



**NATIONAL POTATO COUNCIL**

50 F Street, NW, Suite 900  
Washington, DC 20001  
(202) 682-9456 phone  
www.nationalpotatocouncil.org

*Via regulations.gov*

February 16, 2023

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

**Re: Food Labeling: Nutrient Content Claims; Definition of Term “Healthy”, Docket No. FDA-2016-D-2335**

**To Whom It May Concern:**

The National Potato Council (NPC) represents the interests of all commercial potato growers in the United States. We are pleased to provide the following comments to the Food and Drug Administration (FDA) on its work to update the definition of the nutrient content claim “healthy.”

NPC supports efforts to empower all consumers to make and have access to healthy choices. Potatoes are an important vegetable in the American diet. They provide essential nutrition and can be purchased and prepared in a wide variety of ways for consumption by the general population, including those both young and old. As a highly versatile and cost-effective vegetable, they play a valuable role within healthy dietary patterns.

Under the current “healthy” definition, only 5 percent of all packaged foods are labeled as “healthy.”<sup>1</sup> Through the updated proposal, FDA has an opportunity to expand the use of the claim. FDA should consider updates to the “healthy” nutrient content claim to increase consumer transparency and help consumers put foods into the context of an overall healthy diet. NPC asks FDA to consider the following in the updates to the definition of “healthy.”

- Maintain nutrients-to-encourage as a criteria to meet the “healthy” claim and focus on under-consumed nutrients (e.g., potassium, dietary fiber), as recognized by the 2020-2025 Dietary Guidelines for Americans
- Establish thresholds for nutrients to limit (e.g., sodium, added sugar) that are flexible, reasonable, and encourage product innovation
- Increase flexibility for the proposed approach to calculating Food Group Equivalents (FGEs) and provide tools for the industry to calculate this metric

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<sup>1</sup> 87 Fed. Reg. at 59169.

- Clarify that just because a food does not meet the voluntary definition of “healthy” does not mean it is “unhealthy”.

### **FDA should maintain and update requirements for nutrients-to-encourage as part of the “healthy” rule**

NPC appreciates that FDA is working to modernize the criteria for what is considered “healthy.” While NPC appreciates FDA’s including food groups to encourage, we believe that only focusing on nutrients to limit and food groups misses an important opportunity to promote nutrients-to-encourage. To meet the current definition of “healthy,” foods must meet certain nutrient limits but also provide “at least 10% of the Daily Value (DV) for one or more of the following nutrients: vitamin A, vitamin C, calcium, iron, protein, and fiber.” NPC encourages FDA to maintain the nutrients-to-encourage criteria approach, but update this list to be in line with the most recent recommendations from the 2020-2025 Dietary Guidelines for Americans, which recommend “calcium, potassium, dietary fiber, and vitamin D.”<sup>2</sup>

FDA should include nutrients-to-encourage to help capture food products that are nutrient-dense and can help US consumers meet dietary recommendations. Potatoes, for example, are a vegetable that provides significant amounts of nutrients under-consumed by most Americans, including nutrients of public health concern like potassium and fiber.<sup>3</sup> White potato is also an important source of essential nutrients, including vitamin C, vitamin B6, dietary fiber and magnesium, and iron, as well as important phytonutrients. In fact, one medium (5.3 oz.) potato with the skin provides 620 mg of potassium (a “good source” based on the daily value), 27 mg of vitamin C (an “excellent source” based on the daily value), 0.2 mg of vitamin B6 (a “good source” based on the daily value) and 2 grams of fiber per serving.<sup>4</sup> Including nutrients-to-encourage as part of FDA’s “healthy” definition would help consumers understand how vegetables such as potatoes could help meet their dietary needs.

Similarly, such an approach would align with the most recent updates to FDA nutrition labeling.<sup>5</sup> Potassium, and Vitamin D, two nutrients that are under-consumed by the general public, are now required to be listed on the nutrition facts panel. Including nutrients-to-encourage would not only help promote nutrient dense foods but may also help increase consumer awareness and transparency. Consumers could review a label and understand why a product meets the criteria for the “healthy” claim. When only using a food group approach, consumers cannot verify that the product meets the new definition of “healthy” because food group equivalents are not indicated on a food label.

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<sup>2</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020.

<sup>3</sup> Potato product form impacts in vitro starch digestibility and glucose transport but only modestly impacts 24 h blood glucose response in humans - Food & Function (RSC Publishing) [Internet]. [cited 2020 Apr 7]. Available from: <https://pubs.rsc.org/en/content/articlelanding/2019/fo/c8fo02530d#!divAbstract>

<sup>4</sup> <https://p.widencdn.net/vpjxzm/Potatoes-nutritional-label-2019-ENGLISH>

<sup>5</sup> Federal Register. Food Labeling: Revision of the Nutrition and Supplement Facts Labels. Food and Drug Administration. May 27, 2016.

