

EXHIBIT 15

DATE 2-14-05

HB 43 578



Representing the Candy, Chocolate & Gum Industries since 1884

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February 14, 2005

The Honorable Kathleen Galvin-Halcro
Chair, House Education Committee
Montana House of Representatives
P.O. Box 201706
Helena, MT 59620-1706

Dear Committee Chair Galvin-Halcro:

The National Confectioners Association (NCA) greatly appreciates this opportunity to express its views regarding House Bill 578, which is up for consideration in your committee. The measure seeks to expand restrictions on the sale of selected food and beverage products in the schools of your state.

As you can imagine, the members of our association are very interested in this issue. NCA represents more than 700 companies that manufacture and market the vast majority of chocolate and non-chocolate confectionery in the United States.

NCA believes that students, parents, legislators, vendors and in some circumstances even school officials are not fully aware of the current restrictions in schools regarding the sale of foods in competition with the national school lunch and breakfast programs.

There are already significant control measures at the disposal of schools in your state through regulations promulgated by the U.S. Department of Agriculture (USDA). These regulations strictly prohibit the sale of "foods of minimal nutritional value" in designated food service areas during the meal periods. Other foods in competition with the school breakfast and lunch programs are only sold when proceeds benefit the school or an approved student organization. Unfortunately, these USDA guidelines are sometimes unknown or not enforced.

Please be aware that improvements in technology can increase the capability of schools to enforce these USDA guidelines. Timers can now be attached to vending machines that control when the machines can be operated or shut down.

We strongly support a comprehensive education campaign so as many people as possible know about the tough guidelines already in place to restrict the sale of our members' products in schools. Our association accepts the fact that local districts are capable of making these guidelines even tougher if they so desire and ask that your committee maintain the flexibility of local districts to make this decision based on their own particular norms and needs.

Children's health is a complex and multi-faceted issue, affected by a variety of factors, including a child's behavior, environment, levels of physical activity and inactivity, genetics, and diet. **Our organization is committed to supporting children's health and to encouraging both parents and children to maintain a healthy lifestyle.** We are currently working with leaders in the health professional community by providing materials to help them educate children and their parents on effective approaches to health, nutrition and weight management.

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Health professional organizations such as the American Dietetic Association believe that a healthy dietary regimen incorporates a diet that is balanced and includes a variety of foods in moderation. While we certainly agree with the need for continuing efforts to identify and support measures that encourage children's health and well-being, NCA feels childhood obesity is a multi-faceted problem that will not be solved by restricting food choices. Such restrictive proposals are at best short-term in nature and are not likely to be effective, especially at the high-school level.

The children of your state will benefit far more if you instead pursue long-term solutions to health that emphasize nutrition education and increased physical activity. *Teaching children about the benefits of a balanced diet* would do more to steer them in the right direction on nutrition than would the enactment of food restrictions. *Increasing the amount of their time devoted to physical activity* through physical education classes, not eliminating recess periods or other methods would also have a positive impact on the health of children. Studies have found the physical activity of children has decreased over the years and has had an impact on rising obesity rates.

Our association also asks that you consider the impact this legislation could have on fundraising projects in the schools of your state. Each year, nearly \$2 billion worth of projects at schools and other non-profit organizations are made possible by fundraising. The vast majority of Americans, including eight out of ten parents, support school and non-profit product fundraising. Fundraising in schools supports music programs, youth athletic activities, computer education, PTAs, PTOs, scout organizations and other programs that are important to students' overall educational experience.

Nationwide, candy and confectionery products are typically the most popular fundraising products sold. Restrictions on student fundraising activities jeopardize much-needed programs, while doing little to promote the overall health of children. Product fundraising programs primarily involve purchases by students' families and family friends and co-workers, and the vast majority of sales occur in the family's home and over the telephone, rather than within the school environment. In addition, U.S. Department of Agriculture data indicate that consumption of confectionery products has remained stable over time and represents less than 2% of the total calories consumed in an average diet.

We ask that you please not adopt shortsighted proposals and instead support long lasting provisions for children's health that more fully incorporate nutrition education, physical activity and extensive education regarding the current guidelines.

You can be certain that the National Confectioners Association will continue working with the health professional community and physical fitness professionals, the food industry and other committed industries and organizations to educate consumers about how all foods can fit within a healthy diet when adopting good nutrition and embracing appropriate exercise. Do not hesitate to contact our association if we can answer any questions regarding this issue.

