



POLICY & ACTION FROM CONSUMER REPORTS

May 10, 2016

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Submitted via www.regulations.gov.

**Comments of Consumers Union to the Food and Drug Administration on Use of the
Term “Natural” in the Labeling of Human Food Products
Docket No. FDA-2014-N-1207**

Consumers Union, the policy and advocacy arm of Consumer Reports,¹ welcomes the opportunity to comment on the use of the term “natural” in the labeling of human food products.

On June 26, 2014, we submitted a Citizen Petition to the FDA requesting that the agency ban the term “natural” on food labels. FDA noted that the receipt of our Citizen Petition was one of the recent events that prompted its November 12, 2015, Notice for Request for Comments on this topic.

We urge the agency to take the input provided through this public comment process and move expeditiously toward formal rulemaking.

We continue to believe that the FDA should ban the use of the term “natural” on food labels.

Our national survey findings consistently show that a majority of consumers are misled by the “natural” label. We believe that banning the term “natural” would be the least cumbersome and least expensive course of action for the FDA to ensure that consumers are no longer misled by the label.

¹ Consumers Union is an expert, independent, nonprofit organization whose mission is to work for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves. It conducts this work in the areas of food and product safety, telecommunications reform, health reform, financial reform, and other areas. Consumer Reports is the world’s largest independent product-testing organization.

Consumers looking for foods produced with no or limited use of synthetic pesticides, artificial processing aids and artificial ingredients, and without genetically engineered organisms, can and should look for the organic label, which is backed by USDA standards and third-party verification. Federal standards already exist for a label—USDA Organic—that largely meets consumer expectations for important objectives such as avoiding pesticides, artificial processing aids, artificial ingredients and genetically engineered organisms. The FDA should not “reinvent the wheel,” and the easiest solution to fixing this consumer confusion would be to ban the use of the term “natural” on food labels.

If the FDA determines that it cannot or will not ban the use of the term “natural” on food labels, the agency should define the term through formal rulemaking in a manner that is consistent with consumer expectations for the term “natural” on food labels. Any food product bearing the “natural” label should be deemed to be misbranded unless it meets the standard promulgated by the agency. The FDA should establish a third-party verification system to adequately enforce the new standard.

We believe the following standard for food labeled “natural” would be consistent with consumer expectations for the use of the term:

1. The FDA should address food production methods, not just processing methods and ingredients, when defining standards for use of the term “natural” on food labels. Consumer Reports survey data show that large majorities of consumers believe that food labeled “natural” was produced without the use of pesticides or genetically modified organisms. These and other production methods are currently addressed by the USDA’s organic standards. Therefore, to align the natural label with consumer expectations, the FDA should require all food labeled “natural” to also be certified organic, as a baseline. In fact, the Consumer Reports surveys show that most consumers already believe that “natural” and organic are largely synonymous.

Unlike the current standards governing use of the term “natural” on food labels, use of the word “organic” on food labels is tightly regulated by the U.S. Department of Agriculture (USDA) under the Organic Foods Production Act (OFPA) and is verified by third parties. In addition to addressing consumer expectations with regard to food production methods, organic standards also prohibit certain food handling practices, such as irradiation, which should also be prohibited for food labeled “natural.”

We believe that by establishing certified organic standards as the baseline for defining standards for the use of the term “natural,” the FDA can take advantage of the existing structures of USDA organic certification, verification and enforcement, without having to establish an elaborate and costly system to oversee the use of the term “natural” on foods under its jurisdiction. In this way, as USDA organic standards are strengthened over time to meet consumer expectations, the “natural” label itself is also strengthened. For example, Consumers Union is currently advocating for improved organic standards governing animal welfare practices for organic livestock and poultry production.

However, even with the needed improvements in animal welfare standards, we are not arguing that the organic label alone is sufficient for meeting consumer expectations with regard to the use of the term “natural” on food labels. We are merely arguing that using certified organic standards as the baseline for the “natural” label definition goes a long way toward meeting consumer expectations with regard to the use of the term “natural,” without having to “reinvent the wheel” by redoing a process already undertaken by the USDA through the initial organic rule finalized in 2002 and the years of iterative reforms to that rule since that time.

2. In addition to using the USDA certified organic standards as the baseline definition for the term “natural,” we also urge the FDA to address consumer expectations with regard to the use of artificial and synthetic ingredients in food, by codifying the agency’s existing understanding of the word “natural” with regard to artificial or synthetic ingredients.

