

February 17, 2011

CFBAI Claims the Prevention Institute's "Claiming Health" Report Is Flawed and Misleading

"Claiming Health," Prevention Institute's January 2011 self-published report, contends products that are part of the Children's Food and Beverage Advertising Initiative are of poor nutritional quality based on faulty and inappropriate analyses. The CFBAI provided the report's authors with a detailed analysis, available at the end of this document, showing why their conclusions were wrong.

Examples of errors and flaws CFBAI identified include:

- Arbitrary application of sodium standards set by FDA, resulting in the mischaracterization of "healthy" products as "high sodium;"
- Creating and applying a newly created "low fiber" standard to beverages and yogurts that traditionally do not contain fiber, thus unfairly presenting a misleading impression of CFBAI products;
- Insufficient acknowledgement of the positive nutritional contribution of products in the study.

The authors replied that they stand by the nutrition criteria they created and did not address most of our specific concerns. For example, they do not explain why they ignored existing FDA sodium standards for use of the term "healthy" for various product categories and substituted their own standards.

The authors' response, however, allows us to resolve questions on their conclusions regarding several products where CFBAI's data and the authors' conflicted. We were concerned that the report had inaccurately evaluated some current products as "high fat" and "high saturated fat." Two of those products were reformulated in June 2009, and apparently older products with non-current formulations were still on the shelves when the authors purchased them for the report. The new reformulations, and a reformulation of another product, contain less than 35% calories from fat and less than 10% of calories from saturated fat and thus would not be "high fat" or "high saturated fat." The authors also acknowledged that they substituted a product not on the CFBAI product list for their study. We are pleased that they have agreed to note this substitution in the report.

The 17 leading food companies who participate in CFBAI have reformulated or created more than 100 products to meet meaningful nutrition standards. Under the program the calories, fats, sodium and sugars in products in advertising directed to children under 12 have been declining and their positive nutrition contributions have been increasing. Unfortunately, flawed analyses create erroneous conclusions about the healthfulness of products in CFBAI's program and mask the significant progress that has been made under self regulation. At the same time, we recognize that there continues to be room for further improvement. We ask that evaluations of the Initiative be accurate, fair and meaningful.



January 28, 2011

Juliet Sims, MPH, RD
Leslie Mikkelsen, MPH, RD
Prevention Institute
221 Oak Street
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Dear Ms. Sims and Ms. Mikkelsen:

We share the Prevention Institute's desire for healthier products, but we disagree with the conclusions in "Claiming Health," the Prevention Institute's recent report. We found that the report contained a number of significant errors, as noted below. Although your report focuses on front of pack label claims, we are concerned that these flaws may lead to erroneous conclusions regarding the nutritional profile of foods covered by the BBB's Children's Food and Beverage Advertising Initiative (CFBAI), which provided the starting point for the study.

We are providing our analysis because it is important for regulators and policy makers not to draw erroneous conclusions from flawed data or analyses. For this reason, we respectfully request that you retract the report or publish a corrected version.

1. Summary

Taken together, several key errors undermine the report's conclusions as highlighted below.

1. Many of the CFBAI products are mischaracterized as "high fat" and "high saturated fat" because of inaccurate nutritional evaluations.
2. The report ignores sodium standards contained in FDA's definition of "healthy." As a result, the report mischaracterizes products that meet FDA's "healthy" definition as unhealthy and "high sodium."
3. The report includes nutritional analyses that simply do not make sense, including creating a fiber criteria and applying it to beverages and yogurts, products that do not typically contain fiber.

We also believe the report's analysis of the sugar content of products in the study is overly simplistic and that the report unfairly downplays its own positive findings regarding the positive nutritional contribution of foods in the study.

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2. Products are mischaracterized as “high fat”

We believe that the report inaccurately categorizes the five products it designates “high fat.” At the CFBAI’s request, the authors identified the specific products designated as “high fat,” which is defined as $\geq 35\%$ calories from fat.

Three of the five products are peanut butters, which inherently contain a significant amount of naturally occurring fats from peanuts, including desirable mono and polyunsaturated fats.¹ The other two products do not exceed 35% calories from fat and thus should not be characterized as “high fat.” The report apparently miscalculates the products’ fat content.

- Kid Cuisine All-Star Chicken Breast Nuggets meal contains less than 35% calories from fat. As labeled, this meal contains 420 calories and 16 grams total fat (34% of calories), and thus should not have been categorized as “high fat.”
- “Chef Boyardee Mini Bites Micro Beef Ravioli” (author-identified product), contains only 22% calories from fat and thus should not be categorized as “high fat.”² As labeled, this product contains 180 calories and 4.5 grams fat.

In sum, the report’s “high fat” conclusions are flawed. There is no question that 40% (2/5) of the products were improperly evaluated. Even if the three peanut butters are included, *only 3 products* in the entire study do not meet the criteria. Thus, 95% of the total products are NOT “high fat,” and 88% of the prepared foods and meals are NOT “high fat.”

3. Many foods are mischaracterized as “high saturated fat”

Again, we believe that the report does not properly evaluate certain products and includes a product not on CFBAI’s list and therefore outside the study’s parameters.

The study considers products containing more than 10% calories from saturated fat (“sat fat”) as “high sat fat” and concludes that 7 out of 25 (24%) of the prepared foods are “high sat fat.” However, all three Chef Boyardee products the study authors identifies in fact contain $< 10\%$ calories from sat fat and thus were erroneously identified as “high sat fat.” Below are the products, their calorie and sat fat content, and the correct evaluation of calories from sat fat.

