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June 28, 2017

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

Re: Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Compliance Date; Request for Comments; Docket No. FDA-2011-F-0172.

Dear Sir or Madam,

Publix Super Markets, Inc. is privately owned and operated by its 190,000 associates with 2016 sales of \$34 billion. We have 1,147 stores in Florida, Georgia, Alabama, Tennessee, South Carolina, North Carolina, and soon in Virginia. Our company has been named one of FORTUNE's "100 Best Companies to Work for in America" for 20 consecutive years. Publix's dedication to superior quality and customer service is consistently recognized among the top in the grocery industry.

Since our company's founding nearly 87 years ago, Publix has strived to be the premier quality food retailer in the world. It is our aim to provide our customers with meaningful information to make informed choices with their grocery shopping. For over a decade, our Better Choice shelf tag program (Article A) has provided such an avenue with at-a-glance, pertinent nutritional information. We appreciate the opportunity to offer these additional comments to address the agency's request for comments and recommendations to the Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments (Menu Labeling).

For the past three years, a cross-functional team of associates has worked diligently to develop and implement a best-in-class program to comply with the requirements for Menu Labeling. After implementing our program in the fall of 2016, we now have a better understanding of what works well in addition to what challenges persist at retail. On a positive note, our associates and customers alike are more aware of the calories in restaurant-type foods offered within the grocery store. We appreciate the FDA allowing grocers the ability to post the calories on the front label of in-store prepared grab-and-go ready-to-eat food items. Just as important is the agency's flexibility in allowing each retailer to choose the means of compliance that best fits its business needs, as there are many variations that exist within the retail grocery industry. This includes the use of small signs and placards in full service cases as well as both static and digital menu boards where appropriate in retail grocery stores.

There are four opportunities with implementation as well as recommendations for improvement, which we would like to bring to the agency's attention for consideration. These include: 1.) Provide full nutritional information online, 2.) Provide flexibility in with regards to font size, 3.) Exempt platters and foods intended to serve multiple people, and 4.) Provide flexibility for formulation changes and variations in the method of preparation. These programs are explained further within this document.

1. Provide Full Nutritional Information Online

It is our desire to provide full nutritional information to customers in a manner that is most convenient to the customer's time with the product purchasing decision process. To comply with this requirement, an associate must leave the work area and walk to a back office, look up the item on Publix's website where full nutritional information is already available, and print this information from a computer. The process can take between 10 and 15 minutes, provided the customer only asks for the nutrition information for one product. Not only is the customer dissatisfied with having to wait for us to provide full nutritional information in writing through this very labor intensive process, other customers are dissatisfied because of the potential lack of service in the Bakery or Deli departments while associates retrieve written nutrition information. A Bakery or Deli department could literally be held hostage by one demanding customer requesting nutrition information on multiple products. Furthermore, nutrition information must be provided in written form at the store, which requires the retailer either to purchase expensive computer systems to display the nutrition information electronically to the customer or to provide information in a non-environmentally friendly method. All Publix stores are equipped with Wi-Fi. The majority of our customers and associates have access to smart phones and the internet. Publix provides full nutrition information on all restaurant-type and other products through our online product catalog, which is open to all customers at the following website: <http://www.publix.com/all-products>. Similar to Smart Label™ as developed by the Trading Partner Alliance, the Publix online product catalog (Article B) is both fast and customer friendly. We recommend the agency allow retailers to meet their obligation to provide full nutrition information upon request by providing such information on their websites, permitting customers to use their smart phones and personal computing devices to obtain full nutritional information, as this is the most expeditious manner to satisfy the customer's request.

2. Flexibility in Font Size

Second, maintaining a type size no smaller than that of the name or the price of the associated standard menu item, whichever is smaller, has posed significant challenges. Because of the required font size of the calorie information, our existing signs and menu boards required significant overhaul, resulted in the removal of marketing and advertising information in order to provide sufficient room for the calorie information and resulted in a cluttered more difficult to read disclosure that did not benefit the consumer. Our recommendation is to provide flexibility in the type size of the calories and allow the type size to be smaller than the price or name of the associated standard menu item, as long as the calorie disclosure is clearly visible to the customer. The following examples depict variations with scale labels and service case labels with variations in font sizes (Article C).

3. Exempt Calories for Platters and Multiple Serving Foods

Third, we recommend the agency reconsider its position on platters and other items intended to serve multiple people. The FDA already provides an exemption for foods intended for multiple servings such as loaves of bread, cakes, pies that will serve multiple people. Likewise, platters and other similar multiple serving foods should similarly be exempt. In our March 20, 2015 letter (Article D) to the agency, we recommended platters be excluded from this regulation due to the following key points. Publix offers over 530 items that could be components of the platters we assemble to meet the needs of our customers. The customers for whom the platter is intended to serve are not the individuals making the actual purchase decisions. Platters are not intended for immediate consumption. Standard pick up time is 24 hours after platter order placement. Providing full nutritional information is unreasonable and complex. Moreover, it is not meaningful to the customer to provide the total calories for platters or foods intended for multiple servings.

4. Flexibility for Change Management

Finally, with over 3,000 in-store produced restaurant-style foods, change is inevitable and occurs at a rapid pace due to formulation modifications, ingredient and recipe changes, and/or supplier changes. Inspectors should understand these changes occur weekly, and it takes time to implement signage and menu board changes throughout our 1,147 stores. We request the FDA and any state and local jurisdictions that inspect for regulatory compliance provide flexibility for the accuracy of displayed calorie information after reformulations or recipe changes of standard menu items. While our front line management and associates in our retail grocery stores are not always aware of the changes taking place behind the scenes, we are open to accommodating FDA with such requests for information. We kindly ask these inspection related requests be directed to our Corporate Quality Assurance office at (863) 688-1188 Ext. 35236. As with other regulatory inspection requests, our office is able to respond with information within a twenty-four (24) hour time period.

We appreciate the opportunity to provide the agency with our perspectives as we work towards improving our Menu Labeling compliance program, and we look forward to working with FDA in the future. If you have any questions, please contact me at your convenience.

Respectfully submitted,



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Director of Corporate Quality Assurance

Enclosures

Cc: Felicia B. Billingslea, FDA CFSAN Food Labeling and Standards

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