As stated by the agency in the *Federal Register* announcement on this topic, the FDA “has considered the term ‘natural’ to mean that nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in that food.” However, this policy has been largely unenforced by the FDA, thus allowing foods labeled “natural” to continue to mislead and deceive many consumers. The Consumer Reports 2015 survey shows that 61 percent of consumers surveyed believe that food labeled “natural” does not contain any artificial ingredients or colors, and 84 percent believe that food labeled “natural” should meet that standard.²

Therefore, the FDA’s “no artificial or synthetic ingredient” policy should be implemented as a regulation under the Federal Food, Drug, and Cosmetic Act (FFDCA), in a manner that clearly defines “artificial” and explicitly excludes as foods labeled “natural” those containing nanomaterials or ingredients produced through synthetic biology or genomic editing.

While the USDA’s certified organic standards go part of the way toward this standard, it is not sufficient for the FDA to simply reference organic standards as a way to address consumer expectations regarding use of artificial or synthetic ingredients in food, because organic standards allow for the use of some synthetic ingredients if they meet certain statutory (i.e., OFPA) criteria.

3. In setting this standard, the FDA should also establish a third-party verification process. It is not sufficient for food companies to be allowed to self-certify their compliance.

² Consumer Reports National Research Center “Survey Research Report: Natural Food Labels Survey,” December 2015. https://www.consumerreports.org/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf.

CONSUMER REPORTS SURVEY DATA

Our 2014 Citizen Petition to the FDA included data from our 2014 national poll, conducted by the Consumer Reports National Research Center, to support our assertion that consumers are being misled by the “natural” label on foods.³ Since the comment period opened in November 2015, we conducted two additional national consumer surveys, in December 2015 and February 2016.⁴ The additional data not only reinforce our position, but show an increase in the intensity of consumer interest in issues such as avoiding foods grown with pesticides, foods processed with chemical processing aids, and foods containing GMOs and artificial ingredients.

Our 2016 survey found that more people purchase natural foods than organic foods—73 percent versus 58 percent. This gap between consumers choosing foods labeled “natural” versus organic has grown since our 2014 survey when 59 percent of consumers looked for the natural label and 49 percent looked for organic.

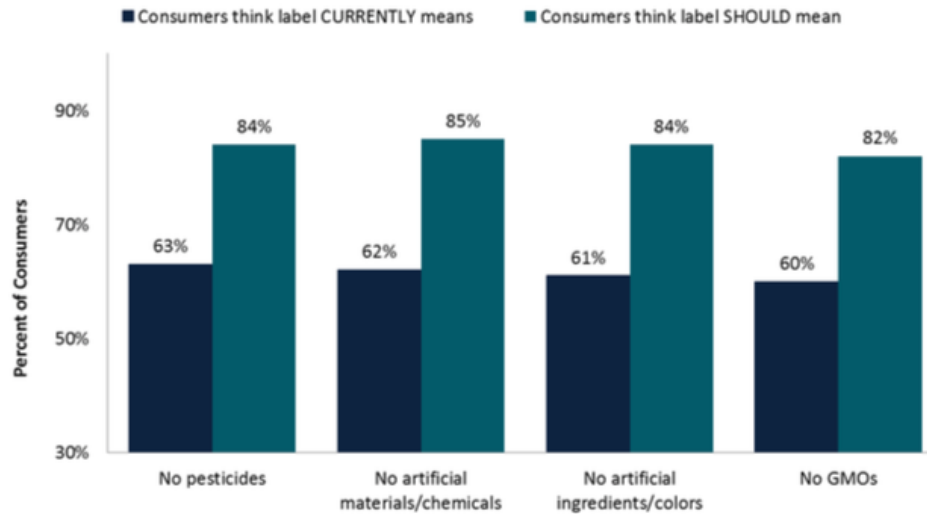
The 2014 survey and 2015 survey data strongly suggest that a majority of U.S. consumers are misled by the “natural” label. In our 2014 survey findings, 66 percent of consumers thought the “natural” label on processed food products means no toxic pesticides were used, 66 percent thought it means no artificial ingredients or colors were used, 65 percent thought it means no chemicals were used during processing and 64 percent thought it means no GMOs were used.

Our December 2015 data show those numbers went down only slightly, and consumers continue to be misled by the “natural” label. Sixty-three percent of consumers think the “natural” label on processed food products means no toxic pesticides were used, 61 percent think it means no artificial ingredients or colors were used, 62 percent think it means no chemicals were used during processing and 60 percent think it means no GMOs were used.

³ Consumer Reports National Research Center “Survey Research Report: Food Labels Survey,” April 2014. <http://www.greenerchoices.org/pdf/ConsumerReportsFoodLabelingSurveyJune2014.pdf>.

⁴ Consumer Reports National Research Center “Survey Research Report: Natural Food Labels Survey,” December 2015. https://www.consumerreports.org/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf.

