FDA U.S. FOOD & DRUG ADMINISTRATION
CENTER FOR FOOD SAFETY & APPLIED NUTRITION

SEP 10 2019

Justin Mervis
Executive Vice President & General Counsel
KIND LLC
1372 Broadway
3rd Floor
New York, New York 10018

Dear Mr. Mervis:

This letter is in response to your citizen petition (Docket No. FDA-2019-P-1198), filed on March 13, 2019, requesting the Food and Drug Administration update the framework for regulating nutrient content claims.

The Food and Drug Administration (FDA) has implemented a Nutrition Innovation Strategy (NIS) to find ways to use our tools and authorities to reduce the burden of chronic disease through improved nutrition.[1] One of the key elements of the strategy is the modernization of nutrition claims. In the process, we have engaged stakeholders through a public meeting[2] and through the solicitation of comments to the docket established for the NIS (Docket No. FDA-2018-N-2381). We are currently working on meeting the goals of the NIS, which includes our work on the modernization of claims, along with other issues such as sodium reduction and modernization of standards of identity.

Although we have been actively working on the modernization of nutrition claims, this letter is being sent to inform you, in accordance with 21 CFR 10.30(e)(2), that we have not been able to reach a decision on your petition within the first 180 days of its receipt. We will complete our

[1] See "FDA Nutrition Innovation Strategy," https://www.fda.gov/food/food-labeling-nutrition/fda-nutrition-innovation-strategy
[2] See "Public Meeting to Discuss FDA's Nutrition Innovation Strategy," https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-discuss-fdas-nutrition-innovation-strategy-07262018-07262018

review of your petition and consider any amendments to our regulations as warranted and in the context of the FDA NIS and other program priorities within the Center.

Sincerely,

Douglas A. Balentine, Ph.D.
Director
Office of Nutrition
and Food Labeling
Center for Food Safety
and Applied Nutrition