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FDA's Meeting on Comprehensive, Multi-Year Nutrition Innovation Strategy

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On July 26, 2018, the U.S. Food and Drug Administration (FDA) held a public meeting to discuss opportunities to improve FDA's approach to nutrition policy and encourage industry innovation. The impetus for the meeting was the creation of the Nutrition Innovation Strategy (NIS), which FDA Commissioner Scott Gottlieb, M.D. announced at the National Food Policy Conference in March. Since announcing the strategy, FDA has mentioned several means of improvement, including the development of a "healthy" symbol, an updated strategy for the evaluation of health claims, and efforts to modernize standards of identity (SOIs).

At the meeting, Commissioner Gottlieb emphasized that leveraging nutrition to advance the public health is a top priority. He held that "FDA can help advance the public health by both empowering consumers with information and facilitating industry innovation toward healthier foods that consumers want." As an example, FDA has significantly overhauled the Nutrition Facts Label in an effort to provide consumers with easier-to-understand information. Through the Nutrition Innovation Strategy, FDA will continue to advance the public health, with specific focus on three elements: (1) modernizing the approach to label claims; (2) modernizing standards of identity; and (3) modernizing ingredient labels. Taking SOIs as an example, Commissioner Gottlieb emphasized that among the nearly 300 SOIs, many were created decades ago and thus require review.

Following the statements of Commissioner Gottlieb, Susan T. Mayne, Ph.D., Director of the Center for Food Safety and Applied Nutrition (CFSAN), addressed the remaining two of the three elements of the Nutrition Innovation Strategy: modernizing label claims and modernizing ingredient labels. Dr. Mayne acknowledged that label claims are quick signals that provide consumers with information about the products they choose, as well as incentivize industry to innovate and offer products with healthful attributes. Because of their importance, Dr. Mayne stated the need to reexamine claims to make sure they are still relevant and aligned with current science. In their reexamination efforts, FDA is asking three questions:

1. How and why do manufacturers choose to use claims on food packages?
2. How do claims, and what type of claims, best stimulate innovation by the food industry to create products with better health attributes?
3. What types of claims and other information are most helpful to consumers in selecting healthful foods?

As for modernizing ingredient labels, Dr. Mayne focused on the need for readability and whether simpler alternative names can be used for certain ingredients. FDA is interested in what features of the ingredient label could be improved to enhance consumer comprehension.

Following the remarks of Commissioner Gottlieb and Dr. Mayne, the meeting transitioned to a segment on market trends, followed by several stakeholder panel discussions. David Portalatin, Vice President and Food Industry Advisor for The NPD Group, presented on consumer trends in the marketplace where he noted that consumers are becoming more concerned with health and wellness. In terms of label claims, Mr. Portalatin mentioned that consumers look for "wellness" phrases, including "all natural," "organic," "gluten free," and "low or reduced fat," among others.

The stakeholder panels presented on (1) the evolving foods landscape and industry innovation; (2) claims and statements used on food labels, including symbols for "healthy" claims; and (3) modernizing standards of identity and ingredient labels. The first panel included representatives from Ohio State University, the Center for Science in the Public Interest, and Chobani. Their discussion focused on front-of-pack nutrition labeling and whether it will create clarity for consumers and encourage healthier choices. They also urged FDA to scrutinize label claims that imply a food is healthy, such as "real fruit" or "lightly sweetened."

The second panel, comprised of FDA representatives, discussed label claims and how use of claims can stimulate innovation and what claims are most helpful to consumers, as well as the possibility of a "healthy" symbol, which proponents argued would help with nutritional literacy. Much debate focused on whether use of claims should be consumer- or manufacturer-driven, and also detailed the perceived issues related to substantiation for qualified health claims. The panelists recommended FDA conduct an international comparative survey of labeling regimes to determine the most effective approach to use in the United States.

A third panel, again comprised of FDA representatives, began by asking three questions:

1. What changes can be made that would make ingredients lists more user friendly?
2. Are there particular features of the label that can be improved?
3. What changes can be made to increase clarity and balance limited space on food labels?

Several ideas regarding standards of identity and ingredient lists were mentioned. For example, one panelist urged FDA to consider standards of identity for "everyday" products, like chocolate and cheese. However, others remarked that eliminating or altering standards may have significant commercial and nutritional implications. The panel also briefly discussed the need for readability with respect to ingredient lists.

The meeting concluded with questions and comments from the public. FDA will allow interested parties to comment on the public meeting by submitting electronic or written comments through August 27, 2018.

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