

Industry Response to Labeling Initiatives:

Impact on Industry Activities Regarding Food Analysis and Nutrient Databases

Frances H. Seligson, Ph.D., R.D.
Hershey Foods Corporations
Hershey, Pennsylvania

INTRODUCTION

This presentation: (1) covers current practices at Hershey Foods for providing nutrition information to consumers and professionals; (2) addresses the impact of NLEA (The Nutrition Labeling and Education Act of 1990) and FDA (Food and Drug Administration) proposed regulations on these practices; and (3) highlights some concerns related to these labeling initiatives.

CURRENT PRACTICES

Hershey Foods has provided nutrition information on a voluntary basis for the majority of its products since 1973. For products manufactured by HCUSA (Hershey Chocolate USA), nutrition information is provided on the label for 75% of our products on a sales volume basis (Table 1). It is mostly our confectionery

products which carry nutrition label information and this information usually includes a voluntary declaration of total sugar. Nutrition information is available upon request for another 21% of our products, mostly our grocery products (i.e., baking chocolate, baking chips, and syrup), GOLDEN chocolate confections, and nonchocolate confections. The food label for many of these products contains our consumer 800 number; and the nutrition information which is available is based on a combination of analytical and calculated data. For the remaining 4% of HCUSA products, mostly low volume and/or seasonal items, nutrition information is not readily available but estimates can be obtained upon request.

HPG (Hershey Pasta Group) manufactures a wide variety of regional, branded pasta products, which account for 90% of its product sales (Table 2). All of

TABLE 1
Nutrition Information for
Hershey Chocolate USA Products

	<i>% of Sales</i>
Provided on food label ¹	75
Available upon request ²	21
None available ³	4

¹Confectionery; analytical data

²Grocery; analytical and calculated data

³Low volume/seasonal items

TABLE 2
Nutrition Information for
Hershey Pasta Group Products

	<i>% of Sales</i>
Provided on food label ¹	90
None available ²	10

¹Branded, enriched pasta

²Rice, dried beans, sauces, bread crumbs

the enriched products must and do carry nutrition information on the food label. HPG also sells instant mashed potatoes, dried rice and various legumes, sauces, and bread crumbs under regional brand names; and nutrition information typically is not available for these products.

Hershey Foods also provides nutrient information for confectionery and grocery products in brochure form upon request (Table 3). Our *Nutrition Information for Consumers* brochure lists nutrient data per serving in the format in which it is provided on the food label for most of our confectionery and grocery products. Cholesterol and total sugars are also provided. The information in this brochure is compiled from several sources, viz., product analysis and calculations using formulations and nutrient databases.

TABLE 3
Nutrient Information Brochures and Data Sheets

- Nutrition Information for Consumers¹
- Nutrition Information for Health Professionals²
- Cholesterol and Fatty Acid Information³

¹per serving; nutrition label format; cholesterol and sugar

²per 100 grams; analytical average; cholesterol, sugar, added minerals

³per serving and per 100 grams

Another brochure, *Nutrition Information for Health Professionals*, provides nutrition information per 100 grams for only those confectionery and grocery products with analytical data. In addition to those nutrients required on the food label under current regulations, information is presented for cholesterol, copper, magnesium, manganese, phosphorus, potassium, and zinc. It is this information that we provide to individuals who are building nutrient databases.

Cholesterol and fatty acid information is also available upon request for about 23 products manufactured by HCUSA. The information is provided both per serving, rounded according to nutrition labeling rules, and per 100 grams as the analytical average.

In compiling nutrient data for HCUSA confectionery and grocery products, we ideally like to use analytical results from seven production lots (each lot is represented by a composite of 12 samples) for the

information which appears on the label. This number of analyses gives us a high level of statistical confidence that our label information would be in compliance if challenged. For those nutrients which we provide voluntarily in brochures, we like to use the analytical results from at least three production lots. It costs about \$3,870 per product to obtain this amount of analytical information (Table 4).

IMPACT OF NLEA

The NLEA and FDA proposed regulations will definitely impact our current practices (Table 5). First and foremost, we have to develop nutrition label information for our entire product line, and we are currently in the process of taking inventory of our nutrient label database. We are trying to determine

TABLE 4
Nutrient Information Analytical Costs:
Current Practices

	Cost per Production <u>Lot Sample</u>	Number Production <u>Lots</u>	Total <u>Cost</u>
Current Label Requirements	\$435	7	\$3,045
Cholesterol & Fatty Acids	195	3	585
Additional Minerals	80	3	<u>240</u>
			\$3,870

TABLE 5
NLEA Impact on Current Practices

- All products will be labeled
- Fewer production lots will be analyzed
- Fewer optional nutrients will be analyzed
- Increased workload and staffing
- Upgrade computer system

what is needed in terms of product analyses, nutrient analyses, and costs to meet the demands of mandatory nutrition labeling. The cost incurred with obtaining analytical data for the basic nutrition label information required under NLEA and FDA proposed regulations will increase by about \$160 per product sample (Table 6), so we may decide to rely on fewer production lots to construct the basic nutrition label. We may also decide not to analyze for nutrients that are not likely to occur in a significant amount. Similarly, we will probably analyze fewer products for optional nutrients, if we continue with this practice at all.

Related to time, we are concerned about the ability of contract analytical laboratories to accommodate the increased demand for services. We also have concerns about the reliability of the data which will be used to construct the label. First, we will probably rely on fewer production lots, and second, some of our product matrices (especially chocolate and coconut) are analytical challenges. Lastly, we are concerned there will be less time available for responding to requests for nutrition information from the people who build nutrient databases. But that is a topic for another session!

TABLE 6
Nutrient Information Analytical Costs
for Required Nutrients

	<i>Cost per Production Lot Sample</i>
Current label requirements	\$435
Proposed label requirements ¹	<u>595</u>
Difference	\$160

¹NLEA plus vitamins A & C, calcium, and iron

TABLE 7

Concerns About NLEA

- Time for enforcement
- Contract lab capability
- Reliability of data
- Increased workload

Another major area of impact has been on our workload. We have increased our corporate nutrition labeling support staff from 0.6 FTE (full time equivalent) to 2 FTE's (this does not include the effort that has been placed against tracking and addressing the various labeling initiatives). These FTE's are handling ongoing requests for nutrition information, assessing what needs to be done for mandatory labeling, and upgrading our computerized system to handle an expanded nutrient database. The goal is to electronically store and share nutrient information with HCUSA and HPG Quality Assurance Departments.

CONCERNS

We have several concerns in responding to the labeling initiatives, the biggest one of which is time. There are only six months between the time final regulations are published and when they will be enforced. We are reluctant to analyze products until we are certain of the details of what will be required, e.g., how to analyze for fiber, sugar, and complex carbohydrates.