



June 28, 2017

Anna K. Abram, Deputy Commissioner for Policy, Planning Legislation, and Analysis
Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: FDA-2011-F-0172 for "Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Compliance Date; Request for Comments"

Dear Deputy Commissioner Abram:

On behalf of the American Academy of Family Physicians (AAFP), which represents 129,000 family physicians and medical students across the country, I write in response to the [request for comments](#) titled, "Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments" as published by the Food and Drug Administration (FDA) in the May 4, 2017 *Federal Register*.

Obesity in the United States is rampant. In the past 30 years, the occurrence of overweight in children has tripled, and it is now estimated that one in five children in the US is overweight (17%). Childhood overweight is now regarded as the most common prevalent nutritional disorder of US children and adolescents. And what happens early in life continues in adulthood as overweight or obese preschoolers are 5 times more likely than normal-weight children to be overweight or obese as adults. Epidemiologic studies have identified high body-mass index (BMI, the weight in kilograms divided by the square of the height in meters) as a risk factor for an expanding set of chronic diseases, including cardiovascular disease, diabetes mellitus, chronic kidney disease, many cancers, and an array of musculoskeletal disorders.

Overweight and obesity are addressed in physician offices initially through screens. According to the US Preventive Services Task Force (USPSTF), physicians should screen children and adolescents 6 years of age and older, and if they are obese, they should refer them for a behavioral intervention program of at least 26 hours duration to ensure weight loss. The new recommendations update earlier USPSTF guidance on screening for obesity in children 6 years of age and older issued in 2010.

With this information in mind, the AAFP is concerned that the FDA again extended the compliance date for requiring disclosure of nutrition information for standard menu items in many restaurants. While nutrition labeling of menus alone will not eliminate this crisis, the extent of the problem

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demands immediate action and this small but important step should be enforced without further delay. The rise in overweight and obesity are associated with eating outside of the home environment. Menu labeling requirements help consumers make healthier nutritional choices.

In 2010, 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. Congress required the FDA to enforce these new requirements one year after enactment of the *Affordable Care Act*, and thus enforcement should have taken effect in March of 2011. However, the FDA announced an implementation delay of unspecified duration so that applicable entities could prepare for enforcement and now, once again, the FDA is further delaying enforcement.

The FDA must act and stop delaying. While AAFP recognizes that some establishments might need time to prepare, we believe that seven years is sufficient time for applicable businesses to make necessary changes. For the most part, these large corporations already provide nutritional information upon request to their consumers. Therefore, there is no need to further delay enforcement.

We maintain steadfast support for rules that require the prominent display of calorie information in a "clear and conspicuous" manner. The AAFP recognizes that sound nutrition is a cornerstone of health and we believe food menu labeling requirements will help improve our patients' knowledge of nutritional choices. Furthermore, we believe these requirements are an important tool in addressing the prevalence of obesity in the United States. The AAFP urges FDA to begin enforcement as soon as possible.

We appreciate the opportunity to provide these comments and make ourselves available for your questions. Please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Wanda D. Filer, MD".

Wanda D. Filer, MD, MBA, FAAFP
Board Chair