October 6, 2024

Sarah Booth, PhD
Chair, 2025 Dietary Guidelines Advisory Committee

c/o Janet M. de Jesus, MS, RD
Office of Disease Prevention and Health Promotion
Office of the Assistant Secretary for Health
Department of Health and Human Services
1101 Wootton Parkway, Suite 420
Rockville, MD 20852

Re: 2025 Dietary Guidelines Advisory Committee Proposed Nutrient Density Conclusions (Docket No. HHS-OASH-2022-0021)

Dear Dr. Booth and Members of the Dietary Guidelines Advisory Committee,

We, the Director and Senior Policy Advisor at University of California Nutrition Policy Institute, respectfully submit the following comment regarding the synthesis statement presented during the September 25, 2024 public meeting for the question:

> **What quantities of foods and beverages lower in nutrient density can be accommodated in the USDA Dietary Patterns while meeting nutritional goals within calorie levels?**

Nutrition Policy Institute's researchers conduct and translate policy-relevant research aimed at transforming environments for healthy children, families and communities. NPI places a premium on those policies and programs that can help reduce nutrition and health disparities, which is why the Dietary Guidelines for Americans, with their foundational influence on everything from school meal standards to SNAP-Ed, are a leading concern.

During meeting 6 of the 2025 Dietary Guidelines Advisory Committee (DGAC), the Food Pattern Modeling and Data Analysis Subcommittee proposed a modification to the presentation of all Healthy U.S.-Style dietary patterns across all life stages starting at 2 years of age that would eliminate a "Limit on Calories for Other Uses." As proposed, this modification would eliminate specific quantities (calories and percentages) of remaining daily calories for other uses when dietary pattern recommendations are presented across all life stages. We understand that the amount of discretionary calories available for individuals after meeting food group recommendations varies, which complicates the establishment of a one-size-fits-all limit. However, we are concerned that excluding quantitative limits on total calories for other uses could prevent the DGAC from

recommending quantitative limits on daily calories from saturated fat and added sugar. Food pattern modeling of discretionary calories by the 2020 DGAC informed that committee's recommended limit for calories from added sugars and saturated fat.

Recent editions of the *Dietary Guidelines for Americans* (DGA) included quantitative limits for added sugars and saturated fat intake. The 2020-2025 DGA recommends:

- Individuals aged 2 years and older consume less than 10% of calories per day from added sugars[a]
- Individuals aged 2 years and older consume less than 10% of calories per day from saturated fat[1]

These recommendations are indispensable for evidence-backed food labeling, providing dietary advice to individuals and communities, and informing nutrition standards and guidance used across federal nutrition programs and policies. For example, federal nutrition assistance programs such as the National School Lunch Program would be impacted: the United States Department of Agriculture (USDA) issued a new final rule on Requirements for School Meal Programs in April 2024 that updates school meal nutrition standards to bring them in closer alignment with the added sugar limit recommended in the 2020-2025 DGA.[2]

If the Dietary Guidelines for Americans no longer includes recommendations for limits for calories from added sugars and fats, what might be the repercussions for USDA's current (or any future) standards for school meals?

In the case of our state, last year California enacted a new law, SB 348. The California bill text (written, of course, before we knew what USDA would provide in its new meal standards) includes:

> *(c) (1) If the federal School Breakfast Program and federal National School Lunch Program allow more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans, established by the United States Department of Agriculture and the United States Department of Health and Human Services, the State Department of Education shall convene representatives from the*

[a] Per World Health Organization, "for an average adult (with a calorie intake of 2,000 kcal), 10 energy percent is equivalent to no more than 50 grams of sugar per day (about 10 teaspoons or 14 sugar cubes) … For one- to three-year-old children, 10 energy percent is equivalent to about 30 grams of sugar per day (about 6 teaspoons) (calculated based on D-A-CH reference values for nutrient intake). For children 4 to 6 years, it is about 35 grams of free sugar per day and for children 7 to 10 years, it is about 42 grams of free sugar per day." At, https://www.ages.at/en/human/nutrition-food/nutrition-recommendations/who-sugar-recommendations

California School Nutrition Association and cafeteria workers, or their representatives, to work in partnership to provide the following:

(A) Maximum daily added sugar intake recommendations for each grade level commensurate with the American Academy of Pediatrics' standards for children two years of age and older.

(B) Maximum daily added sodium intake recommendations for each grade level commensurate with recommendations for children and adolescents in the Dietary Guidelines for Americans.

(2) Recommendations pursuant to this subdivision shall encourage the prioritization of foods with higher nutritional density when there is added sugar or sodium in the food.

Our research shows that California parents and students are concerned about added sugars in school meals,[3,4,5] and we and others communicated that to our Legislature. An important intent of California's bill was to apply an added sugar standard in line with American Academy of Pediatrics recommendations (no more than 25 grams or about 6 teaspoons on average daily) in the case that USDA did not issue a standard in line with the DGA recommendation (or that the standard is removed in future). But what might happen in other states if such were the case?

