Congress of the United States

Washington, DC 20515

December 12, 2022

The Honorable Robert M. Califf, M.D., MACC
Commissioner of Food and Drugs
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Califf,

As Members of Congress who represent cranberry and tart cherry growers, we write to express our concern with the Food and Drug Administration's (FDA) recent proposed rule redefining the term "healthy." Specifically, we are concerned the proposed rule defines "healthy" dried fruits as containing "zero added sugars." We respectfully request that the FDA revisit the proposed standards on which dried fruits are eligible to bear the "healthy" claim.

As currently written, the proposal will discourage the consumption of nutrient-rich cranberry and tart cherry products, undermining the purpose of the proposed rule. As detailed below, these products offer consumers considerable health benefits, with similar or lower amounts of total sugar than other dried fruits. While the proposed rule recognizes exceptions for other unique products (e.g., eggs, shellfish), if the rule remains as proposed, dried cranberries and tart cherries will be unfairly disadvantaged in the marketplace. This would not only harm farmers who cultivate these fruits, but also American consumers who could be discouraged from consuming these nutrient-dense products.

Cranberries and tart cherries are unique due to their low intrinsic sugar content – that is, they are not naturally sweet. Due to both cranberries and tart cherries lack of intrinsic sugar content, they require sweetening to increase palatability for most consumers. However, there is ample research indicating that the human body does not distinguish between sugars intrinsic in fruit versus those added to fruit products. In fact, the FDA has acknowledged these findings on numerous occasions, stating that "…added sugars are not chemically different from naturally occurring sugars..."[i] and that "…the body's response to sugars does not depend on whether they are naturally present in food or added to foods."[ii]

These fruits should be exempt from the proposal's 0% Daily Value (DV) added sugar criteria applied to the fruit group because these products not only deliver fruit servings, but they are also nutrient-dense and offer consumers health-promoting polyphenols that contribute to several health benefits, with similar or lower total sugar content than other dried fruits. Our request is consistent with other accommodations in the proposed rule and will level the playing field for nutritious cranberry and cherry products in the market. Moreover, the change will further promote the underlying intention of the proposal by encouraging increased fruit consumption and healthier dietary patterns in the United States.

Decades of research demonstrate that these fruits can be part of a healthy, nutrient-rich diet, and can play an important role in improving the diets of many Americans. Cranberries, and cranberry products, contribute bioactive polyphenols to the diet. These compounds found within the fruit are important sources of antioxidants, which can help combat oxidative stress. There are also scientific findings indicating that these unique elements may support gut health[iii] , reduce certain risk factors associated with cardiovascular diseases[iv] , and reduce the risk of certain recurrent urinary tract infections (UTIs).[v]

Similarly, more than 110 studies have been published outlining various health benefits associated with tart

cherries. U.S.-grown tart cherries are abundant in anthocyanins, natural compound that contributes to the bright color and distinctive sweet-tart taste. This phytonutrient, a type of flavonoid, has been the focus of health-related research.

Dried cranberries and dried tart cherries have a similar (if not lower) sugar content than other dried fruits, like raisins. Each also has a similar, if not superior, overall nutrient profile when compared to raisins. Notably, these products can be found on store shelves near one another. Under the proposed rule, the package of raisins can claim "healthy", but dried cranberries and dried tart cherries cannot, putting them at a significant and unfair disadvantage.

Additionally, the FDA's Dietary Guidelines find that approximately 80 percent of Americans do not meet the five daily servings of fruits and vegetables recommended by those guidelines. Again, extensive research shows that dried cranberries and cherries can deliver important nutritional and functional benefits, and a ¼ cup of each dried fruit provides a serving of fruit. Therefore, by the same logic applied to exempt eggs and seafood from the requirements laid out in the rule, these cranberry and tart cherry products should receive an exemption from the added sugar criteria.

Dried cranberries and dried tart cherries should not be made to seem less healthy than similar products based on added sugars when they can be part of a healthy diet and promote the objectives of the new "healthy" rule. We encourage the FDA to level the playing field and provide an accommodation for dried cranberries and dried tart cherries by exempting them from the added sugars criteria for "healthy."

Thank you for your consideration.

Sincerely,

William R. Keating
Member of Congress

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator

Debbie Stabenow
United States Senator

Gary C. Peters
United States Senator

Tammy Baldwin
United States Senator

Ron Johnson
United States Senator

Mitt Romney
United States Senator

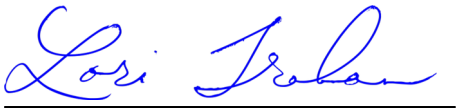
Michael S. Lee
United States Senator

Derek Kilmer
Member of Congress

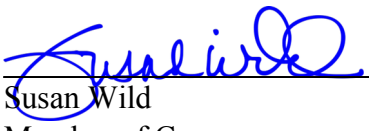
Stephen F. Lynch
Member of Congress

James P. McGovern
Member of Congress

Jake Auchincloss
Member of Congress



Lori Trahan
Member of Congress



Susan Wild
Member of Congress

Seth Moulton
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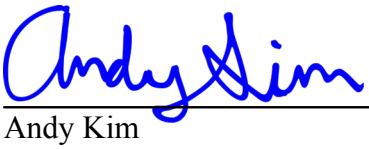
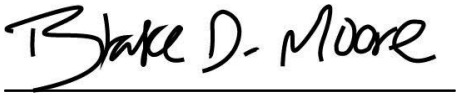


Andy Kim
Member of Congress



Blake D. Moore
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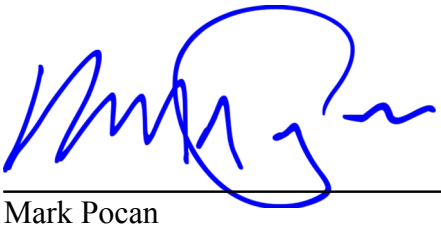
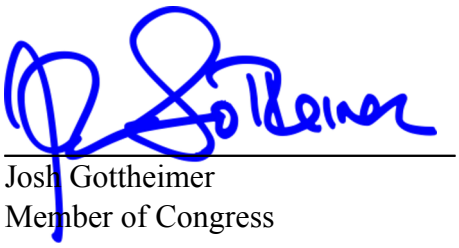
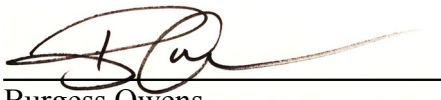


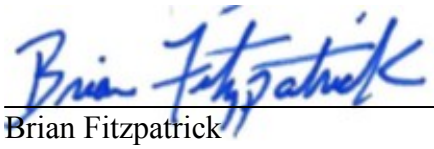
Mark Pocan
Member of Congress



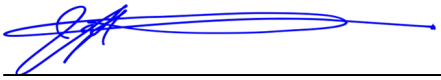
Josh Gottheimer
Member of Congress



Burgess Owens
Member of Congress



Brian Fitzpatrick
Member of Congress



Jefferson Van Drew
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Katherine M. Clark
Member of Congress

[i] 79 Fed. Reg. 11880, 11903 (March 3, 2014).

[ii] USDA and FDA, Dietary Guidelines for Americans, 27 (2010

[iii] 35 Rodríguez-Morató J, Matthan NR, Liu J, de la Torre R, Chen CO. **Cranberries attenuate animal-based diet-induced changes in microbiota composition and functionality: a randomized crossover controlled feeding trial.** J Nutr Biochem 2018;62:76-86. doi: 10.1016/j.jnutbio.2018.08.019.

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