recommended, servings.”

The FDA could also test other means of communicating this message. We support education efforts to help consumers understand why some serving sizes have changed, as the FDA suggests in its proposal, but temporary media campaigns don’t replace the need to have information permanently provided on labels.²³

VII. Conclusions

In conclusion, CSPI strongly supports FDA’s revisions to serving size regulations. In particular, we support FDA’s proposals to increase the RACC for ice cream, bagels, toaster pastries, and muffins and to expand the use of single-serving container labeling and dual-column labeling on foods that could be consumed on one eating occasion. We urge the agency to expeditiously finalize its proposal.

Respectfully submitted,

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Endnotes

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⁹ Young LR, Nestle M. The contribution of expanding portion sizes to the US obesity epidemic. *Am J Public Health.* 2002; 92:246-9.

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¹² Center for Science in the Public Interest. CSPI Letter to the FDA on Serving Sizes. June 28, 2011. Available online: <http://cspinet.org/new/pdf/serving-size-comment-062811.pdf> Accessed July 16, 2014.

¹³ Juan W. Memorandum to file: Comparison between the foods consumed in the United States from NHANES 2003–2008 at the 90th percentile and Reference Amounts Customarily Consumed (RACCs) per eating occasion by general category and product category. February 11, 2014.

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²⁰ Juan W. Memorandum to file: Methodology used to determine whether to propose to update, modify, or establish the Reference Amounts Customarily Consumed (RACCs) per eating occasion. February 11, 2014.

²¹ Food, Drug, and Cosmetic Act. 403(q)(1)(A)(i).

²² Center for Science in the Public Interest. Reliable Sauces. *Nutrition Action Healthletter.* September 2014, page. 13-15.

²³ 79 FR 11990 at 12004.