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NEWS RELEASE

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FDA Should Shelve Unnecessary and Costly Nutrition and Supplement Facts Labeling Rule, Says NPA

Rule was Poorly-Written, Rushed, Unnecessary and Duplicative

WASHINGTON – Citing the Trump Administration’s policy to freeze pending new regulations and withdraw those it deems overly burdensome or unnecessary, the Natural Products Association today filed a [formal petition](#) requesting the U.S. Food and Drug Administration (FDA) essentially shelve the Obama Administration’s proposed final rule on Nutrition and Supplement Facts Labeling. The proposed final rule, among other things, would require additional labeling for a new category of so-called “added sugars” (total sugars are already required on labels) and eliminate many ingredients previously considered as dietary fibers. Both changes are viewed by NPA as completely unnecessary, poorly defined, and not based on either scientific evidence or consumer empirical studies.

“We are heartened by the Administration’s pledge to weed out bad regulations that only end up costing consumers more money, and this one is exhibit A. This rule was poorly-written, rushed, unnecessary, and should be shelved immediately. Labeling is extremely important, but labeling changes posed by FDA must be material and based on scientific evidence or consumer empirical studies and not based on whim or the way the wind happens to be blowing,” said Daniel Fabricant, Ph.D., President and CEO of NPA.

In an 25 page petition, NPA cited seven major reasons why the FDA should stay the rule:

1. Implementation of the Final Rule is Inconsistent with the Administration’s Regulatory Agenda and Directives
2. The Food Labeling Final Rule Presents Serious Issues with Respect to First Amendment Protections for Commercial Speech
3. Inclusion of a Daily Value (DV) for Added Sugar in the Final Rule but Not in the Proposed Rule was an Example of Impulsive Behavior to Hastily Circumvent the Public Rulemaking Process
4. FDA’s Own Consumer Studies Do Not Support the Addition of Added Sugars to the Nutrition Facts and Supplement Facts Labels
5. Eye-Tracking Studies Do Not Support FDA’s Position to Include Added Sugars as a New Declaration in Nutrition Facts and Supplement Facts Labels



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6. The Food Labeling Final Rule’s Change in How Dietary Fibers are Declared is Unjustified, Unduly Burdensome, and Does Nothing to Advance Consumer Health
7. FDA failed to submit an economic impact analysis with this guidance to the Office of Management and Budget, regarding this new cost burden to the food and supplement industries

In addition to highlighting procedural and other flaws in how the rule was promulgated, NPA took particular aim at the new requirement that labels include daily values for “added sugars,” since total sugars are already required on supplement labels:

“ . . . If sugars somehow impacted health, the current declaration of total sugars in product labeling covers disclosure of this material fact. FDA would have to show there is something fundamentally different (chemically and physiologically) between an added sugar/carbohydrate and one naturally present in a product.” (page 7)

NPA also strongly challenged the rule’s brand new definition of dietary fibers, saying it was selective, inconsistent and un-supported by scientific evidence:

“Notably absent from FDA’s list of “isolated or synthetic” dietary fibers are ingredients such as inulin and other plant fibers.” (page 16)

“FDA does not treat dietary fiber consistently as it does most other nutrients. FDA has chosen to define dietary fiber in accordance with a showing of its beneficial physiological effect, rather than on the basis of its chemical definition and characteristics. All other nutrients and food components are defined based upon a chemical definition or some quantitative measurement.” (page 18)

Finally, the NPA noted that the FDA failed to submit a cost-benefit analysis to the Office of Management and Budget during promulgation of the rule, a clear violation of longstanding Executive Orders, the Regulatory Flexibility Act and the Unfunded Mandates Reform Act of 1995.

Natural Products Association

The **Natural Products Association (NPA)** is *the* trade association representing the entire natural products industry. We advocate for our members who supply, manufacture and sell natural ingredients or products for consumers. The Natural Products Association promotes good manufacturing practices as part of the growth and success of the industry. Founded in 1936, NPA represents over 1,400 members accounting for more than 10,000 locations of retailers, manufacturers, wholesalers and distributors of natural products, including foods, dietary supplements, and health/beauty aids. Visit www.NPAinfo.org.

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