

MEMORANDUM

From: Joseph A. Levitt
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Date: June 27, 2018

Re: FDA Announces Public Meeting and Request for Comments on Nutrition Innovation Strategy

The Food and Drug Administration (FDA) announced a public meeting and comment period on the agency's comprehensive multi-year Nutrition Innovation Strategy. This public meeting and comment period follows FDA Commissioner Scott Gottlieb's unveiling of the Nutrition Innovation Strategy in a policy address on March 29, 2018 as a way to help Americans improve their nutrition as a step towards reducing chronic disease.^{1/} This memorandum details the proposed topics to be discussed at the meeting, as well as the logistics for the meeting and comment period.

In the pre-publication Federal Register notice announcing the meeting and comment period, ^{2/} FDA stated that it expects the following topics will be discussed at the meeting, although a more detailed agenda will be made available closer to the meeting date:

- Considering use of a standard icon to denote "healthy" claims on food labels;
- Creating a more efficient review strategy for evaluating qualified health claims on food labels;
- Discussing new or enhanced labeling statements or claims that could facilitate innovation to produce more healthful foods and more healthful consumer food choices;
- Modernizing the standards of identity to provide more flexibility for the development of healthier products, while making sure that consumers have accurate information about these food products;
- Providing opportunities to make ingredient information more helpful to consumers; and
- FDA's educational campaign for consumers about the updated Nutrition Facts label.

^{1/} See HL Memo, FDA Commissioner Gottlieb Announces New Nutrition Innovation Strategy, April 5, 2018.

^{2/} The pre-publication version of the Federal Register notice announcing the meeting is available at: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-13831.pdf>.

Dr. Gottlieb also issued a statement emphasizing the importance of beginning a dialogue with industry, nutrition experts, consumers, and other interested stakeholders on how FDA can advance policies that empower consumers with information and leverage nutrition as a way to advance public health. ^{3/} Although Dr. Gottlieb's statement reiterated the comments he made during his speech in March regarding the topics noted above, Dr. Gottlieb also indicated a need to create incentives for food manufacturers to compete on the basis of the nutritional profile of their products:

The FDA wants to empower consumers with modernized food labels that will make it easier to inform better choices while at the same time providing incentives for food manufacturers to produce the more nutritious products consumers demand. Toward these goals, our Innovation Strategy seeks ways to provide incentives for manufacturers and foster competition to create more nutritious food offerings and have clearer labeling that's more understandable to consumers. Providing a framework for encouraging industry to compete on the nutritional attributes of their products can provide healthier choices for consumers and enable more opportunities for these healthy options to also be more affordable options.

The public meeting will be held on July 26, 2018, from 8:30 am to 5:30 pm, at the Hilton Washington DC/Rockville Hotel, located at 1750 Rockville Pike, Rockville, MD 20852. Registration for the meeting is open until July 19, 2018, although if you wish to present oral comments during the meeting, you submit your request to present oral comments (through the registration process) by July 12, 2018. ^{4/} FDA will accept written comments until August 27, 2018.

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We will continue to monitor FDA's actions related to nutrition policy and labeling. Please do not hesitate to contact us if you have any questions on this or any other matter.

^{3/} See Statement from FDA Commissioner Scott Gottlieb, M.D., on FDA's new steps to advance health through improvements in nutrition under the agency's Nutrition Innovation Strategy, available at <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm611784.htm>.

^{4/} Registration for the public meeting is available at: <https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/ucm611227.htm>.