

November 15, 2012

Mr. David Dillon CEO The Kroger Company 1014 Vine Street Cincinnati, OH 45242-1100

Dear Mr. Dillon:

We write to ask you to support the Food and Drug Administration's proposal to apply calorie labeling to prepared foods at supermarkets and convenience stores.

As you know, in March 2010 Congress passed a law to require calorie and other nutrition disclosures at chain restaurants and other retail food purveyors. While the FDA has proposed that the law apply to supermarkets and convenience stores, the Food Marketing Institute and some supermarkets and convenience stores have been lobbying Congress and the Administration for an exemption.

Comprehensive nutrition information has been required on packaged foods for almost 20 years. Americans are increasingly interested in nutrition. According to a national survey commissioned by the Center for Science in the Public Interest and conducted by CARAVAN (an omnibus service of ORC International), 81 percent of Americans favor having supermarkets provide calorie information for their prepared foods and 77 percent want calorie labeling for the prepared foods available at convenience stores. Without nutrition information, it can be difficult to compare options and make informed choices. For example, a typical tuna salad sandwich has twice as many calories as a roast beef sandwich.

The national menu labeling law applies both to chain restaurants and to "similar" retail food establishments. Most supermarkets and convenience stores sell ready-to-eat, prepared foods that are similar to foods sold by restaurants. Both restaurants and grocery stores have bakeries, salad bars, and buffets/hot bars. In addition, a growing number of supermarkets have tables for eating, while numerous restaurants do not.

Many supermarkets seem well-equipped to comply with the calorie labeling provisions included in the health care reform law. The Center for Science in the Public Interest surveyed the top food retailers and found that of those that sell prepared foods more than 80 percent already possess nutrition information for

some of those foods, and nearly 80 percent of the top retailers employ registered dietitians. Even if the grocery store does not have nutrition information for all prepared items, this is an excellent start and shows that supermarkets could readily determine nutrition information to comply with the new law. For those chains that do not already have nutrition information for their prepared foods, grocers could purchase recipe analysis software for as little as \$200 (it is not necessary to send items to a laboratory for analysis).

We would welcome the chance to talk with you and your staff about calorie labeling for prepared foods in grocery and convenience stores and urge you to do right by your customers and support the FDA's proposal to include supermarkets and convenience stores in the final menu labeling regulations.

Sincerely,

Michael F. Jacobson, Ph.D.

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Executive Director

Margo G. Wootan, D.Sc. Director, Nutrition Policy