



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993



United States Department of Agriculture
Office of the Secretary
Washington, D.C. 20250

August 19, 2009

Sarah Krol
General Manager
Smart Choices Program
789 North Dixboro Road
Ann Arbor, Michigan 48105

Dear Ms. Krol:

We are writing regarding your recent announcement that hundreds of products are beginning to appear in supermarkets with the new "Smart Choices" front-of-pack (FOP) nutrition label.

It is our understanding that the Smart Choices program, the most recent voluntary FOP labeling program introduced in the United States, is administered by the American Society for Nutrition and NSF International. It consists of two FOP nutrition labeling elements. One is a green checkmark symbol indicating that a food bearing the checkmark has met certain nutrient criteria; the other states the number of calories per serving and the number of servings in the package. FDA and FSIS did not participate in the development of the program, although representatives of our agencies did observe the process by which Smart Choices was developed, and provided insights and data on research about nutrition labeling and its impact on consumers.

In the past five years, competing FOP symbols on food labels have proliferated. Consumer research suggests that these competing symbols, which are based on different nutrient criteria, are likely to confuse consumers. In this context, we recognize the potential value of a more standardized approach for FOP labeling. However, since products bearing the Smart Choices symbol are just beginning to appear in the market, we will need to monitor and evaluate the products as they appear and their effect on consumers' food choices and perceptions. FDA and FSIS would be concerned if any FOP labeling systems used criteria that were not stringent enough to protect consumers against misleading claims; were inconsistent with the Dietary Guidelines for Americans; or had the effect of encouraging consumers to choose highly processed foods and refined grains instead of fruits, vegetables, and whole grains.

With statutory responsibility for nutrition labeling, our agencies' highest concern is to ensure that people receive complete and accurate nutrition information on food labels so that they can make healthy food choices at the point of purchase.

Many people believe, of course, that front-of-pack labeling can be a promising way of promoting informed food choices. At the same time, FDA's research has found that with such labeling, people are less likely to check the Nutrition Facts label on the back or side panel of foods. It is essential that both the criteria and symbols used in front of package and shelf-labeling systems help consumers

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make informed, healthy choices. Future research will focus on how consumers use and understand various types of FOP labeling and shelf-tag systems -- including those that use one symbol to summarize nutritional attributes and systems that feature or rate foods as being low, medium, or high in specific nutrients (similar to the traffic light system in the U.K.). We intend to review consumer research on FOP labeling overall and to consider efforts to ensure the public health benefit of such labeling.

Sincerely,



Michael R. Taylor
Senior Advisor to the Commissioner
Food and Drug Administration
Department of Health and Human
Services



Jerold R. Mande
Deputy Under Secretary
for Food Safety
Department of Agriculture