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September 29, 2015

Sylvia Mathews Burwell, Secretary  
U.S. Department of Health  
and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Denise Turner Roth, Administrator  
U.S. General Services Administration  
One Constitution Square  
1275 First Street, NE  
Washington, D.C. 20417

**Re: Solicitation Number: FY15WellnessAmenityProgram**

Dear Secretary Burwell and Administrator Roth:

The American Cancer Society Cancer Action Network (ACS CAN) appreciates the opportunity to provide input on the General Services Administration/Health and Human Services Health and Sustainability Guidelines for Concessions and Vending (the Guidelines). ACS CAN is the non-profit, non-partisan advocacy affiliate of the American Cancer Society, dedicated to eliminating cancer as a major health problem. ACS CAN works to encourage lawmakers and candidates to support laws and policies that will make cancer a top national priority.

ACS CAN was pleased when the U.S. Department of Health and Human Services (HHS) and the General Services Administration (GSA) first released the Guidelines four years ago, and we support the decision to update and align them with the upcoming Dietary Guidelines for Americans, incorporate new scientific evidence and best practices, and include strategies for encouraging the purchase of healthier foods. The Guidelines have been an important and effective tool for increasing access to healthier foods and beverages on federal property. The Guidelines also influence state, local, and private-organization food service guidelines across the country, which make healthier food choices available to millions of Americans in government facilities and workplaces all across the country.

Up to one third of cancer cases and a third of cancer deaths are due to poor diet, physical inactivity, and overweight and obesity.<sup>1</sup> Two thirds of adults are overweight or obese, increasing their risk for not only cancer but also heart disease, diabetes, and other costly,

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<sup>1</sup> Kushi LH, Doyle C, McCullough M, et al. American Cancer Society Guidelines on Nutrition and Physical Activity for Cancer Prevention: Reducing the Risk of Cancer With Healthy Food Choices and Physical Activity. *CA Cancer J Clin* 2012; 62: 30-67.

debilitating chronic conditions. In addition, approximately one in 25 Americans is a cancer survivor. For cancer survivors, eating a healthy diet, maintaining a physically active lifestyle, and managing weight may reduce the risk of cancer recurrence, improve quality of life, and increase the chance of disease-free survival.<sup>2</sup> Many cancer survivors, in particular, are especially motivated to eat a healthy diet. However, finding healthy choices when eating outside the home can be challenging. Away-from-home eating is associated with eating more calories and increased risk of obesity. Therefore, guidelines such as yours are important in making it easier for people to purchase and consume healthy meals and snacks when away from home.

### **Comments on Specific Components of the Guidelines**

There are a number of strong components of the Guidelines that we hope will be retained, and we recommend that you make some changes to further strengthen the Guidelines and bring them more in line with current science.

While we recognize that the Request for Information included a number of specific questions related to implementation of the Guidelines, ACS CAN's comments primarily focus on ways that the Guidelines could be improved to help people more easily be able to eat a healthier diet that will reduce their long-term risk of cancer and other chronic diseases.

#### ***Calorie Labeling***

We are pleased that the Guidelines include calorie labeling on menus, menu boards, and vending machines. Providing customers with nutrition information at the point of choice will allow them to make informed decisions and provide an incentive for food service operators to improve the nutritional quality of their offerings. The vending machine section of the Guidelines notes that Section 4205 of the Affordable Care Act requires calorie labeling for some items in vending machines. However, the concession section of the guidelines does not mention that some food service facilities using the Guidelines may be also subject to or may choose to follow the menu labeling requirements in the Affordable Care Act.<sup>3</sup> The concession section of the Guidelines should specify that the calorie labels and additional nutrition information that must be available for food sold through cafeterias and concession stands should be consistent with the menu labeling requirements in the law.

#### ***Vending and Concession Standards***

Calories and other nutrients impact people's diets and health similarly regardless of whether they come from items purchased in cafeterias, concession stands, vending machines, or other food retailers. Therefore, we recommend that the same calorie, saturated and trans fat, sugar, and sodium standards apply to items sold through both concessions and vending machines in

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<sup>2</sup> Rock CL, Doyle C, Demark-Wahnefried W, et al. Nutrition and Physical Activity Guidelines for Cancer Survivors. *CA: A Cancer Journal for Clinicians* 2012; 62(4): 242-274.

<sup>3</sup> U.S. Food and Drug Administration. Menu and Vending Machines Labeling Requirements. Updated September 11, 2015. Available at <http://www.fda.gov/Food/IngredientsPackagingLabeling/LabelingNutrition/ucm217762.htm>. Accessed September 24, 2015.

the updated Guidelines. If necessary, the percentage of vended items meeting all of these standards could be phased in over two to three years.

### ***Pricing and Promotional Strategies***

The Guidelines should include recommendations for pricing and promotional strategies that encourage offering smaller portions and pricing the smaller and healthier items lower to encourage customers to purchase those items. Research has found that marketing and product placement strategies are effective in influencing people's food and beverage choices and preferences. Foods and beverages that do not meet the updated Guidelines should not be allowed to be advertised, promoted, or featured.

### ***Calories***

Given that excessive calorie intake leads to overweight and obesity, we strongly recommend that the Guidelines be used to ensure that lower calorie options are both sufficiently offered and marketed to customers. The *American Cancer Society Guidelines on Nutrition and Physical Activity for Cancer Prevention* and the Dietary Guidelines for Americans recommend consuming foods and beverages in appropriate portion sizes that will help to achieve and maintain a healthy weight.<sup>4</sup> To that end, we recommend that the updated Guidelines include calorie limits for foods and beverages meeting the Guidelines. These limits will help to ensure that foods and beverages are offered in appropriate portion sizes and/or are prepared in ways that will help to reduce their calorie content. The calorie limits should be based on total daily calorie needs for an average adult.

