



Draft Guidance Regarding Declaration of Added Sugars on Honey,
Maple Syrup, and Certain Cranberry Products
FDA-2018-D-0075

COMMENTS OF THE SPECIALTY FOOD ASSOCIATION

June 15, 2018

Summary of the Position of the Specialty Food Association

The Specialty Food Association (SFA) welcomes this opportunity to respond to the Food and Drug Administration (FDA) request for comments about its Draft Guidance Regarding Declaration of Added Sugars on Honey, Maple Syrup, and Certain Cranberry Products. On behalf of its members, SFA urges FDA to decide that the nutrition label of single ingredient pure honey and pure maple syrup should list those two products as total sugars and indicate zero added sugars, with the asterisk or notation described below. SFA supports FDA's proposed use of enforcement discretion regarding cranberry products. Regarding single ingredient pure honey and single ingredient pure maple syrup, FDA's proposed enforcement discretion merely perpetuates misleading labels and consumer confusion about sugars and added sugars. These two products contain no added sugars and alone should not be defined or listed as "added sugars". Education about the difference between sugars and added sugars should be included in the planned consumer education about the new Nutrition Facts panel.

Specialty Food Association

Specialty Food Association is the trade association for all segments of the specialty food industry. SFA sponsors the Summer and Winter Fancy Food Shows and education programs in San Francisco and New York, publishes *Specialty Food Magazine* and industry reports for members, and co-publishes with Mintel the annual State of the Specialty Food Industry Report. The 3,600+ SFA members – mostly small and very small food companies – are located throughout the U.S. They make and handle food products that are often referred to as "high value" or specialty.

Single ingredient pure honey and pure maple syrup are among the specialty foods that are valued for their purity, good taste, and link to local producers and regions. According to SFA/Mintel research, 180,000 U.S. consumers purchase specialty foods. Most are produced by small and local producers. The products easily meet the definition of a specialty food - a product "of the highest grade, style, and/or quality in their respective categories. Their specialty nature derives from a combination of some or all of the following qualities: uniqueness, origin, processing method, design, limited supply, unusual application or use, extraordinary packaging, or channel of distribution/sales."

Single Ingredient Pure Honey and Pure Maple Syrup – Not Added Sugars

The naturally occurring sugar content of pure honey and pure maple syrup is not added. This biological truth is recognized by public and private sector entities. It should be recognized by FDA.

As the principal health agency of the U.S. government and with its focus on science, FDA regulations must recognize that there are sugars and there are added sugars. The agency and consumers must understand the difference and reflect the distinction in planning a healthy diet. “Sugars in your diet can be naturally occurring or added. Naturally occurring sugars are found naturally in foods such as fruit (fructose) and milk (lactose). Added sugars are sugars and syrups put in foods during preparation or processing, or added at the table.”¹

“What Are Added Sugars? Just like it sounds, added sugars aren’t in foods naturally—they’re added. They include: • Sugars and syrups that food manufacturers **add to** products like sodas, yogurt, candies, cereals, and cookies • Sugar you add yourself—like the teaspoon of sugar in your coffee. Some foods have sugar naturally—like fruits, vegetables, and milk. The sugars in these foods are not added sugars.”² And “Added sugars are sugars and syrups that are added to foods or beverages when they are processed or prepared. This does not include naturally occurring sugars such as those in milk and fruits.”

This distinction is also commercially significant. Many U.S. producers of single ingredient pure honey and pure maple syrup are small businesses. Many are struggling to survive as per colony honey production declines and their prices become less competitive with imported honey. Per capita consumption of honey is estimated at approximately 1.61 pounds per person.³ These specialty honeys and syrups represent the products and small businesses who are making high value products and who should not be harmed commercially by untruthful and misleading labeling.

