

The FDA's New Food Label Guidelines - A Sneak Attack on Your Dietary Supplements

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Category: Articles

Published: 26 March 2014

In a glitzy roll-out last month featuring First Lady Michelle Obama and Food and Drug Administration (FDA) Commissioner Dr. Margaret Hamburg, the FDA proudly announced its first major changes to nutrition and supplement labeling in 20 years. If the FDA gets its way, you will see a large number of formatting and placement changes made to the current Nutrition Facts panel on food labels and to the Supplement Facts panel on dietary-supplement labels. The FDA's example of their proposed changes appears below.

But while the food industry and everyone else is focusing on the format changes, new wording, and the snazzy design set forth in the 109 pages of the FDA's Proposed Rulemaking, there – hidden in plain view like the Purloined Letter – is the real danger to our health: ***The FDA is harmonizing our vitamin-and-mineral levels down to the same ridiculous levels of Codex Alimentarius that NHF has fought at Codex for more than a decade.*** Not 100% harmonization, but mostly. Those dirty sneaks.

NHF First to Call Attention to This Danger

NHF was the first to raise the alarm about this danger with my article in *Whole Foods Magazine*, which drew the striking parallel between the FDA's proposed new Reference Daily Intakes (RDIs) for vitamins and minerals and the Nutrient Reference Values (NRVs) being pushed globally at the Codex level. The FDA's sneaky harmonization of vitamin-and-mineral daily levels downward to, in most cases, those miserably insufficient levels that the National Health Federation has fought at Codex meetings since 2004 is the biggest of all dangers in the new FDA Proposed Rulemaking for Food Labels.

It is heartening to see that other health-freedom organizations have read my words, taken them to heart, and then repeated my warning message to the general public. We need more people to jump on the bandwagon. This danger must be recognized, publicized widely, and stopped completely; and NHF encourages everyone to spread the word by sharing this article.

The Danger

Ever since the National Health Federation's victory at the 2009 Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) meeting (where an Australian-led attempt to reduce, across the board, vitamin-and-mineral NRVs was rebuffed), Australia and other Codex delegations have continued pushing their anti-nutrient agenda. Conspicuously silent during these debates has been the U.S. delegation. Now we know why.

Interestingly enough, Codex Alimentarius is mentioned in the FDA's Proposed Rulemaking multiple times. And with this Proposed Rulemaking, the FDA wants to dumb down our RDIs to the abysmally low Codex levels with no fewer than eight vitamins and minerals, while one (folic acid) already matches the Codex NRV and two others are within spitting distance. In the case of Biotin, FDA proposes to cut its Reference Daily Intake by 90% in order to match the Codex value!

Nutrient	Current RDIs	Proposed RDIs
<i>Vitamins:</i>		
Biotin	300 micrograms	30 micrograms.
Choline	550 ¹ milligrams	550 milligrams.
Folate	400 micrograms	400 micrograms DFE.
Niacin	20 milligrams	16 milligrams NE.
Pantothenic acid	10 milligrams	5 milligrams.
Riboflavin	1.7 milligrams	1.3 milligrams.
Thiamin	1.5 milligrams	1.2 milligrams.
Vitamin A	5,000 International Units	900 micrograms RAE.
Vitamin B ₆	2.0 milligrams	1.7 milligrams.
Vitamin B ₁₂	6 micrograms	2.4 micrograms.
Vitamin C	60 milligrams	90 milligrams.
Vitamin D	400 International Units	20 micrograms.
Vitamin E	30 International Units	15 milligrams.
Vitamin K	80 micrograms	120 micrograms.
<i>Minerals:</i>		
Calcium	1,000 milligrams	1,300 milligrams.
Chloride	3,400 milligrams	2,300 milligrams.
Chromium	120 micrograms	35 micrograms.
Copper	2.0 milligrams	0.9 milligrams.
Iodine	150 micrograms	150 micrograms.
Iron	18 milligrams	18 milligrams.
Magnesium	400 milligrams	420 milligrams.
Manganese	2.0 milligrams	2.3 milligrams.
Molybdenum	75 micrograms	45 micrograms.
Phosphorus	1,000 milligrams	1,250 milligrams.
Potassium ²	3,500 milligrams	4,700 milligrams.
Selenium	70 micrograms	55 micrograms.
Zinc	15 milligrams	11 milligrams.

