



AMERICAN ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

October 7, 2010

Leslie Kux
Acting Assistant Commissioner for Policy
Food and Drug Administration
Division of Dockets Management (HFA-305)
Rm. 1061
5630 Fishers Lane
Rockville, MD 20852

David Dorsey
Acting Deputy Commissioner for Policy, Planning and Budget.
Food and Drug Administration
Division of Dockets Management (HFA-305)
Rm. 1061
5630 Fishers Lane
Rockville, MD 20852.

RE: FDA-2010-D-0370 and FDA-2010-N-0371

Dear Acting Assistant Commissioner Kux and Acting Deputy Commissioner Dorsey,

On behalf of the American Academy of Family Physicians (AAFP), which represents more than 94,700 family physicians and medical students nationwide, I am writing to offer our comments on the *“Implementation of the Menu Labeling Provisions of Section 4205 of the Patient Protection and Affordable Care Act (ACA)”* and *“Voluntary Registration by Authorized Officials of Non-Covered Retail Food Establishments and Vending Machine Operators Electing To Be Subject to the Menu and Vending Machine Labeling Requirements Established by ACA”* as were published in the August 25, 2010 Federal Register.

The Academy remains pleased that Congress included requirements for the FDA to develop federal nutrition labeling laws for restaurants with more than 20 locations and vending machine operators with more than 20 machines. We support rules requiring these entities to prominently display calorie information in a “clear and conspicuous” manner. AAFP perceives sound nutrition as a cornerstone of health and we believe these new food menu labeling requirements will help improve our patients’ knowledge of nutritional choices. Furthermore we believe these regulations will begin to help address the widespread prevalence of obesity in the United States. Therefore, AAFP urges FDA to begin enforcement as soon as possible.

As you know, Congress requires the FDA to enforce these new requirements one year after enactment of the ACA; therefore enforcement should take effect in March of 2011. However the FDA curiously announced an implementation delay for an unspecified duration so that applicable entities can prepare for enforcement. AAFP strongly questions the need for this (or any) delay. While AAFP recognizes that some companies might need time to prepare, we also believe that the full year (between ACA enactment and enforcement) already provides sufficient time for applicable businesses to make necessary changes. For the most part, these large corporations already provide nutritional information upon

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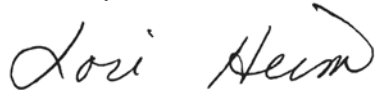
Douglas E. Henley, MD
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request to their consumers, therefore a full year is adequate time for them to simply prepare and reprint menus or packaging labels.

On the condition that the federal food menu labeling requirements are more stringent than any state requirement(s), AAFP is supportive of the proposed process for entities not covered under Section 4205 to voluntarily elect on a biannual basis to become subject to its requirements.

Thank you for this opportunity to comment on this matter. If we may be of further assistance on this, please contact Robert Bennett at rbennett@aafp.org.

Sincerely,

A handwritten signature in cursive script that reads "Lori Heim". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Lori J. Heim, MD, FAAFP
Board Chair