With the concern about the increase in obesity among Americans, regulators are beginning to concentrate on processed foods to which manufacturers **add** sugars in different forms to their product formulations and so add calories that contribute to unhealthy weight gains. The major food and beverage sources of added sugars for Americans are regular soft drinks, energy drinks, and sports drinks.⁴ Single ingredient pure honey and pure maple syrup are rarely if ever ingredients in these products of concern to FDA.

Untruthful and Misleading Labeling

The Draft Guidance overlooks the distinction between a product (single ingredient pure honey and single ingredient pure maple syrup) and an ingredient for processing or manufacturing (honey and maple syrup). To label the former products “added” is untruthful and misleads consumers. These are results that certainly cannot be intended and should not be continued by FDA.

¹ Added Sugars http://www.heart.org/HEARTORG/HealthyLiving/HealthyEating/Nutrition/Added-Sugars_UCM_305858_Article.jsp#.WyFgEe4vyUk

² https://health.gov/dietaryguidelines/2015/resources/DGA_Cut-Down-On-Added-Sugars.pdf (emphasis added)

³ U.S. Honey Industry Report – 2016, Bee Culture (April 24, 2017).

⁴ Added Sugars, http://www.heart.org/HEARTORG/HealthyLiving/HealthyEating/Nutrition/Added-Sugars_UCM_305858_Article.jsp#.WyFgEe4vyUk

The Federal Food, Drug and Cosmetic Act requires that labels on packaged food products in interstate commerce not be false or misleading in any way. A food product that bears false or misleading labeling is misbranded and may receive a warning letter or stricter enforcement from FDA. The proposed Guidance makes FDA – not producers – the source of misleading and confusing labeling. It is not true that single ingredient pure honey and single ingredient pure maple syrup are added sugars.

Labeling Recommendations

For food labels to be truthful and not misleading, the sugar content of single ingredient pure honey and single ingredient pure maple syrup should be listed on the Nutrition Facts panel with total sugars, not with added sugars. Producers of these products should have the option of using the “t” symbol with a text - suggested by FDA for another purpose ⁵- to alert consumers that these particular sugars occur naturally and are not added. ⁶

When either product is added as an ingredient, it should be included with other added sugars.

Cranberry Products

Cranberry products also may be specialty foods. Both FDA and the US Dietary Guidelines 2015 accept the reasonable addition of sugars to cranberry juices and products to make a naturally tart food palatable. SFA supports that position and a brief, clear explanation to consumers.

However, SFA points out that consumer education about why sugars are added to cranberries – as well as the sugar/added sugar distinction – should be included in nutrition education. The small food label should not have to explain what education should achieve.

Conclusion

SFA urges FDA to re-consider and to exclude single ingredient pure honey and single ingredient pure maple syrup from the definition of added sugars. They should be included with total sugars but with a “t” note. The revision is needed to prevent misleading labels and consumer confusion.

A special explanation is needed for cranberry products.

⁵ “The “t” symbol would direct consumers to truthful and non-misleading statements on the package outside the Nutrition Facts label that would need to comply with applicable FDA statutory and regulatory requirements. Manufacturers could explain, through the use of such statements, that no sugar was added to the pure honey or pure maple syrup”.

⁶ The final Nutrition Facts label requires added sugars to be declared by stating, “Includes ‘X’ g Added Sugars” indented directly below “Total Sugars”. FDA’s enforcement discretion includes the possible use of a symbol “t” immediately after the added sugars percent Daily Value information on single ingredient packages and/or containers of pure honey or pure maple syrup.

SFA urges FDA to undertake a major consumer education effort in connection with the new Nutrition Facts panel, including its listing of sugars and added sugars. That education will reduce the need for so many explanatory notes on the limited space of a food label.

We remain available to explore these comments with FDA and to provide honesty in food labeling. In particular, SFA will cooperate with FDA and others to contribute to truthful labeling by the SFA companies that produce these exceptional, high value foods.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Kafarakis". The signature is written in a cursive, flowing style.

Philip Kafarakis
President