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August 21, 2023

Dockets Management
Food and Drug Administration
5630 Fishers Lane, Rm 1061
Rockville, MD 20852

Dear Dockets Management Staff:

On behalf of Oldways, a 501(c)3 educational nonprofit dedicated to inspiring people to embrace the healthy and sustainable joys of the old ways of eating, we are writing in opposition to the Draft Guidance on Dietary Guidance Statements in Food Labeling.

Restricting the Use of Dietary Guidance Statements Threatens Public Health

In a time when [more than half of Americans](#) know very little about or have never heard of the Dietary Guidelines for Americans and [98% of Americans](#) are falling short of recommended whole grain intake, limiting messaging that reflects these guidelines is an undue risk to public health. For the sake of public health and consumer education, there is a strong argument for using more of these statements, not fewer.

Restricting information about dietary guidance to only products that meet certain nutrition criteria will vastly impair consumer ability to make informed choices about their food. Most foods are not just good or bad, and often have a mix of both beneficial and less beneficial ingredients. These can be great “bridge foods” as people move along their journey to better health. Nutrition change is almost always incremental, and we urge the FDA not to let the perfect be the enemy of the good.

Measures to restrict communication of nutrient and/or food group guidance can have serious unintended consequences, as our neighbors to the south have observed. Data from Mexico-based market research group, Kantar México as well as from a Mexican government agency have shown that in the first year after Mexico began prohibiting messaging about positive attributes of foods on labels that exceeded sugar, salt, and fat thresholds, sales of unhealthy products [increased](#).

We wholeheartedly agree that as with all communication on food packaging, dietary guidance statements must be truthful and not misleading. However, the FDA has failed to provide evidence demonstrating how the particular nutrient profile of a product changes the truthfulness of a dietary guidance statement. For example, if a whole grain wrap has 350mg sodium rather than 345mg sodium, is it no longer true that you should “make half your grains whole?” Dietary guidance statements are not a declaration of product



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healthfulness equivalent with health claims or “healthy” claims and should not be treated as such. Rather, dietary guidance statements, such as “Make half your grains whole,” or “Eat 48g or more of whole grain per day” help bring the messages of the Dietary Guidelines for Americans to consumers’ fingertips in the retail environment and give consumers the information they need to put their food choices into the context of their overall diet. Given the prevalence of nutrition misinformation on social media and the popularity of extreme diets, such as the ketogenic diet, which are unsupported by scientific evidence, restricting Americans’ access to dietary guidance statements and the messages of the Dietary Guidelines for Americans is a dangerous step backward for nutrition communication.

Increasing Consumption of Under-Consumed Food Groups Should Be the Priority

While we stand firm in our belief that no product should be discouraged from offering dietary guidance statements based on nutrient thresholds, we believe this especially holds true in products which contain chronically under-consumed food groups recommended in the Dietary Guidelines for Americans, such as whole grains. While higher levels of certain nutrients (added sugars, sodium, saturated fat) may be inconsistent with optimal health, the evidence does not suggest that every product containing these nutrients is inconsistent with a healthy dietary pattern. The [2019 Global Burden of Diseases Study](#) found that “low intake of whole grains was the leading dietary risk factor for [disability adjusted life years] among men and women and the leading dietary risk factor for mortality among women” ahead of high sodium intake, high trans-fat intake, and high sugar-sweetened-beverage intake. In other words, increasing consumption of beneficial food groups like whole grains is just as important, if not more so, than decreasing consumption of detrimental ingredients such as sodium or added sugar.

Our organization created and runs the Whole Grain Stamp program, and has been involved in whole grain labeling and standards in the United States and in many other countries through the Oldways Whole Grains Council’s work over the past 20 years. The Whole Grain Stamp, which was developed in consultation with the FDA, has appeared on packages since 2005 and is now on more than 13,000 products in 65 countries. Census-representative survey data from the [Whole Grains Council Consumer Insights Survey](#) find that 86% of consumers trust the Whole Grain Stamp, while more than half of consumers report questioning a product’s whole grain claims without the Stamp. There are three different varieties of the Whole Grain Stamp indicating the percent of the product’s grain that is whole: the 100% Stamp, the 50%+ Stamp, and the Basic Stamp.

Over 2,300 products sold in the US use the Basic Stamp, which includes language in the fine print that reads “Eat 48g or more of whole grain daily.” This statement is derived from the Dietary Guidelines for Americans, which explicitly recommend that Americans choose foods with at least 8 grams of whole grain per ounce equivalent (8g x 6 ounce-equivalents =

100% Stamp



50%+ Stamp



Basic Stamp



48g per day). If the current proposed draft guidance were finalized, we would have to remove the dietary guidance messaging under the Basic Stamp in order to maximize the variety of whole grain products that could continue to communicate their whole grain content. This would have the unfortunate effect of significantly limiting the visibility of the whole grain dietary guidance statement to consumers. The presence of this guidance on packaging plays an important role in consumer education around whole grains and helps consumers understand the Dietary Guidelines recommendations from which it is derived.

[Research](#) consistently demonstrates that repeated exposure to whole grains can shift both food preferences and eating habits in favor of whole grain foods. However, nutrition change doesn't happen overnight. Helping people build a taste for whole grain foods in whatever form they are most accessible in is critical to increasing consumption.

The 2020-2025 Dietary Guidelines for Americans open with a call to action for policymakers to “help the public “make every bite count” with the *Dietary Guidelines for Americans*,” reminding advocates to “use *Dietary Guidelines* information to develop programs, policies, and communication for the general public.” Restricting the use of messaging derived from the Dietary Guidelines to only products that meet certain nutrition criteria is directly at odds with the stated mission of the Guidelines, especially for chronically under-consumed food groups recommended in the Dietary Guidelines for Americans, such as whole grains.

Restricting the use of messaging derived from the Dietary Guidelines to only products that meet certain nutrition criteria is also directly at odds with the precedent set by MyPlate.gov. The USDA's MyPlate website highlights nutritious recipes (like [this](#) or [this](#)) which sometimes exceed the sodium, saturated fat, and/or added sugar thresholds set in this draft guidance, but nonetheless are useful in helping people incorporate more food groups recommended in the Dietary Guidelines, such as whole grains.

We thank the FDA for the opportunity to share our expertise on the draft guidance, and we look forward to learning more about how we can best support improving public health through transparent labeling and communication.


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Sincerely,



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