

April 27, 2006

The Honorable Michael Leavitt, Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Leavitt:

We urge you, and others in the Bush administration, to institute effective measures to combat rising obesity rates and other problems related to diet and health.

Your predecessor, Tommy Thompson, recognized the severity of this matter, but only instituted a "Small Steps" program. That program was small indeed and certain to have a negligible effect. The Food and Drug Administration also commenced a laborious rulemaking to improve its labeling regulations and the Department commenced a joint effort with the Federal Trade Commission (FTC) to examine self-regulatory, but not mandatory, approaches to controlling food advertising. While those efforts were a far cry from the type of comprehensive public health program that is needed to address a problem of enormous magnitude, the Department at least recognized that action had to be taken. Under your leadership, however, even such token efforts have stalled.

Action by your office is especially warranted in light of the 2<sup>nd</sup> anniversary of the adoption of the World Health Organization's (WHO) 2004 *Global Strategy on Diet, Physical Activity, and Health*. The WHO report, which was ultimately supported by the U.S., called on food companies to reform marketing practices, including advertising and sponsorship promotions addressed to young people and improve product composition by reducing the use of unhealthful fats, added sugars, and salt. The goal of those changes is to reduce obesity and other diet-related health problems, including heart disease, diabetes, cancer, and stroke.

Consistent with the recommendations of that report, we urge the Department to:

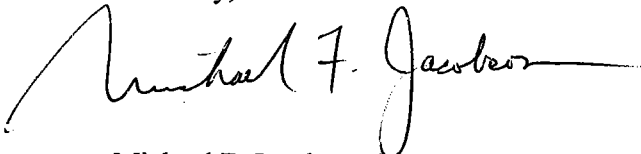
- reduce sodium levels in processed foods, both through federal regulations (including revocation of the "generally recognized as safe" status of salt and limiting sodium levels in categories of processed foods) and to press industry to gradually, but on a firm timetable, reduce sodium levels in their products;
- ban the use of partially hydrogenated oil (the source of most trans fat) in processed foods;
- set a Daily Value for added sugars and then require added sugars to be listed in Nutrition Facts labels and require a warning label on soft drinks high in added sugars;
- work with the FTC to limit the marketing to children of foods of low nutritional value;
- complete proposed changes to the Nutrition Facts label and require information to be listed for realistic serving sizes;

- call on Congress and work with the states to require chain restaurants to disclose the caloric content of standardized items on menu boards and the calorie, saturated/trans fat, and sodium content on printed menus;
- support legislation in Congress to expand the distribution of free fruits and vegetables in schools, and to prohibit the sale of foods or beverages of low nutritional value from school vending machines, in-school stores, and cafeterias;
- urge the U.S. Department of Agriculture to require nutrition labeling on unprocessed meat and poultry products and to lower the permissible amount of fat in hot dogs, sausages, and ground beef.

On May 11-12 the U.S. and the European Union (EU) will be participating in a conference on diet, physical activity, and health. The Department should demonstrate at that meeting its commitment to fighting obesity and other diet-related health problems by announcing specific new measures.

The U.S. and members of the EU have made some progress in reducing diet-related health problems. The U.S. has required labeling of trans fat. The United Kingdom has pressured companies to reduce the salt content of processed foods, Denmark has banned almost all partially hydrogenated oil, and France has required nutrition education messages in food ads and banned vending machines from schools. The European Commission has repeatedly met with industry representatives throughout 2005-06 and is pressuring companies (many of them U.S.-owned) to adhere to a system of best practices based on those reforms – and threatening to issue mandatory regulations if they do not. But, as suggested above, HHS and other parts of the U.S. government have ignored many opportunities for progress. We hope that the Department will announce at the upcoming transatlantic meeting specific actions to improve the public's health.

Sincerely,



Michael F. Jacobson, Ph.D.  
Executive Director



Bruce Silverglade  
Director of Legal Affairs