As these examples demonstrate, these and future efforts to improve nutrition standards depend on the existence of clear quantitative recommendations. Furthermore, without quantitative limits on calories from saturated fat and added sugars in the DGA, the recommended daily values for saturated fat and added sugars in Nutrition Facts labels may have limited scientific backing, thereby impacting consumer access to accurate nutrition information.

Rather than removing quantitative limits on calories for other uses, the 2025 DGAC's conclusions provide justification to *lower* the recommended limits on calories from saturated fat and added sugar: the Food Pattern Modeling results showed that when the nutrient dense forms of foods and beverages were used to model the healthy dietary pattern at a particular calorie level, 86% of calories came from proposed food groups and subgroups, less than 2% of calories were from added sugars, and approximately 6% of calories were from saturated fat in the modeled foods. Therefore, the modeled dietary pattern met approximately 94% of the calorie limit, leaving only 6% of daily calories that could theoretically be allocated to discretionary calories. This evidence is closely aligned with the American Heart Association's recommended limits of 6% of daily calories available for added sugars and saturated fat.[6,7] The 2020 DGAC similarly found that most

people cannot accommodate 10% of calories from added sugars in their diet while meeting nutrient needs and limits on total calories; instead, "…less than 6% of energy from added sugars is more consistent with a dietary pattern that is nutritionally adequate."[8]

In the final meeting of the DGAC and in the final scientific report, we urge the 2025 DGAC to:

- **Clarify the intended impact of this proposal** on the DGA's recommended limits for discretionary calories from added sugar and saturated fat.
- Support evidence-based recommendations that uphold **strong, quantitative limits on calories from added sugar and saturated fat** to inform nutrition policy and individual dietary behavior. We hope that you will provide statements similar to those in the 2020-2025 DGAs -- which recommended that "Individuals aged 2 years and older consume less than 10% of calories per day from added sugars," and "Individuals aged 2 years and older consume less than 10% of calories per day from saturated fat" – and further that, based on your review of the evidence, you recommend even smaller maximum percentages.

Thank you for your work on critical nutrition guidance. We recognize that this has been a huge undertaking for both your Committee and the staff.

Yours sincerely,

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[1] U.S. Department of Health and Human Services and U.S. Department of Agriculture. *Executive Summary: 2020-2025 Dietary Guidelines for Americans.* 9th Edition. Page 4. December 2020. https://www.dietaryguidelines.gov/sites/default/files/2020-12/DGA_2020-2025_ExecutiveSummary_English.pdf Accessed October 2, 2024.
[2] U.S. Department of Agriculture. *Comparison Chart of the 2023 Proposed and 2024 Final Rule Requirements for School Meal Programs: Added Sugars*. July 2024. https://www.fns.usda.gov/cn/school-nutrition-standards-updates/rule-comparison-chart. Accessed October 2, 2024.

[3] Sohlberg TM, Higuchi EC, Ordonez VM, Escobar GV, De La Rosa A, Islas G, Castro C, Hecht K, Hecht CE, Bruce JS, Patel AI. Parent Perception of School Meals in the San Joaquin Valley during COVID-19: A Photovoice Project. *Nutrients*, 15(5), article 1087, 22 February 2023. DOI: https://doi.org/10.3390/nu15051087

[4] Policy Brief: School Meals: Kids Are Sweeter with Less Sugar. UC ANR Nutrition Policy Institute. Stanford Medicine Department of Pediatrics. Cultiva La Salud. Dolores Huerta Foundation. 22 April 2021. https://ucanr.edu/sites/NewNutritionPolicyInstitute/files/348508.pdf. [Spanish version]

[5] Zuercher MD, Cohen JFW, Hecht CA, Hecht K, Orta-Aleman D, Patel A, Olarte DA, Chapman LE, Read M, Schwartz MB, Ritchie LD, Gosliner W. Parent Perceptions of School Meals Influence Student Participation in School Meal Programs. *Journal of Nutrition Education and Behavior*, volume 56, issue 4, pages 230-241, April 2024. DOI: https://doi.org/10.1016/j.jneb.2024.01.003

[6] American Heart Association. *Added Sugars: How much added sugar is OK? https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/sugar/added-sugars* Accessed October 1, 2024.

[7] American Heart Association. *Saturated Fats: AHA Recommendation*. https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/saturated-fats Accessed October 1, 2024.

[8] DGAC (Dietary Guidelines Advisory Committee). *Scientific Report of the 2020 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health and Human Services and the Secretary of Agriculture*. 2020. Washington, DC: US Department of Agriculture. Pg. 11. https://www.dietaryguidelines.gov/sites/default/files/2020-07/ScientificReport_of_the_2020DietaryGuidelinesAdvisoryCommittee_first-print.pdf