

January 16, 2025

Eva Greenthal  
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Re: Docket Number FDA-2022-P-1832

Dear Ms. Greenthal:

This letter responds to your citizen petition requesting that the Food and Drug Administration (FDA or we) amend our regulations to require on the principal display panel of a food an easy-to-understand, standardized system that is (1) mandatory; (2) nutrient-specific; (3) includes calories; and (4) is interpretative with respect to the levels of added sugars, sodium, and saturated fat per serving. See Citizen Petition from Peter Lurie, MD, MPH, President and Executive Director, Center for Science in the Public Interest, Eva Greenthal, Senior Policy Scientist, Center for Science in the Public Interest, Amy Branham, Immediate Past Co-Chair, Association of SNAP Nutrition Education Administrators, and Jamie Stang, PhD, MPH, RDN, President, Association of State Public Health Nutritionists, sent to the Division of Dockets Management, Food and Drug Administration, dated August 5, 2022, (“petition”) at page 1.

We construe your petition as a request to initiate a rulemaking proceeding that addresses the subjects identified in the petition. In accordance with 21 CFR 10.30(e)(3), and for the reasons stated below, we are granting your petition insofar as we issued a proposed rulemaking to require a front-of-package (“FOP”) labeling system that considers the four specific features of the FOP system included in your request. We invite you to participate in this rulemaking proceeding by submitting a comment to Docket No. FDA-2024-N-2910 on [www.regulations.gov](http://www.regulations.gov).

### **A. Discussion**

In the *Federal Register* of January 16, 2025, we published the proposed rule entitled “Food Labeling: Front-of-Package Nutrition Information” (90 FR 5426). The proposed rule, if finalized, would require the display of a compact informational box containing certain nutrient information on the principal display panel of most foods that must bear a Nutrition Facts label. The proposed rule would provide consumers, including those who have lower nutrition knowledge, with interpretive nutrition information that can help them quickly and easily identify how foods can be part of a healthy diet. The proposed rule would be mandatory for products within its scope; nutrient-specific (i.e., include nutrient information about saturated fat, sodium,

and added sugars); and interpretive with respect to the levels of saturated fat, sodium, and added sugars per serving by categorizing the nutrients as “Low,” “Med,” or “High” based on their percent Daily Value (DV) per serving.

As discussed in the proposed rule, we considered whether to include or allow a calorie disclosure in the proposed FOP label (“Nutrition Info box”) but did not include such a requirement or allowance in the proposal. Our regulations, at § 101.9(c)(9), specify the daily reference values (DRVs) for, among other things, saturated fat, sodium, and added sugars. While these DRVs are based on the reference caloric intake of 2,000 calories, which we use for general nutrition advice, there is no DRV—and therefore no percent DV—for calories. A quantitative calorie statement would not provide consumers with new, interpretive information. Therefore, we tentatively concluded that it would not be appropriate to provide consumers with an interpretation of the quantitative calorie information currently required on the Nutrition Facts label in the Nutrition Info box. However, the proposed rule invites comment on the inclusion of a mandatory or voluntary quantitative statement of calories in the Nutrition Info box and any ways we could consider inclusion of an interpretation of quantitative calorie information in the Nutrition Info box, including any new data or other information on which to base such an interpretation. In the proposed rule, we also acknowledge that our existing regulations allow manufacturers to voluntarily include a calorie statement on the principal display panel (see § 101.13(i)(3)), and our proposal would not change that.

We discuss this issue, as well as the proposed requirements that the Nutrition Info box be mandatory, nutrient-specific, and interpretive with respect to the levels of added sugars, sodium, and saturated fat per serving, in the proposed rule’s preamble.

## **B. Conclusion**

For the reasons and in the manner discussed above, we are granting your petition. We appreciate your interest in FOP nutrition labeling.

Sincerely,

Claudine Kavanaugh, PhD, MPH, RD  
Director  
Office of Nutrition and Food Labeling  
Human Foods Program