



FDA's Nutrition Mission

The FDA accepts that improved diets could greatly promote health, but it has utterly failed the public in carrying out its mission. One historic cause of FDA's failures is that almost all commissioners (David Kessler was an exception) focused almost exclusively on the seemingly more-exciting drugs and medical devices and largely ignored the public health threats—and opportunities—related to the food supply. The next commissioner must recognize that CFSAN is a critically important part of FDA.

CFSAN's mission includes promoting not just a safer, but also a healthier food supply. Achieving that mission could save several hundred thousand lives during Obama's first term by reducing the incidence of heart disease, stroke, diabetes, cancer, and other chronic diseases. Achieving that mission would also greatly reduce health care costs, thereby facilitating expanded health care coverage.

- **Salt.** High sodium content is the single most harmful aspect of the American diet. According to a 2004 statement by the director of the National Heart, Lung and Blood Institute, cutting sodium (mostly from salt) in half would prevent about 150,000 fatal heart attacks and strokes annually. It also would save billions of dollars a year. Cutting sodium levels in packaged and restaurant foods should be the number-one nutrition priority for the FDA (as it has been for the British Food Standards Agency). The FDA should begin both voluntary and regulatory initiatives*:
 - The voluntary approach should consist of setting sodium targets for different categories of food and ask industry to meet those goals according to a specified timetable.
 - Rulemaking action should begin by revoking the “generally recognized as safe” status of salt – or adding maximum sodium levels in GRAS specifications and standards of identity – and then requiring manufacturers to reduce the amount of sodium in their products.
- **Trans Fat.** The trans fat that gets into foods from partially hydrogenated vegetable oil has been a major cause of heart disease. Harvard's Walter Willett estimated several years ago that trans fat has been causing 25,000 to 100,000 premature fatal heart attacks annually. Considering that roughly 50 percent less hydrogenated oil is being used, the current toll is roughly 25,000 deaths annually. (The decrease is due to voluntary actions stimulated by FDA's adding “trans fat” to Nutrition Facts labels, lawsuits against companies, and massive publicity.) Preventing those deaths would save billions of dollars a year.

The FDA should*:

* CSPI has filed a petition on this matter.



- prod restaurants to switch to safer oils by announcing that the failure by restaurants to disclose the presence of artificial trans fat in their foods would be considered misbranding and a violation of the Food, Drug, and Cosmetic Act.
 - Initiate a rulemaking to revoke the “generally recognized as safe” status of partially hydrogenated oil and eliminate it from the food supply. (Alternatively, the FDA could say that such oils may contain no more than a very limited amount of trans fat per serving.)
- **Obesity.** Soft drinks are the *only* food or beverage that has been shown to promote weight gain...and the government’s Dietary Guidelines for Americans discourages consumption of soft drinks. Yet soft drinks are a major source of calories, especially for teen-agers. (In 1994 – 1996, the average teen soda drinker consumed two cans of soda per day. The FDA, as part of a larger government campaign (which could include taxes and media advertising), should require a rotating series of warning labels to advise consumers of the risk of consuming too much soda.*
 - **Deceptive food labeling.** One of FDA’s statutory responsibilities is to stop deceptive labeling so that consumers are not misled into buying foods that are less healthy or safe than claimed. Bakers imply that breads are whole wheat, when they contain substantial amounts of white flour. Egg makers pretend that eggs are heart-healthy, notwithstanding their high content of cholesterol. Snack or beverage makers pretend that their products contain more fruit or vegetables than they do or promote immunity. And on and on and on. The FDA, due to short-staffing and disinterest, rarely cracks down on deceptive labels (except when they pose a direct health threat, such as undeclared allergens). The FDA should bring several lawsuits against obviously misleading labeling by leading companies. David Kessler did that shortly after becoming the FDA commissioner, and the actions reduced the volume of misleading claims for more than a decade. Also, the FDA should rescind a policy memo requiring that all warning letters, including those concerning deceptive food labels, be cleared by the Agency’s Chief Counsel.
 - **Food dyes.** Dyes impair the behavior of some children, triggering hyperactivity and related problems. Such problems make life miserable for millions of children and their families. It’s impossible to know how many lives would be helped and dollars saved if dyes were banned—but Americans spend billions of dollars on drugs and other medical care for children with ADHD. One psychiatrist estimated that banning dyes would reduce the problem by about 10 percent. And, of course, dyes do not provide any health benefit whatsoever—but they do make junk foods more attractive. As a result of studies, including ones it commissioned, the British government has told companies to stop using food dyes by December 2009. (Many McDonald’s, Kraft, Mars, PepsiCo, and other companies market the same products with *dyes* in the U.S., but with *natural colorings* in Britain.) The European Parliament has passed a law requiring warning labels on foods that contain dyes. In the United States, the use of dyes has doubled, per capita, since the 1970s, but the FDA has done absolutely nothing—except say that there is no evidence that dyes adversely affect behavior. The FDA should initiate a rulemaking to ban dyes.*

* CSPI has filed a petition on this matter.