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Comments on the Draft Guidance Entitled “Questions and Answers on the Nutrition and Supplement Fact Labels Related to the Compliance Date, Added Sugars, and Declaration of Quantitative Amounts of Vitamins and Minerals,”

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Docket No. FDA-2016-D-4414

These comments are being submitted by the International Sugar Trade Coalition, Inc. (ISTC) to express the concerns of our members regarding the new label disclosure requirements for “added sugar” as applicable to sugar sold in retail packages.

ISTC is a non-profit association whose members are sugar industries in developing countries that export sugar to the United States under the U.S. tariff rate quota (TRQ) on raw sugar. ISTC’s members are the sugar industries of: Barbados, Belize, the Dominican Republic, Fiji, Guyana, Jamaica, Malawi, Mauritius, Panama, the Philippines, Swaziland, and Zimbabwe. ISTC’s members represent approximately half of the TRQ. Most of the sugar exported to the U.S. market by ISTC’s members is bulk raw sugar for refining. In addition, several of ISTC’s members export direct consumption specialty sugars packaged in retail packages ready for sale to consumers.

On January 5, 2017, the U.S. Food and Drug Administration (FDA) published a new draft guidance for industry entitled, “Questions and Answers on the Nutrition and Supplement Fact Labels Related to the Compliance Date, Added Sugars, and Declaration of Quantitative Amounts of Vitamins and Minerals.” 82 Fed. Reg. 1347-48 (January 5, 2017) (hereinafter referred to as the “Draft Guidance”). The Draft Guidance provides guidance for industry in complying with FDA’s final rule entitled, “Food Labeling: Revision of the Nutrition and Supplemental Fact Labels,” 81 Fed. Reg. 33742 (May 27, 2016).

Although the Draft Guidance and the final rule provide numerous examples of how the new label requirements apply to disclosing “added sugar” in food products, neither the Draft Guidance nor the final rule specifically address how the new label requirements apply to sugar sold in retail packages. In particular, there is confusion among ISTC’s members and others in the industry regarding whether sugar sold in retail packages must be listed as “added sugar” on the package label.

ISTC’s members believe it would be illogical and create consumer confusion if sugar in retail packages had to be labeled as “added sugar.” In fact, no sugar is added to sugar. Sugar is just sugar. Consumers understand that. They know what sugar is. They would not understand, however, how sugar is added to sugar.

The main point of FDA’s food label disclosure requirements is to provide consumers with the information necessary to make informed decisions about the food they consume and to avoid consumer

confusion. If the Draft Guidance were interpreted to require that sugar in retail packages had to be listed as “added sugar,” consumer confusion would result, with questions such as:

- Is sugar with added sugar different than the regular sugar I am used to?
- Is sugar with added sugar sweeter than regular sugar so I can use less of it?
- Does sugar with added sugar contain more calories than regular sugar?
- Is sugar with added sugar worse for my blood sugar level than regular sugar?
- Does one brand of sugar have less added sugar than another brand?
- If I don’t want sugar with added sugar, where can I find regular sugar?

The best way to avoid such consumer confusion is simply not to require that sugar in retail packages be labeled as containing “added sugar.” That is the common sense approach. The label would disclose the amount of sugar contained in the package, but it would disclose the package contains no “added sugar.” Consumers would understand what that means. After all, consumers have been consuming sugar for thousands of years, knowing that sugar is simply sugar.

ISTC would be happy to provide further information to FDA if it would be useful. We appreciate your consideration of our views on this important matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Ryberg". The signature is written in a cursive, flowing style with a large initial "P" and "R".

Paul Ryberg
President