

Congress of the United States
Washington, DC 20515

July 27, 2011

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

The Honorable Secretary Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Secretary Vilsack, Secretary Sebelius, and Chairman Leibowitz:

We write to express our significant and immediate concerns over the Preliminary Proposed Nutrition Principles to Food Marketed to Children by the Interagency Working Group, and we strongly urge you to consider withdrawing the guidelines.

The latest guidelines, released in April of this year, represent an alarming regulatory overreach on the part of members of the Interagency Working Group. As you know, the FY 2009 Omnibus Appropriations Act directed the USDA, FDA, CDC, and FTC to complete a study and to provide recommendations in the form of a report to Congress. For reasons that remain unclear, the Interagency Working Group failed to complete the study or deliver a report, but instead went ahead with proposing wide-ranging industry marketing guidelines. While the principles put forth by the Interagency Working Group are "voluntary," they are still cause for concern as they appear to be an attempt to regulate absent Congressional action. If Congress wished to regulate the marketing of food and beverage products to children and teens, they would do so. Notwithstanding any action from Congress, and at time of budget constraints and competing agency priorities, it is troubling to learn that valuable agency resources have been diverted to seek objectives far beyond the intent of Congress.

More importantly, we are concerned with the content of the proposed guidelines put forth by the Interagency Working Group. Under the proposed Nutrition Principles, many healthy foods could no longer be marketed to kids and teens, including two percent milk, most soups, many cereals, many breads, and most cheese. Furthermore, the Interagency Working Group proposal is clearly inconsistent with other federal nutrition standards. Many of these foods have long been considered healthy and included in the WIC program. Even marketing for a peanut butter and jelly sandwich would be banned under the proposal. Yet, school cafeterias serve peanut butter and jelly sandwiches every day through our National School Lunch Program. While we recognize the need to address the growing trend of childhood obesity, it is irresponsible to put forth a set of industry guidelines that ignores inherent contradictions in federal policy.

We urge members of the Interagency Working Group to complete the study that Congress originally requested. Absent such a study, it would be irresponsible to continue promoting the Interagency Working Group's principles without sufficient research and analysis.

For these reasons, we urge you to consider withdrawing the Preliminary Proposed Nutrition Principles to Food Marketed to Children by the Interagency Working Group.

Sincerely,



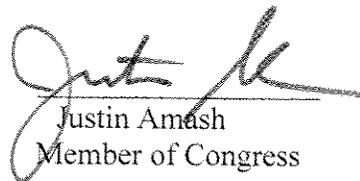
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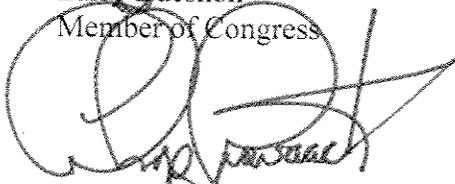
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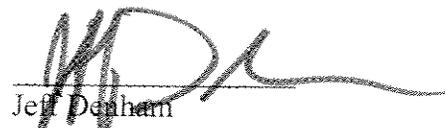
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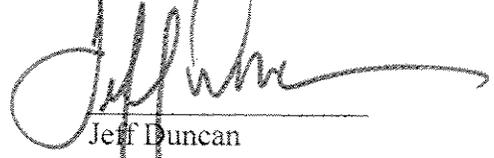
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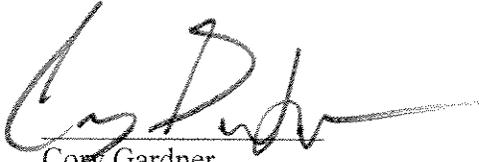
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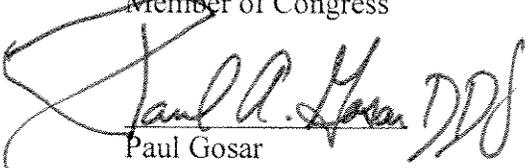
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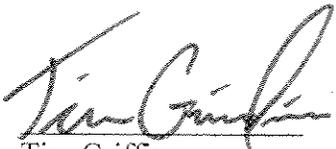
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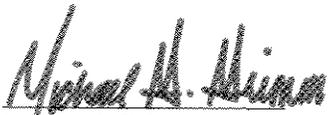
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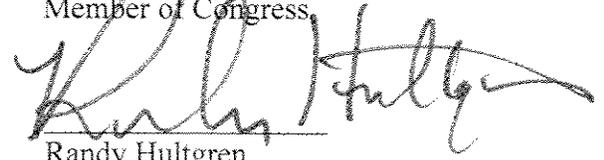

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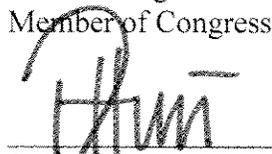

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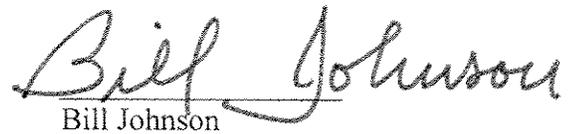

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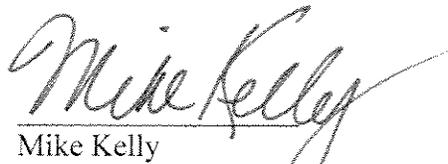

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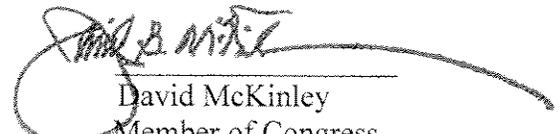

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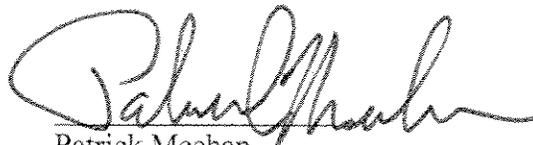

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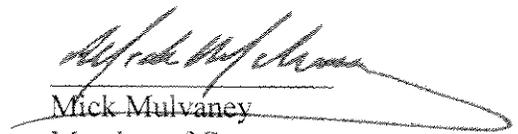

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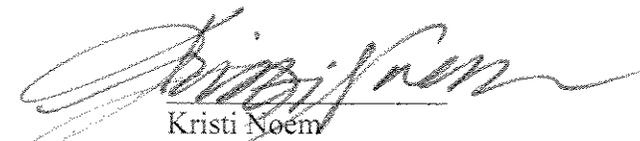

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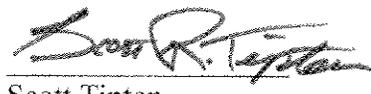

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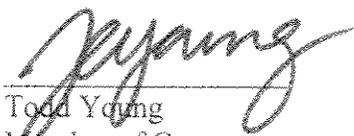

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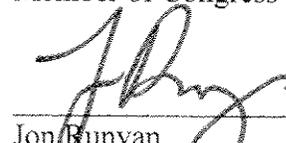

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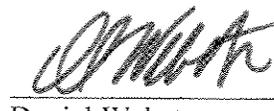

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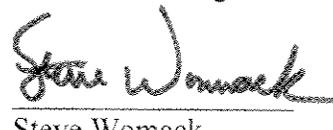

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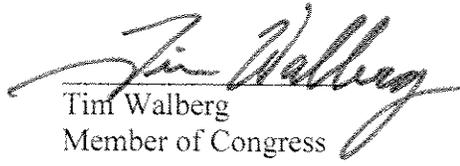

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