



January 4, 2023

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket FDA-2016-D-2335; Food Labeling: Nutrient Content Claims; Definition of Term "Healthy"

Dairy Council of California appreciates the opportunity to submit comments for consideration by the Food and Drug Administration on Food Labeling and the Definition of the Term "Healthy."

For more than 100 years, Dairy Council of California has empowered stakeholders to elevate the health of children and families through the pursuit of lifelong healthy eating habits. As a nutrition education organization funded by California's dairy farm families and milk processors and under the guidance of California Department of Food and Agriculture, Dairy Council of California is comprised of registered dietitian nutritionists and nutrition education, agriculture literacy and communication experts who engage with a variety of stakeholders in school and community settings, working together to improve healthy eating patterns. These collective efforts result in educating and supporting millions of people in California and beyond each year, demonstrating the dairy community's contribution to sustainable nutrition and community health.

Prioritize Food Groups and Diet Quality to Positively Impact Health

Dairy Council of California commends the FDA's proposed framework that would require a food product to contain a certain amount of food from at least one of the food groups or subgroups (fruit, vegetables, grains, dairy and protein foods). A focus on food groups enables people to customize their choices to meet their individual dietary needs and preferences. People eat different combinations of foods over time rather than nutrients in isolation. The synergistic effects of whole foods in supporting optimal health are increasingly addressed in dietary recommendations that focus on consistent patterns of healthy food consumption. High-quality foods from the food groups help lay the foundation for a healthy eating pattern, and choosing foods based on overall nutrient density has a greater impact on health than food choices that focus on a single substance such as a vitamin, calories or sugar. Eating a variety of high-quality foods from food groups will have a greater impact on health than any one food could have. Prioritizing food groups



and nutrients to encourage has the potential to positively impact health by encouraging people to eat foods that align more closely with dietary recommendations.

Foods in the dairy group, for instance milk, yogurt and cheese, are an important part of healthy eating patterns, providing key nutrients that contribute to nutrition security, especially for children and families living in underserved communities. Dairy foods provide essential nutrients—calcium, vitamin D, potassium and more—that support optimal growth, bone health and overall health but are currently underconsumed by most Americans.

Recommendations Should Consider the Food Matrix

The relationships between the nutrient and non-nutrient components of foods, including vitamins, minerals and bioactive components as well as physical structure, texture and form are important to consider when discussing what is “healthy.” This concept refers to a food matrix and can explain how a food’s nutrient and non-nutrient interactions impact digestion, absorption and physiological functions important for health. The dairy food matrix provides a unique example of the advancement of research in this area, as dairy is a diverse group of foods that contain nutrients and bioactive components that vary in amount and macro- and micronutrient structure. The food matrix concept embraces the importance of considering whole foods, alongside the individual components they contain, which is particularly important in relation to public health policy. Dietary guidance should be based on an evaluation of the health effects of whole foods, including dairy, not just single nutrients such as sugar, sodium and fat.

Labeling criteria that set specific limits for saturated fat, added sugars and sodium without consideration of the food matrix could inadvertently lower intake of nutrient-dense foods. Such criteria have the potential to reduce a food to its “negative” nutrients without consideration for the overall nutritional content of a food and the contribution it makes to the diet. For example:

- Research looking specifically at fat in whole milk and reduced-fat dairy foods suggests that dairy fat may have unique properties that differentiate it from fat found in other food sources. Evidence continues to show that dairy foods like milk, yogurt and cheese offer a unique and essential package of nutrients that work together to provide multiple health benefits, including optimal growth and



development in children and reduced risk of developing chronic diseases such as type 2 diabetes and heart disease.^{1,2}

- The addition of small amounts of sugars to nutrient-dense foods like milk can help increase consumption by children. The American Academy of Pediatrics uses flavored milk as an example of the balance needed to limit added sugars while still promoting nutrient-rich foods.³
- High-quality foods such as yogurt, flavored milk, fruit, 100% fruit juice and certain breakfast cereals that contain sugar are shown to be beneficial to health. These foods contain naturally occurring sugars, and although they may contain limited added sugars, they also provide important nutrients needed for health. Conversely, calorie-equivalent substitutions of low-quality foods—sugar-sweetened beverages, for instance—show evidence of harm.⁴

Recommendations should consider nutrient density and the overall health contributions of a food in “healthy” labeling strategies. Additionally, criteria for nutrient thresholds should differ by food group, as food groups cannot be compared with each other. They require distinct nutrient thresholds and inclusion of different nutrients, as they contain unique types of nutrients. Prioritizing food groups and nutrients to encourage, rather than focusing on nutrients to limit, may help people better identify specific nutrients, or combinations of nutrients, within food groups or categories that may be especially important for optimal nutrition during key life stages such as childhood, pregnancy or older adulthood.

Recommendation: Dairy Council of California strongly recommends a final rule on a “healthy” label standard that considers the health effects of whole foods alongside the individual components that foods contain to enhance overall diet quality and support healthy dietary patterns. A food label that restricts single nutrients or food components without focusing on overall diet quality could unintentionally limit access to and consumption of nutritious foods like milk and dairy foods, which nourish children and communities. Focus should continue to be placed on prioritizing and supporting sustainable solutions that enable consumption of nutritious foods such as milk and dairy, fresh fruit and vegetables, whole grains and high-quality animal and plant-based proteins.

Thank you for the opportunity to submit these comments.

Regards,



A handwritten signature in black ink that reads "Tammy Anderson-Wise".

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