The FDA's Table 2 reveals the details:

As you can see, a few RDIs have actually been raised, such as those for Vitamin C, Calcium, and Magnesium. In a few years, however, if the FDA has its way in implementing its Proposed Rulemaking, we can promise you that the FDA will work to conform the other Nutrient Values to those of Codex – either trying to force the Codex values up to FDA levels or else reducing FDA levels down to Codex ones.

You can find support for this promise by going back to at least the FDA's October 11, 1995, pronouncement in the *Federal Register*, where the FDA made no secret of its intention and desire to harmonize its food laws with those of the rest of the World. This current Proposed Rulemaking with its label changes simply proves that this intention is still very much alive.

Were those Global standards for vitamins and minerals higher than our own, then such a change might be advisable, even admirable. But we all know that most of the rest of the World *despises* supplementation, either separately or in foods, and since these proposed label changes for daily values apply equally to the Supplement Facts panel as they do to the Nutrition Facts panel, they are very dangerous changes indeed for the supplements that consumers rely upon.

There is a definite connection between these proposed **daily** values and **maximum upper permitted levels**, with harmonized global standards paving the way for overall **reduced** vitamin-and-mineral levels whether in pill form or food form. This is my 15th year of actively following and arguing about dietary-supplement and general-food standards and guidelines at Codex meetings and I have seen the trend. Believe me, the trend is not your friend, not here.

These Are Proposed Changes

You will not see these changes right away. First of all, they are proposed, not final. **Secondly, the FDA is accepting comments from the public for a ninety-day period, which ends on June 2, 2014. You should weigh in with your opinion, now.**

We ask that everyone opposed to this Proposed Rulemaking send their comments electronically to the FDA at <http://www.regulations.gov#!submitComment;D=FDA-2012-N-1210-0002> or in writing to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5360 Fishers Lane, Rm. 1061, Rockville, Maryland 20852. Mention Docket No. FDA-2012-N-1210.

Feel free to use, and embellish upon, the following wording from here to paste into your e-comment on the FDA website: "On Docket No. FDA-2012-N-1210, I am adamantly opposed to your proposed reduction of vitamin-and-mineral Reference Daily Intakes as shown in your Table 2, on page 11931. At a time when toxin intake is increasing and nutrient intake is decreasing, Americans need more vitamins and minerals on a daily basis, not less. Your unsupported goal of harmonizing our food laws to Codex standards and guidelines has been specifically prohibited by Congress, and I demand that you obey the law and immediately withdraw Table 2 and all supporting paragraphs of your Proposed Rulemaking for revision in line with modern nutritional science, which shows that we need a higher daily intake of B and other vitamins as well as more magnesium and other minerals such as selenium. Please act immediately to correct your serious errors."

Keep in mind that even if the Proposed Rulemaking becomes final, food manufacturers will have two years to bring their labels into compliance with the final rule. The FDA estimates that it will cost the industry approximately \$2 billion to comply, but NHF has never known the government to be even remotely correct about the true and final costs of compliance.

The FDA has dressed up its anti-nutrient label changes with all manner of accessories. But don't be fooled by the bling, for at the core lay the FDA's ignorance about and antipathy towards the benefits of vitamins and minerals. Tell the FDA exactly how you feel and how wrong it is.

[1] FDA News Release, "FDA proposes updates to Nutrition Facts label on food packages," February 27, 2014, at: <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm387418.htm>.

[2] See "Food Labeling: Revision of the Nutrition and Supplement Facts Labels," 79 *Federal Register* 11879-11987, March 3, 2014, at: <https://www.federalregister.gov/articles/2014/03/03/2014-04387/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels>.

[3] Scott Tips, "Living in the Past, Undermining Our Future," *Whole Foods Magazine*, published earlier this month and posted online at: <http://www.wholefoodsmagazine.com/columns/legal-tips/living-past-undermining-our-future>

[4] 79 *Federal Register*, Table 2 at page 11931, which reveals all.