Consumer Perception of NATURAL Label on Packaged and Processed Foods



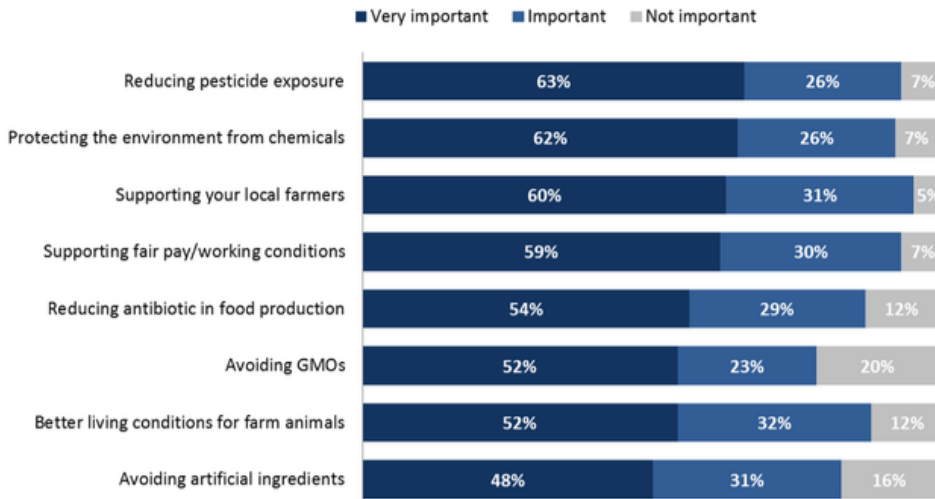
Base: Food shoppers (967)

In our surveys, we asked not only what consumers think the natural label means, but also what they think the label should mean. When asked in 2014 what they thought the “natural” label should mean, 87 percent of consumers responded no artificial materials or chemicals should be used during processing, 86 percent responded no artificial ingredients or colors should be used, 86 percent responded no toxic pesticides should be used, and 85 percent responded no GMOs should be used.

Consumers continue to have high expectations for the term “natural” on food labels. When asked in December 2015 what they think the “natural” label should mean, 85 percent responded no artificial materials or chemicals should be used during processing, 84 percent responded no artificial ingredients or colors should be used, 84 percent responded no toxic pesticides should be used, and 82 percent responded no GMOs should be used.

In our December 2015 survey, the overwhelming majority of food shoppers responded that it is important to reduce pesticide exposure (89%), to protect the environment from chemicals (88%), to avoid artificial ingredients (79%) and to avoid GMOs (75%). Our data show that the intensity of these objectives has increased. The percentage of consumers who responded that avoiding artificial ingredients is important or very important to them increased from 69 percent in 2014 to 79 percent in 2015.

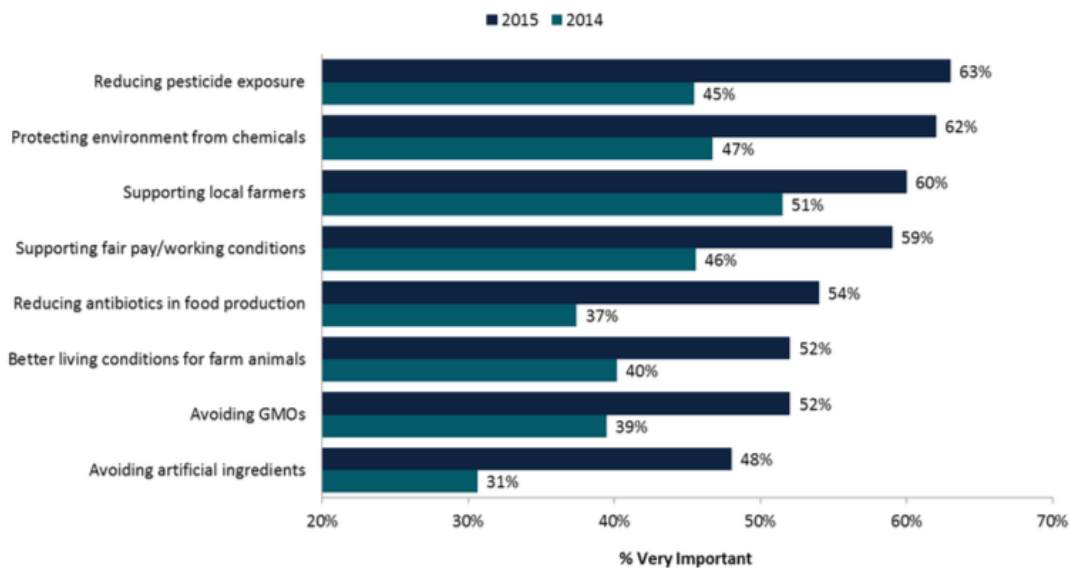
Importance of Objectives to Consumers



Base: All respondents (1005)

