



HEALTHCARE NUTRITION COUNCIL

Improving outcomes through awareness and action

Submitted Electronically via Regulations.gov

April 24, 2023

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

RE: Guides for the Use of Environmental Marketing Claims (FTC-2022-0077)

Dear Division of Dockets Management,

The Healthcare Nutrition Council (HNC) is commenting on the U.S. Federal Trade Commission (FTC or agency) request for information and comments on the "Guides for the Use of Environmental Marketing Claims" (FTC-2022-0077), which was published in the *Federal Register* on December 20, 2022. HNC is an association representing manufacturers¹ of enteral nutrition (EN) formulas and oral nutrition supplements (ONS), including those categorized as medical foods, and parenteral nutrition (PN). Our mission is to improve patient outcomes by advancing nutrition policies and actions that raise awareness and optimize access of essential nutrition support therapies across the continuum of care.

HNC's products, particularly enteral nutrition (EN) formulas and oral nutrition supplements (ONS), are essential for consumers with specific dietary needs. ONS are high quality, scientifically based, and nutrient dense foods for special dietary use (FSDU) which are intended to provide supplemental or sole source nutrition for individuals who are at risk of malnutrition or cannot achieve baseline nutritional intake from a normal diet. Such products require consistent use to meet these dietary needs and maintain the health and well-being of these patients and consumers. As such, HNC is concerned about the uncertainty and constant changes in the labeling and instruction requirements for packaging that put an increased burden on producers, as this can and does jeopardize the supply chain when products have to be removed from circulation to address the new regulations. This burden then is passed onto consumers who do not have any viable alternative to EN and ONS products.

HNC strongly supports FTC's efforts to update the "Green Guides" to help consumers make informed decisions and prevent misleading marketing claims by producers. The FTC should maintain standards that are flexible enough to apply to a wide range of product types and industries and meet the needs of evolving technologies. Importantly, labeling and instructions on product packaging regarding environmental claims (e.g., recycling) are needed to promote uniformity and clarify the myriad of state regulations that complicate and confuse marketers and consumers. We support efforts by FTC to explore whether rulemaking for such claims that will provide clarity at a federal level would be warranted. We further support the possibility that Congress engage to establish a pre-emptive standard for recycling claims.

We appreciate the opportunity to provide comments on this impactful regulation and look forward to the opportunity to review the updated "Green Guides". Please let me know if there are any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert Rankin". The signature is written in a cursive, flowing style.

Robert Rankin
Executive Director

¹ HNC members are Abbott Nutrition, Nestle Healthcare Nutrition, and Nutricia North America.