## **FDA should clarify the approach to calculating Food Group Equivalents (FGEs) and provide tools for the industry to calculate this metric**

NPC appreciates FDA’s approach to including FGEs in the proposed “healthy” criteria to encourage increased consumption of fruits and vegetables. This is particularly important as Americans still do not consume enough fruits and vegetables.

- Approximately 9 in 10 Americans do not eat enough fruits and vegetables<sup>6</sup>, and the amount of fruits and vegetables consumed since 2004 has not increased.<sup>7</sup>
- Toddlers ages 12-23 months are recommended to consume 2/3–1 cup of vegetables daily, and older toddlers ages 2-4 years are recommended to consume 1–2 cups daily. Yet, the average consumption of vegetables among children aged 2-5 years is less than one cup (0.7 cups).

However, while well intended, FDA’s proposed approach to FGEs may limit products that can meet these requirements purely because they don’t provide the required amount of FGE equivalents. In the proposed rule,

- Individual foods must contain 1 full FGE, and mixed products must contain ½ FGE each from two food groups.
- For the vegetable group, a mixed product would need to contain at least ½ of a FGE from two different food groups.

It is confusing to determine how FDA is calculating what meets a FGE requirement. It is unclear how foods that contribute partial FGEs would or could contribute to the total FGE requirement of a finished product. Food does not always contain precisely one full FGE from one, two, or three distinct food groups, but it can still be nutrient dense. In other cases, FDA’s proposed FGE is larger than the product itself. Some processed potato products with small serving sizes (<30 grams), would not be able to qualify as “healthy” because they could not provide a full food group equivalent per RACC.

Potatoes are commonly included in individual products, mixed dishes, and meals and can be purchased and prepared in a wide variety of ways for consumption by the general population. Potato products are nutrient-dense, but in many cases it is unclear how they would meet FGE requirements. To illustrate this, NPC has provided the following examples of commonly consumed potato products. We ask FDA to provide additional guidance on how to determine if such products would meet FGE requirements.

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<sup>6</sup> Lee-Kwan SH, Moore LV, Blanck HM, Harris DM, Galuska D. Disparities in State-Specific Adult Fruit and Vegetable Consumption - United States, 2015. *MMWR Morb Mortal Wkly Rep.* 2017 Nov 17;66(45):1241-1247. doi: 10.15585/mmwr.mm6645a1. PMID: 29145355; PMCID: PMC5726245.

<sup>7</sup> Bowman SA, Clemens JC, Friday JE, Schroeder N, Shumizu M, LaComb RP, and Moshfegh AJ. Food Patterns Equivalents Intakes by Americans: What We Eat in America, NHANES 2003-2004 and 2015-2016. Food Surveys Research group. Dietary Data Brief No.20, November 2018.

Nutrition Facts			Cholesterol	0mg	0%
Serving Size 3/4 cup (95g)			Sodium	300mg	13%
Serving Per Container About 7			Total Carbohydrates	17g	6%
Amount Per Serving			Dietary Fiber	1g	5%
Calories	70kcal		Sugars	1g	
Calories From Fat	0		Protein	2g	4%
	% Daily Value*		Vitamin A		0%
Total Fat	0g	0%	Vitamin C		0%
Saturated Fat	0g	0%	Calcium		0%
Trans Fat	0g		Iron		4%

### Ingredients:

POTATOES, SALT, SODIUM ACID PYROPHOSPHATE (TO RETAIN NATURAL COLOR).

- **Mashed potatoes:** frozen mashed potatoes = 95g/serving
- **Potatoes as part of a mixed dish:** Roasted Red Potato Blend = 75g/serving, includes potatoes, broccoli, carrots, corn, red bell pepper
- **Potatoes as part of a meal:** total meal = 226g/serving, includes chicken, sauce, potatoes, broccoli, red peppers; claims ½ cup vegetables; or Sheet Pan Meals, Chicken with Rosemary Brown Butter Potatoes = 118g/serving, includes roasted potatoes, broccoli, chicken. *NPC recognizes that this product would be under USDA’s labeling jurisdiction and asks FDA and USDA to provide clarity on use of the “healthy claim” in such situations.*
- **Vegetable and potato powders:** potato flakes = 19g/serving; We appreciate FDA’s approach to allowing dried fruits and vegetables to meet food group requirements. Similarly, powdered fruits and vegetables should also count toward the fruit and vegetable food groups. Dehydrated, flaked, and powdered potatoes, for example, can provide the same nutrition as fresh or frozen potatoes, regardless of their form. NPC encourages FDA to consider allowing vegetable powders to contribute to the vegetable FGE and provide guidance for calculating FGE contributions from these products.

To account for these scenarios, FDA should permit products to count partial FGEs or be more flexible on what can contribute to an FGE. FDA should also modify the criteria for products with small RACCs to require a smaller contribution to the food group equivalents. Overall, FDA could simplify the approach to FGEs by determining the criteria based on the “first ingredient.”