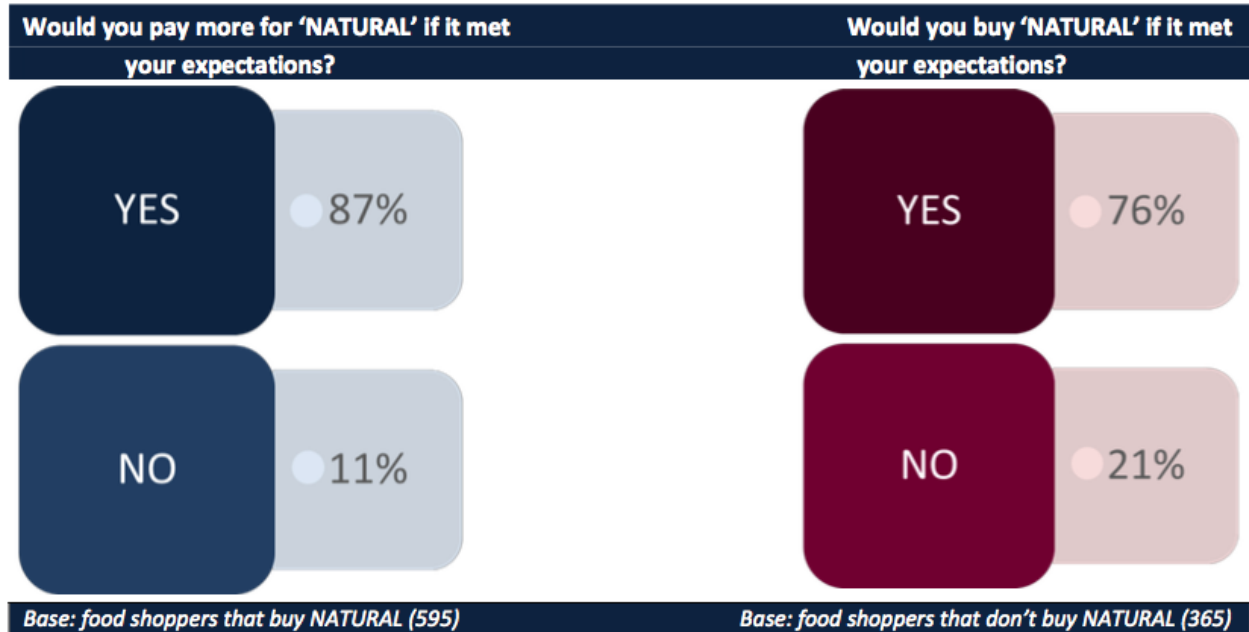
The percentage of consumers who responded that certain objectives are *very important* also increased. Forty-five percent of consumers responded that reducing pesticide exposure is *very important* to them in 2014, and this increased to 63 percent in 2015. The percentage of consumers who responded that protecting the environment from chemicals is *very important* increased from 47 percent in 2014 to 62 percent in 2015. Avoiding GMOs was a *very important* objective for 39 percent of consumers in 2014, and this increased to 52 percent in 2015.

Growth in Importance 2015 vs. 2014



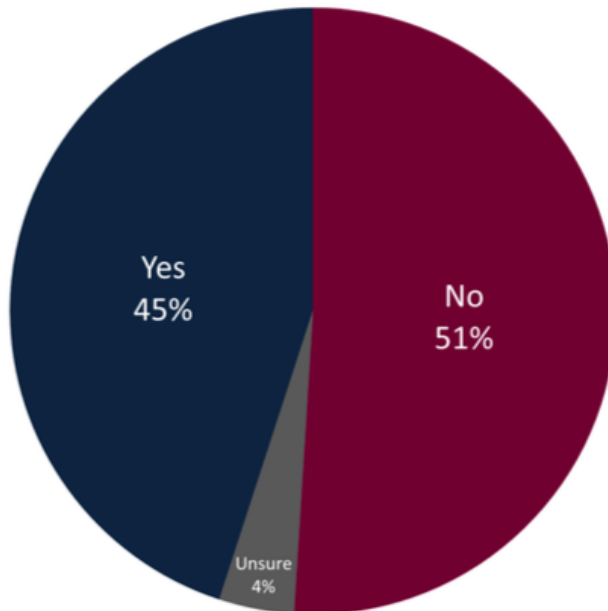
Base: All respondents (2015 = 1005; 2014 = 1004)

According to our 2015 survey results, 62 percent of consumers buy foods labeled “natural.” The overwhelming majority (87%) of these consumers would pay even more for food labeled “natural” if the label met their expectations. Accordingly, among consumers who currently do not buy food labeled “natural” (38%), more than three-quarters (76%) would buy food labeled “natural” if the label met their expectations.



