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,

Chris Gibson  
Member of Congress

Sandy Adams  
Member of Congress

Lou Barletta  
Member of Congress

Diane Black  
Member of Congress

Larry Bucshon  
Member of Congress

Chip Cravaack  
Member of Congress

Adam Kinzinger  
Member of Congress

Justin Amash  
Member of Congress

Dan Benishek, M.D.  
Member of Congress

Mo Brooks  
Member of Congress

Francisco Canseco  
Member of Congress

Jeff Denham  
Member of Congress
Scott DesJarlais
Member of Congress

Sean Duffy
Member of Congress

Renee Ellmers
Member of Congress

Charles Fleischmann
Member of Congress

Tom Cotton
Member of Congress

Paul Gosar
Member of Congress

Tim Griffin
Member of Congress

Michael Grimm
Member of Congress

Robert Dold
Member of Congress

Jeff Duncan
Member of Congress

Stephen Fincher
Member of Congress

Bill Flores
Member of Congress

Bob Gibbs
Member of Congress

Trey Gowdy
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Morgan Griffith
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Richard Hanna
Member of Congress
Vicky Hartzler
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Joe Heck
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Bill Huizenga
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Robert Hurt
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Mike Kelly
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Tom Marino
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Patrick Meehan
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Kristi Noem
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Alan Nunnelee
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Randy Hultgren
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Bill Johnson
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James Lankford
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David McKinley
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Mick Mulvaney
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Richard Nugent
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Mike Pompeo
Member of Congress