¹ The report exempts nut butters from the 35% calories from fat limit because peanut butters inherently contain significant amounts of fat. However, products that contain *any* amount of added fat are not exempt. As is commonplace, the peanut butters at issue contain a small amount of extra fat to prevent separation of the oil and peanut butter.

² There is a discrepancy between the product identified by the authors, and what is identified in the report itself. The report identifies a *different* Chef Boyardee product (“Chef Boyardee Mini Beef Ravioli & Meatballs”). This product is not on CFBAI’s list and therefore was not within the study’s parameters.

- Chef Boyardee Forkables Sea Life³
 - 240 calories, 2.5 g. sat fat. → 9% cal/sat. fat
- Chef Boyardee Forkables Sport
 - 240 calories, 2.5 g. sat fat. → 9% cal/sat
- Chef Boyardee Mini Bites Micro Beef Ravioli
 - Product identified by the authors
 - 160 calories, 1.5 g. sat fat → 8% cal/sat. fat
 - Published study identifies a different product that is not on CFBAI's list

Inclusion of these three products erroneously increases the number of prepared foods identified as "high sat fat," and thus also overstates the amount of *total* products found to be "high sat fat." 93% of the total products (88% of prepared foods) are NOT "high sat fat."

4. Characterizing products that meet FDA "healthy" definition as unhealthy and "high sodium" is inappropriate

The report ignores the sodium criteria FDA has set for use of the term "healthy," which recognize that different sodium levels are appropriate for different product categories. Instead, the report arbitrarily treats products that meet FDA's definition of "main dishes" as "individual" foods. As a result, products that meet FDA's "healthy" definition are mischaracterized as unhealthy and "high sodium."

Specifically, we believe that the three SpaghettiOs products identified in the report were not properly evaluated. FDA has established three product categories for use of the term "healthy": individual foods, main dishes, and meals. SpaghettiOs products are a main dish product. As of July 2010, these products meet the FDA "healthy" limit for sodium (600 mg per serving). The report, however, ignores FDA's regulatory approach and evaluates these *main dishes* under the sodium limit set by FDA for *individual* foods (480 mg). This unfairly characterizes these products as "high sodium foods." 90% of the total products meet FDA's "healthy" sodium level and should NOT be characterized as "high sodium."

5. Characterizing products that traditionally do not contain fiber as "low-fiber" is inappropriate

Rather than focusing on product categories that could reasonably be expected to contain fiber, the report also evaluates products that nutritionists and consumers would not look to for this nutrient. Not surprisingly, the report finds that many beverages and yogurts are "low fiber."⁴ This type of analysis does not yield information that can contribute to a meaningful dialogue.

³ We note the report (p.7) indicates that the "Forkables" products contain 11% calories from sat fat. If the authors rounded up the 2.5 grams sat fat identified on the label to 3 grams, this would represent 11.25% calories from sat fat. However, FDA regulations require that on sat fat content less than 5 grams, the amount is to be expressed to the nearest 0.5 g, which is how the product is labeled. Thus the percent calories from sat fat should be based on 2.5, not 3 grams. Further rounding is not necessary and doing so results in a faulty conclusion.

⁴ Other products on the list cited as "low fiber" include cereals that contain at least a half-serving of whole grains, a food group to encourage.

6. Conclusions regarding sugar content are overly simplistic

Many of the products the report criticizes as “high sugar” are cereals or flavored milks.⁵ The 2005 Dietary Guidelines specifically recognized that the addition of small amounts of added sugars to nutrient dense products such as breakfast cereals and lowfat or fat free milk products may increase their consumption and thus nutrient intake, without contributing excessive calories. Research continues to support the conclusion that children who consume plain or flavored milk not only consume more nutrients, but also have a lower or comparable BMI. Research also has shown that frequent ready-to-eat cereal eaters have healthier body weights than those that do not frequently eat cereal.

Further, CFBAI participants have made significant strides in sugar reduction efforts. For example, 84% of CFBAI cereals now contain 10 grams or less of added sugars per serving, down from the 15 or 16 grams per serving that was not uncommon before the program started. And, although there is no uniform standard for setting added sugar limits, there is a federal definition for the term “healthy.” Virtually all of the cereals on the CFBAI list meet this definition.


7. The positive nutritional contributions of products are insufficiently acknowledged

“Claiming Health” includes information regarding the whole food ingredients found in products studied, based on recommendations in the Dietary Guidelines. As reported in “Claiming Health,” the vast majority of products in the study contain whole food ingredients (83%, or 48/58 products, according to the report’s count) and are sources of important nutrients, many identified as nutrients that are shortfall nutrients in children’s diets (e.g., calcium).⁶ Unfortunately, the report insufficiently acknowledges these facts.

8. Conclusion

We believe that the CFBAI and our participants are steadily and significantly changing the landscape of food advertising to kids. The 17 leading food companies who participate in CFBAI have reformulated or created more than 100 products to meet meaningful nutrition standards, with virtually every individual food in the program under 200 calories, no entrees exceeding 350 calories and no meals over 600 calories. Although much progress has been made, we recognize that there continues to be room for further improvement. CFBAI participants are committed to being part of the solution to childhood obesity. We ask that evaluations of the Initiative be accurate, fair and meaningful.

Sincerely,



Elaine D. Kolish
Vice President and Director, CFBAI



Maureen Enright
Assistant Director, CFBAI

⁵ We note that another product characterized as “high sugar” (Capri Sun Roarin’ Waters) qualifies as a “low calorie” product because it contains only 30 calories.

⁶ The report apparently does not count the two powdered milk flavors in its whole food ingredient analysis. These products are designed to be prepared with milk and thus could be counted as a dairy ingredient.