Another important finding in our December 2015 survey is that nearly half (45%) of consumers think that the “natural” label is verified, and 4 percent responded they are “unsure.” The “natural” label is currently not verified, and these results underscore the need for either a ban of the term “natural,” or a standard that includes verification.

Do you think the NATURAL label is verified?



Base: Food shoppers (967)

Our data also show that consumers who buy foods with the “natural” label feel strongly about health, safety and environmental objectives. Ninety-five percent of consumers who buy foods with the “natural” label responded that it is important to them to reduce exposure to pesticides in foods and protect the environment from chemicals such as pesticides. Avoiding artificial ingredients such as preservatives, colors or flavors is important to 86 percent of consumers who buy foods labeled “natural,” and avoiding genetically engineered ingredients in foods is important to 82 percent of consumers who buy foods labeled “natural.” Yet the “natural” label on foods currently does not offer these added values, which suggests many consumers who buy foods labeled “natural” are misled by the label.

It is important to note that these percentages are nearly identical for consumers who responded that they purchase foods labeled “natural” only and consumers who responded they buy foods labeled “organic” only. These additional data suggest that there is widespread confusion among consumers who may not understand the critical differences in meaning and verification between the “organic” and “natural” labels. They also suggest that consumers who care about avoiding GMOs and artificial ingredients and reducing the use of pesticides in agriculture may not realize that purchasing foods labeled “natural” does not ensure these expectations are met.

CONSUMER REPORTS ARTICLE AND MEDIA COVERAGE ON “NATURAL” LABELING

In September 2014, three months after we filed the Citizen Petition with the FDA, we held an all-day event at San Francisco City Hall titled “America’s Most Wanted Food Labels.” The event explored food labels and underlying practices that support a sustainable food system, as well as the labels that aren't meaningful, with a special focus on the “natural” label.

Since the release of the Notice for Request for Comments in November 2015, we published a Consumer Reports story on the “natural” label in our March 2016 print magazine (attached) and on *ConsumerReports.org*, titled “[Peeling Back the ‘Natural’ Label](#).”⁵

On social media, Consumer Reports’ Instagram account featured 25 “natural” labeled products in the month of February 2016 as part of our #FixNatural campaign. Seven of these products were also featured in the print magazine and online story. We purchased these products in December 2015 and January 2016, and all used the term “natural” on the label. To introduce these products, we wrote: “These products contain some ingredients that you probably don’t think of as natural. We are not asserting that any of the products violate any laws, but we do believe that the government’s lack of meaningful standards allows for misleading uses of the natural label.”

Ingredients in these products included artificial preservatives such as potassium sorbate and sodium benzoate; artificial colors such as caramel color; oils and gums extracted with chemical solvents; chemically processed additives such as cellulose, dextrose and citric acid; and ingredients derived from genetically engineered organisms.

Our #FixNatural Labels campaign on Instagram received the best engagement in Consumer Reports’ social media history. Traditional media also widely covered the campaign, including a segment with NBC Nightly News⁶ and CBS This Morning.⁷

CONSUMERS UNION RESPONSES TO FDA QUESTIONS

Should we define, through rulemaking, the term “natural?” Why or why not?

We continue to believe that the FDA should ban the term “natural” on food labels.

If the FDA determines that it cannot or will not ban the use of the term “natural” on food labels, the agency should define the term via rulemaking in a way that sets a high bar.

⁵ <http://www.consumerreports.org/food-safety/peeling-back-the-natural-food-label/>.

⁶ <http://www.nbcnews.com/nightly-news/video/how-natural-food-labels-are-misleading-consumers-629469251662>.

⁷ <http://www.cbsnews.com/news/natural-food-labeling-misleading-consumer-reports-fda-lacks-regulations>.

Specifically, the FDA should address food production methods. Consumer Reports survey data show that large majorities of consumers believe that food labeled “natural” was produced without the use of pesticides or genetically modified organisms.⁸ To align the “natural” label with consumer expectations, the FDA should require all food labeled “natural” to also be certified organic, as a baseline. In fact, our surveys show that most consumers believe that “natural” and organic already mean largely the same things. Unlike the current standards governing use of the term “natural” on food labels, use of the word “organic” on food labels is tightly regulated by the U.S. Department of Agriculture under the Organic Foods Production Act (OFPA) and verified by third parties. In addition to addressing consumer expectations with regard to food production methods, organic standards also prohibit certain food handling practices, such as irradiation, which should also be prohibited for food labeled “natural.”

We believe that by establishing certified organic standards as the baseline for defining standards for the use of the term “natural,” the FDA can take advantage of the existing structures of USDA organic certification, verification and enforcement, without having to establish an elaborate and costly system to oversee the use of the term “natural” on foods under its jurisdiction. In this way, as USDA organic standards are strengthened over time to meet consumer expectations, the “natural” label itself is also strengthened.

