



Apple Processors Association
1750 K Street, NW, Ste. 700
Washington, DC 20006

January 2023

Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, Maryland 20852

Submitted electronically at www.regulations.gov

RE: Docket No. FDA-2016-D-2335 for "Food Labeling: Nutrient Content Claims; Definition of Term 'Healthy.'

Dear Sirs and Madams:

Thank you for the opportunity to submit public comments regarding the nutrient content claim definition of the term "healthy."

Background

The Apple Processors Association (APA) was founded in 1987 and is a national association of companies that manufacture quality food products, mainly from fresh apples, and the suppliers that provide goods and services to this important market. All members of APA stress quality, innovation and, by pasteurizing their juice products and hot-filling their food containers, reinforce their commitment to safety during their food processing operations. APA is actively involved in monitoring, educating, and advocating on regulatory and legislative issues that affect our membership, the food industry, and the public. APA appreciates the opportunity to submit the following comments regarding the proposed rule published in the Federal Register (87 FR 59168; September 29, 2022) to update the "healthy" nutrient content claim.

FDA should consider updating its proposed "healthy" definition

APA has reviewed the draft proposal for healthy. We were pleased to see the proposal recognize that dietary patterns include fruits and contribute many nutrients to the diet, including dietary fiber, potassium, and vitamin C. We were also pleased that the Agency recognized that fruits can be consumed in various forms. Moreover, we were delighted FDA recognized concentrated fruit purees and fruit pastes to be fruit for the purpose of calculating food group equivalents since these products are essentially whole fruits that have been processed to change the physical form of the fruit to remove moisture. Finally, we appreciate the recognition that fruits food group also includes 100 percent fruit juice. There is an extensive body of

scientific evidence that supports the healthfulness of 100% juice and its role as part of a healthy diet. APA agrees with FDA's proposal that 100% fruit juices are eligible to bear the 'healthy' claim. We also request that 100% fruit concentrates or reconstituted juices either 100% of one fruit or blended fruits also qualify to bear the 'healthy' claim if other requirements are met.

With respect to other apple products including applesauce and apple slices, APA believes that either no sugar added or unsweetened applesauce and slices do meet the requirements and are eligible to bear a 'healthy' claim.

APA has concerns that products, such as apple sauces that may have a small amount of nutritive sweeteners for palatability, do not meet this proposed definition. Such products are formulated so infants and children would consume rather than waste the food item. We propose that apple sauces formulated with small amounts of added sugar be allowed to make a 'healthy' claim as the benefits of the sauce outweigh the concern with minimal addition of sugars. Minimal sugar is added given not all apples are naturally as sweet as others. These products are made from whole foods (fruit), are nutrient rich, shelf stable, and are well liked by consumers. These products should be allowed to be marketed as healthy to promote consumption. According to the Dietary Guidelines for Americans 2020-2025, "a healthy dietary pattern limits added sugars to less than 10% of calories per day". The Dietary Guidelines Advisory Committee (DGAC) recommended a limit for added sugars in foods. However, there was acknowledgement that foods containing small amounts of added sugars can be part of a healthy diet. Hence we are proposing an allowance of 10 grams added sugar per ½ cup serving to be able to call out 'healthy'.

FDA should limit the definition to the term "healthy" only

APA understands that FDA is seeking comments on if there are other synonymous terms they should consider as it finalizes this rulemaking. We recommend the Agency limit its work to "healthy."

FDA should share research and information related to labeling initiatives

At a recent APA meeting we discussed this proposed definition, the potential corresponding, and the Biden-Harris Administration's National Strategy on Hunger, Nutrition, and Health which calls for front-of-package labeling such as star ratings or traffic light schemes. Our members are interested in the information and research to support how these initiatives together may help guide consumers to follow diets consistent with the Dietary Guidelines for Americans.

FDA should consider the "healthy" symbol as it finalizes the definition

APA encourages FDA to complete its research and consumer testing pertaining to the voluntary use of a symbol on products that qualify to bear the claim. The release of the final rule should include the symbol to be used so food labels can be sourced with limited economic impact from having to possible redesign should the two be separate publications.

Summary

Apple Processors Association

On behalf of apple processors, we appreciate the opportunity to comment and share information with FDA. Should you have any questions or need additional input, APA would be happy to assist.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Ball', with a stylized flourish at the end.

Andrea Ball
President
Apple Processors Association
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