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NSMA
National Seasoning Manufacturers Association

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Via electronic submission (www.regulations.gov)

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

RE: Docket No. FDA–2014–N–1207-4397
Use of the term "Natural" in the Labeling of Human Food Products,
Request for Information and Comments
80 *Federal Register* 69905 (November 12, 2015)

To Whom It May Concern:

The National Seasoning Manufacturers Association (NSMA) appreciates the opportunity to submit comments regarding the use of the term "natural" in the labeling of human food products. NSMA is a trade association representing the U.S. seasoning industry. Founded in 1973, our membership manufactures more than 98% of seasonings consumed in the United States. The NSMA is comprised of member companies that produce food ingredients including but not limited to seasonings, spices, flavorings, additives, and other vegetable ingredients and derivatives.

As an Association whose members blend seasonings, spices, and spice extractives, produce flavors, produce or provide antimicrobial agents, and other ingredients to their customers, we are keenly aware of the need to clarify and define the term "natural". Our members and their customers are adversely affected by the prior and current definition for "natural" as applied by FSIS through label approval. By FDA defining the term "natural", it will help alleviate problems that currently exist among consumers and within industry in the use of this term.

Providing clean, safe seasonings is essential to our industry. We strongly advocate that any definition of "natural" that FDA decides upon should define the acceptability of seasonings (or components of seasonings) that have undergone any FDA-approved microbial reduction process, which currently includes ethylene oxide, irradiation, steam, and propylene oxide, as acceptable for use in products labeled as "natural". The treated products meet the requirements of the USDA's current minimal processing/not containing any artificial flavor/coloring etc. (21 CFR 101.22) definition. Provided that the product being treated is a natural product that is approved to be treated per FDA regulations, any approved treatment that makes the product microbiologically cleaner and safer for consumers should not impact the "natural" status of the product.

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In fact, for many years it has been the policy of FSIS when ruling on the legitimacy of natural claims, that the status of the claim is to be based on the determination of whether the addition of that ingredient/treatment has a **prolonging effect** on the finished product or whether its addition to the product has a **momentary effect** on the product. This was the basis for the FSIS ruling on the determination of natural and the addition of anti-microbial agents, where FSIS ruled that anything that has a prolonging effect (i.e. extension of shelf life) would not be defined as "natural", but if the agent only has a **momentary effect**, the product containing that ingredient/treatment can still be considered natural. As an example, in 2006 and 2007 when NSMA met with FSIS, Dr. Richard Post, Director, Labeling and Consumer Protection Staff cited ethylene oxide as 1) focused on microbial reduction, 2) only having a momentary effect on the product and 3) causing no material change to the product. For these reasons the treated product would still be considered natural per FSIS.

Further the National Seasoning Manufacturers Association believes that as long as the product meets the defined criteria of "natural" the label should be permitted to bear the term "natural". There is no need to define the list of products. We also believe that if a product contains several ingredients, provided the individual ingredients are natural, the entire product would be considered natural. The mixing process does not materially change any of the constituents that would be considered natural by itself.

Furthermore, natural should be applied to unprocessed as well as processed foods provided that each of the manufacturing processes used to process the raw food did not materially change the product from natural to unnatural. For example, if the compound is extracted from a natural product, the extracted ingredient should be labeled "natural" since the extracted product has not chemically changed from the product that occurs naturally in the starting material.

With regard to what FDA can do to ensure that consumers have a consistent and accurate understanding of the term "natural" that it is not misleading, we strongly encourage FDA to define the terms "natural", "all natural" (meaning 100% natural), "Made with Natural Ingredients" and other acceptable derivatives of these terms that clearly provide guidance to the industry and consuming public on what requirements are in place for products labeled with these claims. Once the agency has defined these terms and agreed upon standards exist, the FDA should provide educational outreach to consumers and industry to establish a framework for understanding these claims. Defining the terms should be the Agency's overall goal.

NSMA would like to suggest that the FDA utilizes a tiered approach to products that can be labeled as "natural" or "all natural" or "100% natural" similar to the USDA approach used in codifying the National Organic Program labeling requirements. Perhaps a specific tier for "100% natural" and "all natural" as a top tier, a second tier for "natural" with some levels of acceptable non-minimally processed ingredients, a third tier for "contains natural ingredients" for products with a significantly larger level of non-minimally processed ingredients and a final tier where it would only be acceptable to include the term "natural" in the ingredient statement for a very low level of "natural" ingredients in a product.

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As it relates to “natural” and any other approved derivatives of this term, we do not believe that there are any public health benefits associated with making these claims. A product labeled natural is not inherently safer or less safe than any other food, nor do we believe that there are any nutritional benefits because of natural. Our belief is that the term “Natural” should be in line with FDA’s current thought process where the terms artificial and natural are differentiated in FDA regulations based on the source and agricultural history of the product. We believe that any compliance records of this policy should be ruled under a self-assessment criteria. With FSMA now in place, there is no reason why another Agency driven program is required.

If we can assist the Agency with additional information or industry perspective, please do not hesitate to contact us.

Respectfully submitted,

Geraldina A. Cristantiello
Executive Director