The FDA should codify existing understanding of the word “natural” with regard to artificial or synthetic ingredients. As stated by the agency, the FDA “has considered the term “natural” to mean that nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in that food.” This policy should be implemented as a regulation and enforced under the FFDCa. Third-party verification should be required as well. While organic standards go part of the way toward this standard, it is not sufficient for the FDA to simply reference organic standards as a way to address consumer expectations regarding use of artificial or synthetic ingredients in food, because organic standards allow the use of some synthetic ingredients if they meet certain statutory (*i.e.*, OFPA) criteria.

The FDA should also require third-party verification of the label.

Should we prohibit the term “natural” in food labeling? Why or why not?

Yes. Consumers Union continues to believe that the FDA should ban the term “natural” on food labels. As noted in our 2014 Citizen Petition, survey findings show that a majority of consumers are misled by the “natural” label. Our 2014 and 2015 survey results suggest that nearly two-thirds of U.S. consumers are currently misled by the “natural” label on food and nearly 90 percent expect it to mean much more than it does. FFDCa states that “a food shall be deemed to be misbranded” if “its labeling is false or misleading in any particular” (21 USC §343(a)(1)). We believe that foods with

⁸ Consumer Reports National Research Center. Food Labels Survey: 2014 Nationally-Representative Phone Survey. Available at: <http://www.greenerchoices.org/pdf/ConsumerReportsFoodLabelingSurveyJune2014.pdf>.

misleading “natural” labels are “misbranded,” as outlined by the FFDCA, and the FDA should ban the term “natural” on food labels.

We believe that banning the term “natural” would be the least cumbersome and least expensive course of action for the FDA to ensure that consumers are no longer misled by the label.

Consumers looking for foods produced with no or limited use of synthetic pesticides, artificial processing aids and artificial ingredients and without genetically engineered organisms, can and should look for the organic label, which is backed by USDA standards and third-party verification. Our data suggest that consumers equate “natural” with “organic.” Federal standards already exist for a label that largely meets consumer expectations for important objectives such as avoiding pesticides, artificial processing aids, artificial ingredients and genetically engineered organisms. The FDA should not “reinvent the wheel” and the easiest solution to fixing this consumer confusion would be to ban the use of the term “natural” on food labels.

If we define the term “natural,” what types of food should be allowed to bear the term “natural?”

We do not believe that the FDA should determine which types of food should be allowed to bear the term “natural.” Rather, we believe the FDA should either ban the term, or define it. If FDA chooses to set a standard for the term “natural” on food labels, it should mean USDA certified organic plus no artificial ingredients, with third-party verification.

If the FDA chooses to set a standard for “natural” foods, then any food regulated by the FDA that meets the standard should be allowed to bear the term “natural.”

We urge the USDA to do the same. We petitioned the USDA to take action to address consumer deception and confusion regarding the use of the term “natural” on meat and poultry product labels. The USDA’s Food Safety and Inspection Service has jurisdiction over the labeling of these products. Similar to the foods under the FDA’s jurisdiction, consumers expect meat and animal products labeled “natural” to meet high standards, including strong animal welfare standards.

Should only raw agricultural commodities be able to bear the term? Why or why not? Section 201(r) of the FD&C Act defines the term “raw agricultural commodity” as “any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.”

No. See our answer to the question about which types of foods should be allowed to bear the term “natural” on the label.

Should only single ingredient foods, e.g., bottled water or bagged spinach, be able to bear the term? Why or why not?

No. See our answer to the question about which types of foods should be allowed to bear the term “natural” on the label.

If multi-ingredient foods should be able to bear the term, what type(s) of ingredients would disqualify the food from bearing the term? Please explain why such disqualification would be warranted.

See our answer to the question about which types of foods should be allowed to bear the term “natural” on the label.

We are interested in any data or other information to suggest that consumers associate, confuse, or compare the term “natural” with “organic” (the USDA Agricultural Marketing Service administers the National Organic Program, which enforces laws and regulations regarding certified organic foods). We are interested in data and other information about consumers’ understanding of foods labeled “natural” versus “organic.” Is the term “natural” on food labels perceived by consumers the same way as “organic?” Or is “natural” perceived by consumers to be “better” (or not as good as) “organic?” Please provide consumer research or other evidence to support your comment.

The Consumer Reports National Research Center conducted a nationally representative phone survey to assess consumer opinion regarding the labeling of food in 2014 and 2015. These surveys show that most consumers believe that “natural” and organic are largely synonymous. We are attaching the full reports with the findings from these surveys to this comment.