For example, for an individual product, if the first ingredient in the product is a vegetable, then the product would meet the FGE requirement for vegetables. If a food has a first ingredient that is a fruit, vegetable, whole grain, dairy food, or protein food is nutrient dense and contributes a meaningful amount of that food group to the diet.

Finally, we strongly encourage FDA to provide more guidance for manufacturers on how to calculate FGEs. For the fruit and vegetable groups, there is no guidance on how to convert various forms of these foods into a ½ cup or 1 oz equivalent, taking into consideration the changes in density that occur from processing steps like chopping, pureeing, grating, cooking, and many

others. Additional guidance would help ensure that manufacturers are calculating requirements consistently and limit interpretation.

**FDA should establish thresholds for nutrients to limit (e.g., added sugar, sodium) that are flexible, reasonable, and encourage product innovation**

NPC supports FDA’s efforts to update the “healthy” definition to reflect current dietary guidance including removing the thresholds for total fat and cholesterol. However, NPC believes that FDA should take a more flexible approach to the thresholds for nutrients to limit in the proposed rule. Consumers rely on a wide variety of foods over the course of a day. The strict thresholds for nutrients to limit will eliminate most packaged products from qualifying for the use of the term. Healthy packaged and prepared products can help meet the needs of consumers and “meet consumers where they are.”<sup>8</sup> For example, while consumers can buy and prepare fresh potatoes, they can also utilize frozen or canned versions or consume potatoes through prepared meals or ready-to-eat side dishes like mashed potatoes or hash browns. FDA should review the thresholds for nutrients to limit so that consumers can understand how packaged products fit into a healthy dietary pattern.

As proposed, products that are in the vegetable category must meet requirements of 0%DV (0 grams) added sugar, 10% DV (230mg) sodium, and 5 %DV (1 g) of saturated fat. This overly restrictive approach does not align with the recommendations for the 2020-2025 Dietary Guidelines for Americans that recommend added sugar be limited to >10% (50 grams) across the totality of the day (or a 2,000 calorie diet).<sup>2</sup> As proposed, nutrient-dense potato products would not meet the requirements for “healthy” if they contained a small amount of added sugar.

- Under the proposed rule, many products such as frozen and canned potatoes with small amounts of added sugar/sodium, frozen or canned vegetable soups, frozen hash browns, or other potato products would be excluded due to the strict requirements for nutrients to limit.

Similar to added sugar, NPC believes that in alignment with the 2020-2025 Dietary Guidelines for Americans, and FDA’s own strategy for voluntary sodium reduction, there is more room for sodium in products than the current “healthy” criteria. The proposed sodium thresholds are 25-50% lower than those in the current “healthy” criteria. This drastic reduction does not align with an incremental approach to reduce sodium overall or help encourage industry innovation for lower sodium products. Consumers are more likely to accept a gradual reduction of sodium which is not aligned with the much smaller decrease in the percent daily value for sodium of 4% since the “healthy” criteria were first issued.

NPC recommends that to address this, FDA set consistent thresholds for nutrients to limit across added sugar, sodium, and saturated fat across food categories. Instead of establishing different limits for sodium depending on the food group, FDA could set **consistent nutrient thresholds** for

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<sup>8</sup> See *Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health*, The White House, p. 22 (Sept. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>.

the categories of individual foods, mixed dishes, and meals. To better align with FDA's current "healthy": definition framework, FDA could require that all individual foods meet the same requirements for sodium, added sugar, and saturated fat. These levels should be achievable by industry. In particular, we ask FDA to establish the added sugar and sodium thresholds below:

***Individual or Mixed Food, Small RACC ≤30g:***

- Added Sugar: 10% DV
- Sodium: 10% DV

***Individual or Mixed Food, RACC >30g***

- Added Sugar: 20% DV
- Sodium: 20% DV

Such an approach would be clear, transparent to implement and, as it is more realistic, would better incentivize manufacturers to reformulate. NPC encourages FDA to evolve the definition of "healthy" to reflect variability and a range of possible healthy dietary patterns.

**FDA should clarify that just because a food does not meet the voluntary definition of "healthy" does not mean it is "unhealthy"**

As FDA's finalizes the rule, NPC encourages the agency to clarify that though the voluntary rule sets a definition for what products can voluntarily use the "healthy" claim, it does not define what is "unhealthy." FDA should consider consumer education efforts to help consumers understand how both foods that are eligible to bear this voluntary claim, and those that do not, fit into the context of an overall healthy dietary pattern.

**Conclusion**

In conclusion, NPC is pleased to provide comments to FDA as it continues its work to finalize the "healthy" definition. NPC supports efforts to empower all consumers to make and have access to healthy choices. As outlined above, we think potato products can and should be considered part of a healthy diet. The potato industry continues to provide access to affordable, accessible, better-for-you products in the marketplace. We encourage the agency to consider the proposed changes outline above that could help encourage consumers to increase intake of nutrient-dense vegetables like potatoes.

Thank you for your consideration.

Sincerely,



W. Kam Quarles  
Chief Executive Officer  
National Potato Council

