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The Smoke and Mirrors of Food Labeling

By SHERRI DAY

Food companies - including some that have pledged to act in the face of rising obesity rates - routinely exploit labeling laws that allow them to make their products seem less fattening than they really are, according to nutritionists and consumer groups.

But the Food and Drug Administration, which establishes the rules for the food industry, said that it was not planning any action on packaged food labeling and, last month, was considering a new program for displaying nutritional information in restaurants, as well.

The F.D.A.'s nutrition labeling regulations were intended to make food labels easier for consumers to understand and help them compare products. But the regulations are a jumble of rules characterized by tiny measurements and peppered with exceptions that can confuse even the most astute calorie counter, especially when it comes to single-serving packaging.

Supermarket shelves are rife with examples of confusing and potentially misleading labels, all perfectly legal under the F.D.A. rules. For example, a 12-ounce can of [Coca-Cola](#) has 140 calories and is considered a single serving; but a 20-ounce bottle of Coca-Cola Classic lists 100 calories a serving because F.D.A. rules consider a single serving in the larger bottle to be only eight ounces. A package of Maruchan's Oriental Ramen noodles - long a mainstay of the undergraduate diet - lists 190 calories and 900 milligrams of sodium per serving on its label, but few consumers notice that each package actually contains two servings. Grandma's vanilla minicookies, a vending machine staple made by Frito-Lay, claims 150 calories, but eat the entire bag, as most people do, and that's 300 calories.

Experts say that part of the problem is that the F.D.A.'s own guidelines on serving sizes are based on old data, which is out of step with current portion sizes. For example, according to the F.D.A.'s calculations, which were established in 1990, a serving of bagel is 55 grams, or about 2 ounces.

"It's the size of a magnet," said Dr. Lisa R. Young, a nutrition researcher at New York University who has studied how the F.D.A.'s serving sizes stack up against what is actually in the marketplace. "The definition of a bagel is less than half the size of half a bagel."

Consumer groups are calling on the F.D.A. to strengthen its labeling laws and on companies to be clearer in labeling by simply providing the total calories, fat, sodium and carbohydrates in each package, instead of making consumers do the math.

"If people are misled by serving sizes, they could easily consume far more calories than they think," said Bonnie Liebman, the director of nutrition at the Center for Science in the Public Interest, a Washington advocacy group. "F.D.A.'s labeling rules for single-serve packages have a huge loophole that companies are thrilled to take advantage of. Companies have no incentive to make the calories, and saturated fat and sugar look high, period. It's quite the contrary. "

Dr. Marion Nestle, professor and chairwoman of the Department of Nutrition and Food Studies at New York University, said that when it came to food labeling, food companies should model themselves after the fast food industry. Many fast food restaurants including [McDonald's](#), [Wendy's](#), Burger King and Subway provide nutrition information that lists the full amount of fat, calories and cholesterol in each food item, even though the information is usually on a separate pamphlet and not on the items themselves.

"The information that fast food restaurants put out is voluntary," Dr. [Nestle](#) said. "Let's give them credit for that."

The F.D.A. has been in talks with the restaurant industry regarding a new program for all restaurants to provide nutritional information, according to a report last month in The Wall Street Journal. Such a program would have to be voluntary since the F.D.A. lacks regulatory authority to compel restaurants to do so.

Fast food companies can easily provide information because they serve standardized fare. But other restaurants, where the preparation and ingredients are not so uniform, will have a more difficult time complying with any labeling rules, should the F.D.A. request them, Dr. Nestle said.

But in the packaged food industry, standardization is the norm and companies should have few problems making their labels more useful, consumer groups say. F.D.A. officials, while admitting that packaged food companies exploit the current rules, said that it was not planning to change its labeling rules because it had no reason to believe that eating patterns had changed substantially.

"We have not got that on our list of things to do," said Virginia Wilkening, the F.D.A.'s deputy director in the office of nutritional products, labeling and dietary supplements. "At some point and time, if there's reason to believe that our serving sizes are greatly out of line, we could do it, but at this point we don't have any basis to believe that."

Food companies said they had done nothing wrong and were adhering to the F.D.A.'s labeling laws. Several food and beverage operations including Coca-Cola, Pepsi, [Kellogg](#) and Frito-Lay declined to discuss their labeling practices but insisted that they were doing nothing wrong and were abiding by the F.D.A.'s requirements. In the face of public

health concerns, many of the same companies are increasingly claiming that they are working to find solutions to the growing problem of obesity. The leader among them is Kraft, maker of the Oreo, Stove Top and Kraft macaroni and cheese brands, which said in July that it would trim its serving sizes, as part of the company's effort to address obesity. But the company has been slow to carry out the changes. In some cases, the rules that were used to label some Kraft products are not entirely understood by the company's employees. Consider Kraft's Chips Ahoy cookie. A serving of the brand's chewy chocolate chip cookies is three cookies (for 170 calories), while a serving of peanut butter chocolate chip Chips Ahoy is one cookie (for 80 calories). In this case, the F.D.A.'s "greater than" rule applies. The agency's standard reference size for cookies is 30 grams, but if an individual cookie weighs 15 grams or more, it can be considered a single serving.

Nancy Daigler, a Kraft spokeswoman, said she did not know why the decision was made to make the serving size of one package of cookies one cookie and the serving size of another three cookies.

"In the end, it's really up to the person as to what they're going to eat, but the clearer we make that for consumers the better," Ms. Daigler said.

The labeling laws are perhaps most problematic in products that appear to be single-serve items, but are actually two or nearly three times what the F.D.A. considers an official serving.

While many consumers are likely to eat an entire Stouffer's chicken potpie at one sitting, technically, a serving is only one half of the pie. Even foods widely regarded as "healthy" can have more calories than may seem evident at first glance. Ready Pac, which makes ready-to-serve salads in containers that appear to serve one person, markets salads that have two and as many as three servings in each plastic bowl.

At [Campbell Soup](#), officials said food companies actually had little say in how food labels were constructed since all of the text on the labels is prescribed by the food labeling act, including the size and positioning of the type and the nutrients that will be listed. But David Macnair, Campbell's senior vice president for global research and development, said the company did have some latitude when it came to determining if its product would be labeled as a single or multiserve item.

Mr. Macnair said that while Campbell routinely rounded up the serving sizes of its products when they were clearly more than one serving, it would not adjust its nutrition facts to highlight the total amount of calories in their packages.

"We have chosen not to because we make such a wide variety of products in different packages and different sizes that we're providing a common prescribed denominator, which is one cup for soup," Mr. Macnair said. "That's a common serving size that is clearly defined and allows our consumers to see the nutrition content of that one cup no

matter what product they're consuming. My understanding is that in the soup category that's how our competitors choose to do it as well."