Our 2015 survey results also show that there is little or no difference between consumers who buy foods labeled “natural” only and foods labeled “organic” and how strongly they feel about objectives such as reducing pesticide exposure, protecting the environment from chemicals such as pesticides, avoiding artificial ingredients and avoiding GMOs. This suggests that many consumers—those who buy foods labeled “natural” only—are very interested in these objectives, and their expectations are not met when they purchase foods with a “natural” label.

If we were to revise our policy regarding the use of the term “natural” or engage in rulemaking to establish a regulatory definition for “natural,” should certain production practices used in agriculture, for example, genetic engineering, mutagenesis, hybridization, the use of pesticides, or animal husbandry practices, be a factor in defining “natural?” Why or why not?

Yes, we believe that production practices, as well as processing methods and practices, should be addressed by the FDA as part of rulemaking on the “natural” label. We urge the FDA to move expeditiously toward formal rulemaking. If the FDA determines it cannot or will not ban the use of the term “natural” on food labels, we urge the agency to establish a standard for the term “natural” on food labels. When doing so, the agency should address food production practices used in agriculture. Consumer Reports survey data show that large majorities of consumers currently (mistakenly) think that food labeled “natural” is produced without the use of pesticides (63%) or genetically modified organisms (60%) and 84% and 82% think that the “natural” label should mean no

pesticides and no GMOs, respectively. A prohibition on synthetic pesticides and GMOs, and other production methods, are currently addressed by the USDA's organic standards. Therefore, to align the "natural" label with consumer expectations, the FDA should require all food labeled "natural" to also be certified organic, as a baseline.

Our 2015 survey results also show that there is little or no difference between consumers who only buy foods labeled "natural" and those who only buy foods labeled "organic" and how strongly they feel about objectives such as reducing pesticide exposure, protecting the environment from chemicals such as pesticides, avoiding artificial ingredients and avoiding GMOs. This suggests that many consumers—those who buy natural only—are very interested in these objectives, and their expectations are not met when they purchase foods labeled "natural."

We are interested in any data or other information to suggest that consumers associate, confuse, or compare the term "natural" with "healthy." We have a regulation that defines the term "healthy" when used as an implied nutrient content claim with specific conditions related to the food's nutrient profile that must be met in order to use the term on the label or in labeling of a food (see § 101.65(d)). We are interested in data and other information about consumers' understanding of foods labeled "natural" versus "healthy." Is the term "natural" on food labels perceived by consumers the same way as "healthy?" Or is "natural" perceived by consumers to be "better" (or not as good as) "healthy?" Do consumers view "natural" and "healthy" as synonymous terms? Please provide consumer research or other evidence to support your comment.

We do not have data on this topic nor do we think consumers should equate "natural" with "healthy." We do have data showing that consumers equate "natural" with "organic," which is concerning since organic foods are regulated and have standards.

Should manufacturing processes be considered in determining when a food can bear the term "natural?" For example, should food manufacturing processes, such as drying, salting, marinating, curing, freezing, canning, fermenting, pasteurizing, irradiating, or hydrolysis, be a factor in defining "natural?"

If the FDA chooses not to ban the term and instead chooses to set a standard for the term "natural" on food labels, "natural" should mean USDA certified organic plus no artificial ingredients, with third-party verification. Processes such as drying, salting, marinating and others that are allowed by federal organic standards for foods labeled "organic" should also be allowed for foods labeled "natural," whereas processes that are prohibited by the organic standards, such as irradiation and solvent extraction, should be prohibited for foods labeled "natural" as well.

Should the term "natural" only apply to "unprocessed" foods? If so, how should "unprocessed" and "processed" be defined for purposes of bearing the claim? If the term natural should include some processing methods, what should those methods be? In making determinations related to processing, should one look at the process to make

a single ingredient of a food, or does one evaluate the process done to the formulated finished food product (or both)?

No. We do not believe that the FDA should define “processed” and “unprocessed” at this time, nor should it determine whether “unprocessed” or “processed” foods should be allowed to bear the term “natural” on the label.

Rather, the FDA should either ban the term “natural,” or define it. If the FDA chooses not to ban the term and instead chooses to set a standard for the term “natural” on food labels, “natural” should mean USDA certified organic plus no artificial ingredients, with third-party verification. Any food regulated by the FDA that meets this standard, including processed foods, should then be allowed to be labeled as “natural.”

The current policy regarding use of the term “natural” hinges in part on the presence or absence of synthetic ingredients. For example, under the current policy synthetic forms of Vitamin D would not be used in a food claiming to be “natural,” whereas naturally sourced Vitamin D (e.g., from salmon or egg yolks) could be. Should the manner in which an ingredient is produced or sourced affect whether a food containing that ingredient may be labeled as “natural?” Please explain your reasoning.