### ***Deep Fried Options***

The Guidelines should prohibit or at least discourage the sale of deep fried foods, which are often high in saturated fat and calories. Foods that are often deep fried, such as meats and certain vegetables, can easily be prepared in other ways, such as baking or grilling, that reduce their fat and calorie content. Schools have successfully shown that these foods can easily be prepared in large quantities using other cooking methods. At minimum, serving sizes of fried foods should be limited and priced higher than other healthier options.

### ***Fruits and Vegetables***

Given that Americans consume fewer fruits and vegetables than is recommended, we support the existing criteria for fruits in the Guidelines. We agree that a variety of fruits should be offered daily and canned or frozen fruit should be served without added caloric sweeteners, which increase the calorie and added sugar content.

We also support requiring that a variety of vegetables be offered daily. However, in place of the vegetable criteria a(i) and a(ii), at least two non-fried vegetable options low in saturated fat and sodium should be required to be offered. Since vegetables are naturally low in calories and packed with nutrients, they provide the greatest health benefit when they are served raw or cooked by steaming, baking, or grilling, and do not have sauces or dressings that are high in calories or saturated fat.

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<sup>4</sup> Kushi et al, 2012.

### **Protein Foods**

We support requiring that lean meat, poultry, fish, or low-fat vegetarian entrée options be offered as protein choices. However, to increase the availability of healthy, plant-based protein sources, a vegetarian entrée option with a protein source should be required to be offered daily as standard criteria. The *American Cancer Society Guidelines on Nutrition and Physical Activity for Cancer Prevention*<sup>5</sup> recommends eating a mostly plant-based diet to reduce the risk of cancer and promote long-term health. This section should also include a guideline focused on reducing consumption of red and processed meats. Not only does the regular consumption of these meats increase the risk for colorectal cancer,<sup>6</sup> many contain high levels of saturated fat and/or sodium, which may increase the risk for heart disease. In addition, canned poultry, fish, and seafood should only be allowed to be packed in water to reduce the calorie content.

### **Dairy**

Only one percent and fat-free milk and yogurt should be allowed to be offered, as recommended by the Dietary Guidelines. Two percent milk and yogurt should not be allowed. Also, instead of the restriction on sugars in yogurt in criteria 4(a)(iv), total sugars in yogurt should be limited to no more than 30g per 8oz, and proportionately less for smaller containers, as recommended by the Institute of Medicine.<sup>7</sup> Alternatively, a comparable limit on added sugars could be included instead, if added sugar content is added to the Nutrition Facts label for packaged foods. Reduced fat cheeses should also be encouraged, given that cheese is a leading source of saturated fat in Americans' diets, and sodium limits for processed cheeses should apply consistently to all cheeses.

### **Cereal and Whole Grains**

We support requiring that whole grain options be the standard choice for cereal grains as standard criteria. "Whole grain" should be defined in the Guidelines as having a whole grain as the first ingredient, meaning the product contains more whole grain than any other ingredient.

The grain criteria should also address sweet baked goods, a major source of calories, added sugars, and saturated fats, by encouraging smaller portions and healthier dessert options that contain less saturated fat and added sugars. Lower calorie and/or healthier dessert options should be priced proportionately lower than less healthy and higher calorie desserts.

### **Fats**

We support requiring all foods to contain 0g of artificial trans fat as labeled. Most foods in the marketplace today already meet this threshold.

To provide a consistent standard for saturated fats across food service venue types, including both concessions and vending machines, total calories from saturated fat should be limited to no more than 10 percent of calories for all foods and beverages, excluding nuts and seeds

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Institute of Medicine. Committee on Nutrition Standards for Foods in Schools, Food and Nutrition Board. *Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth*. Washington, DC: National Academies Press, 2007.

without added fats or oils. This limit is consistent with recommendations in the current Dietary Guidelines.

### ***Beverages***

We support the intent of the Guidelines to increase the availability of low and no-calorie and nutrient-dense beverages. However, this guideline could be strengthened by requiring at least 50 percent of beverage choices as standard criteria and 75 percent of beverage choices as above standard criteria to be 40 calories or less per container, rather than per serving. When a beverage with 40 calories per serving is served in a typical 20 oz (2.5 serving) container, for example, it is no longer low in calories. In addition, the 12oz portion size limit for caloric beverages that is currently above standard criteria should apply to all caloric beverages, including juices, as standard criteria. Beverages that are a combination of water and juice without caloric sweeteners should be allowed.

### ***Evaluation and Monitoring***

To facilitate future research on the impact of the Guidelines on sales of various types of foods and beverages and health outcomes, vendors should be encouraged to provide sales data for analysis or work with someone in the contracting government agency or an outside evaluator to assess product sales. In addition to allowing for monitoring of the impact of the policy, this can allow vendors to refine and improve healthy product availability and increase sales of healthier products.

### **Closing**

Thank you again for the opportunity to provide input as you begin to update the Guidelines. If you would like to speak further about our comments or recommendations, please contact Melissa Maitin-Shepard, MPP, Senior Analyst, Policy Analyst & Legislative Support, at [melissa.maitin-shepard@cancer.org](mailto:melissa.maitin-shepard@cancer.org) or 202-585-3205.

Sincerely,



Christopher W. Hansen  
President  
American Cancer Society Cancer Action Network