



Consumer Healthcare
Products Association

April 13, 2005

FSIS Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, S.W.
Room 102, Cotton Annex
Washington, D.C. 20730

Re: FSIS, Docket No. 05-0001N

Dear Sir or Madam:

The Consumer Healthcare Products Association (CHPA) appreciates the opportunity to provide comments concerning U.S. Government positions in preparation for the 33rd session of the Codex Committee on Food Labelling of the Codex Alimentarius Commission. CHPA represents manufacturers of dietary supplements and nonprescription, or over-the-counter (OTC) medicines. CHPA, founded in 1881, is committed to promoting the increasingly vital role of OTC medicines and dietary supplements in the healthcare system through science, education, and advocacy.

We are particularly interested in the discussion paper on advertising. CHPA does not believe there is a sufficient rationale to develop an international definition of advertising through the CCFL, and we would encourage the CCFL to concentrate its efforts in areas other than an advertising definition. The previously circulated discussion paper prepared by Canada points out some of the challenges involved, including:

- In many countries authority to control advertising does not rest with food authorities;
- A 30+ year history in considering definitional, code, and guideline issues has not led to meaningful conclusions; and
- National and cultural differences influence the way advertising is defined and regulated (here in the U.S., for example, as a form of commercial speech, advertising receives a level of First Amendment constitutional protection).

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Advertising is best regulated by national bodies, which can better tailor their approach. We encourage the U.S. Government to not support further efforts to consider a definition of advertising in the Codex Committee on Food Labelling, and to instead support removal of this item from the agenda for the Codex Committee on Food Labelling.

Sincerely,

/s/

David C. Spangler
Vice President – International &
Assistant General Counsel

cc: Leslye Fraser, Director, Office of Regulations and Policy, CFSAN, FDA
F. Edward Scarbrough, U.S. Manager for Codex Alimentarius

ccfl405/dcs