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*Protect, Prevent, Live Well*

July 5, 2011

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

Re: Docket No. FDA-2011-F-0171, Food Labeling; Calorie Labeling of Articles in Vending Machines

On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities, we appreciate the opportunity to comment on the Food and Drug Administration's (FDA) proposed rule for Food Labeling; Calorie Labeling of Articles in Vending Machines. This proposed rule would fulfill the requirement of disclosure of nutrient content information for foods sold from vending machines as required under the Affordable Care Act.

We strongly support FDA's conclusion that calories should be posted for items as offered for sale (per package) and that ranges are not needed for labeling vended items.

However, we strongly oppose the proposal to allow companies to post the calories for all vended items on a single sign next to a vending machine. Consumers, who are not used to having nutritional information for vended items are much less likely to see this information than if it were posted directly next to each vended item as intended by the law and supported by APHA. We oppose FDA's proposed exemption for bulk vending machines and believe the labeling requirement should not depend on whether the machine has a selection button or a crank mechanism to dispense food. In addition, we urge FDA to require that the calorie labeling be in print at least as *large* as the name or price associated with the item, whichever is *largest* (as opposed to the proposal that the calories be as large as whichever is smaller). Finally, we disagree with the tentative conclusion that calorie information for electronic vending machines could be provided one item at a time. We believe consumers should have this information for all available items prior to making their final selection so they can compare options and make better informed choices about the nutritional value of the foods offered in a vending machine.

Thank you for the opportunity to comment on this important public health regulation. We are hopeful FDA will correct the current weaknesses we have highlighted in the proposed rule and we look forward to working with FDA to make this regulation successful. Please feel free to contact Don Hoppert of our staff at 202-777-2514 if you have any questions regarding our comments.

Sincerely,

A handwritten signature in black ink that reads "Georges C. Benjamin". The signature is written in a cursive, flowing style.

Georges C. Benjamin, MD, FACP, FACEP (E)  
Executive Director