

Nutrition Policy Update

September 13, 2018

Dietary Guidelines for Americans (DGA)

- The Departments of Agriculture (USDA) and Health and Human Services (HHS) have opened a 30-day **nomination period** for the Dietary Guidelines Advisory Committee (DGAC). Nominations are due **October 6**.
- The **topics and questions** that will guide the DGAC's work have been finalized with some revisions. There was a notable expansion of the questions on **added sugars**.
 - The DGAC will study the relationship between added sugars and (1) growth, size, body composition, and risk of overweight and obesity; (2) risk of cardiovascular disease; and (3) risk of type 2 diabetes.
 - This is in addition to the original questions about achieving food and nutrient recommendations, and how much added sugars can fit in a healthy diet.
- The inclusion of added sugars on the Food and Drug Administration's (FDA) Nutrition Facts label was based on **reductions in the risk of chronic disease in dietary patterns that were low in added sugars**. FDA did *not* base its decision on direct links between added sugars *per se* and specific chronic disease risks, but rather on the reduction of those risks from dietary *patterns* (which would include many different foods) that are low in added sugars.
- The 2015 DGAC did assert direct connections between added sugars and specific diseases, but the evidence was graded only moderate.
- **The new focus on disease risks could further strengthen FDA's case for requiring added sugars labeling, if research since 2015 allows stronger conclusions. However, if the science does not show strong evidence of direct disease risks, it could also renew complaints that FDA is requiring the label without good scientific evidence.**

FDA Nutrition Innovation Strategy

- FDA is taking comments until **October 11** on its Nutrition Innovation Strategy.
- Food industry interest in the FDA's process is high, and a public meeting on the strategy that was held July 26 attracted a large number of attendees.
- The strategy has a number of elements, but two are directly relevant to sugar:
 - FDA will conduct a **consumer education campaign on the new Nutrition Facts label**, and since the requirement to list added sugars was the single biggest change compared to the old label, one would expect the agency to place **considerable emphasis on added sugars** in its consumer communications.
 - FDA will propose changes to the **regulations for use of the term "healthy"** on food packages. Currently, such claims are precluded if the level of certain nutrients (total fat, saturated fat, cholesterol and sodium) exceeds specified threshold levels. Sugar content is not currently a relevant consideration. **It is highly likely that a number of health advocates and others will press FDA to included added sugars as a new criterion, and not impossible that the agency itself would propose such an addition.**

Bioengineered Food Disclosure Standard

- On August 31, USDA sent a final rule implementing the **National Bioengineered Food Disclosure Standard** to the Office of Management and Budget (OMB) for review.
- In theory, OMB has 90 days to review regulations, but in practice the period can be much longer (and occasionally shorter).
- USDA Under Secretary Greg Ibach has stated that USDA hopes to have the final rule published by **December 1** in order to synch up its compliance date with that for the new Nutrition Facts label.
- Among the most controversial issues is whether USDA will require the disclosure of highly refined foods such as soybean oil, high fructose corn syrup and **beet sugar**.
- **Litigation seems a distinct possibility regardless of USDA's decision on these products.**