The current policy of the FDA regarding the term “natural” is largely unenforced. On January 21, 2014, we wrote to the FDA regarding use of the term “natural” on labels of foods and beverages containing caramel color. In the FDA’s response letter,⁹ dated December 11, 2014, the agency wrote that “FDA does not have any regulation or guidance specifically about the term “natural” for labeling purposes.”

We urge the FDA to define “natural” as USDA certified organic and no artificial ingredients added. Foods containing artificial or synthetic sources of vitamins, such as Vitamin D, should not be labeled “natural.”

What can be done to ensure that consumers have a consistent and accurate understanding of the term “natural” in food labeling to ensure that it is not misleading?

The least burdensome and least expensive way to ensure that consumers are not misled by the term “natural” on food labels is to ban the use of the term. If the FDA cannot or will not ban the use of the term, the agency should set a standard to ensure that consumers have a consistent and accurate understanding of the term “natural” that is not misleading. If the FDA chooses to set a standard, we believe it should use the USDA organic standards as a baseline, and prohibit the addition of artificial ingredients. The term “natural” on food labels should also be third-party verified.

⁹ http://www.greenerchoices.org/pdf/12_11_14_Letter_from_FDA_Caramel_Color.pdf.

What are the public health benefits, if any, of defining the term “natural” in food labeling? Please provide supporting data and other information to support your comment.

Consumers are increasingly interested in a range of environmental, safety and social responsibility objectives when buying foods. Key objectives include reducing pesticide exposure (89%) and protecting the environment from chemicals (88%). A majority of consumers (63%) currently think that the “natural” label means no pesticides were used, and 84% think “natural” should mean no pesticides were used to produce the food. We have written about the human health and environmental consequences of pesticide use in agriculture, and we believe there are benefits to producing foods without the use of synthetic pesticides.¹⁰

Should “natural” have some nutritional benefit associated with it? If so, what should be the benefit? What nutrients should be considered? What data are available to support the association between “natural” and a given nutritional benefit, and/or between “natural” and certain nutrients?

No. The term “natural” should not be associated with nutritional benefit.

How might we determine whether foods labeled “natural” comply with any criteria for bearing the claim?

The FDA should ban the term “natural” on foods labels; if the agency chooses to define the term, it should ensure that labels with the “natural” term are third-party verified to ensure compliance. We urge the FDA to look to the USDA National Organic Program and take advantage of the existing structure for compliance and enforcement of the “organic” label.

SUMMARY

We urge the FDA to ban the use of the term “natural” on food labels. The use of the term “natural” on food labels is misleading to consumers, and should be considered false and misleading under the Federal Food, Drug, and Cosmetic Act (FFDCA).

If the FDA determines that it cannot or will not ban the use of the term “natural” on food labels, the agency should define the term via rulemaking in a manner that is consistent with consumer expectations for the word when it appears on food, and require third-party verification.

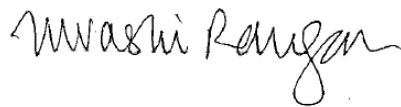
The FDA should address food production methods, not just processing methods and ingredients, when defining standards for the use of the term “natural” on food labels. The

¹⁰ Consumer Reports. March 2015. From Crop to Table: Pesticide Report. http://www.consumerreports.org/content/dam/cro/news_articles/health/CR_FSASC_FromCroptoTablePesticides_Mar2015.pdf.

FDA should not “reinvent the wheel” and should instead take advantage of the existing structures of USDA organic certification, verification and enforcement. In addition to using the USDA certified organic standards as the baseline definition for the term “natural,” we are also urging the FDA to address consumer expectations with regard to the use of artificial and synthetic ingredients in food, by codifying the agency’s existing understanding of the word “natural” with regard to artificial or synthetic ingredients.

Thank you for considering our comments.

Respectfully submitted,



Urvashi Rangan, Ph.D.
Director,
Food Safety and Sustainability



Charlotte Vallaey
Senior Policy Analyst,
Food Safety and Sustainability

Attachment 2: Letter, signed by twenty organizations.

Attachment 3: Consumer petition with nearly 250,000 signatures.

Attachment 4: Consumer Reports National Research Center, “Survey Research Report: Food Labels Survey,” June 2014.

Attachment 5: Consumer Reports National Research Center, “Survey Research Report: Natural Food Labels Survey,” December 2015.

Attachment 6: Consumer Reports National Research Center, “Survey Research Report: Food Labels Survey,” April 2016.

Attachment 7: Consumer Reports, “Peeling Back the ‘Natural’ Label.” March 2016. Print magazine.

Attachment 8: ConsumerReports.org, “The Trouble with Labels Like ‘Natural’ and ‘All Natural.’” February 2016. Online. <http://www.consumerreports.org/food-safety/the-trouble-with-labels-like-natural-and-all-natural>