Sincerely,



Stephen G. Lodge

Vice President, Legislative Affairs

Enclosure: ADA Position Statement

Position of the American Dietetic Association: Total diet approach to communicating food and nutrition information

ABSTRACT

It is the position of the American Dietetic Association that all foods can fit into a healthful eating style. The ADA strives to communicate healthful eating messages to the public that emphasize the total diet, or overall pattern of food eaten, rather than any one food or meal. If consumed in moderation with appropriate portion size and combined with regular physical activity, all foods can fit into a healthful diet. Public policies that support the total diet approach include Reference Dietary Intakes, Food Guide Pyramid, Dietary Guidelines for Americans, Nutrition Labeling and Healthy People 2010. The value of a food should be determined within the context of the total diet because classifying foods as "good" or "bad" may foster unhealthy eating behaviors. Eating practices are influenced by taste and food preferences, concerns about nutrition and weight control, physiology, lifestyle, environment, and food product safety. To increase the effectiveness of nutrition education in promoting sensible food choices, dietetics professionals plan communications and educational programs that utilize theories and models related to human behavior. Communication campaigns/programs should implement an active, behaviorally focused approach within the larger context of food choices. Nutrition confusion can be reduced by emphasizing moderation, appropriate portion size, balance and adequacy of the total diet over time, the importance of obtaining nutrients from foods, and physical activity.

At least four of every five Americans agree that there is a relationship between diet and health (1,2), and 67% have become more aware of the benefits of a healthy diet in the previous year (3). In addition, over half of shoppers report actively seeking diet and nutrition information in the last month (2), and 41% of Americans feel that they are doing all they can to eat healthfully (4).

Obstacles to healthful eating reported in the recent American Dietetic Association (ADA) Nutrition and You: Trends 2000 (4) were reluctance to give up favorite foods (44%), satisfaction with current diet (39%), lack of time to keep track of diet (36%), and lack of understanding of nutrition guidelines (29%). In addition, 77% of Americans believe that there are "good" and "bad" foods. Perhaps the myth of "good" and "bad" foods is linked to the perception that tasty foods do not fit into a healthful diet. This pessimistic attitude may impede dietary change if Americans are tired of messages from nutrition experts that everything that tastes good is bad for them. Eating is an important source of pleasure in life (5); consequently, attempts by health promoters to change undesirable dietary behavior may be difficult if consumers perceive that they must choose between good taste and nutritional quality.

Nutrition messages from dietetics professionals can be more effective if they focus on a positive image of healthy food choices over time, rather than individual foods to be avoided. This concept is not new. The American Dietetic Association strives to communicate that there are no good or bad foods,

only good or bad diets or eating styles (6). No single food or type of food ensures good health, just as no single food or type of food is necessarily detrimental to health.

Research conducted for the Dietary Guidelines Alliance's "It's All about You" campaign suggests that the "good foods/bad foods" myth should not be perpetuated (7). The Alliance is a consortium of government and food industry organizations, including ADA, whose mission is to provide nutrition messages to help achieve healthy, active lifestyles. In order to boost effectiveness, it is recommended that food tips be kept positive, short, and simple and include examples of foods and activities that reflect the lifestyle, preferences, and culture of the audience. The recent Food for Thought III survey (8) reported that the news media are airing more positive messages about food and fewer negative messages. This positive approach empowers consumers to achieve the principles of a healthy diet as part of their overall lifestyle.

Positive messages help avoid the consumer confusion that results when messages from experts appear to be in disagreement, as well as the feelings of guilt that are associated with eating "less healthful" foods (9).

POSITION STATEMENT

It is the position of the American Dietetic Association that all foods can fit in a healthful eating style. The ADA strives to communicate healthful eating messages to the public that emphasize the total diet, or overall pattern of food eaten, rather than any one food or meal. If consumed in moderation with appropriate portion size and combined with regular physical activity, all foods can fit into a healthful diet.

FEDERAL NUTRITION GUIDANCE THAT SUPPORTS THE TOTAL DIET APPROACH

The Dietary Guidelines for Americans and the Food Guide Pyramid take a total diet approach to food guidance which form the basis of federal food, nutrition education, and information programs. From their inception in 1980, the Dietary Guidelines for Americans have recommended moderation for certain dietary components, such as fat and sugar, while continuing to emphasize nutrient adequacy. The Guidelines are reviewed every 5 years by a scientific advisory committee to ensure that they reflect the most current research that is available on diet and health (11). The science-based framework supporting the Food Guide Pyramid, originally developed in the early 1980s, incorporates dietary standards, including the Dietary Guidelines and data on food composition and food consumption practices of Americans. This research framework is updated continually by the USDA to ensure that Federal dietary guidance is based on the most accurate and current scientific data. (12a, 12b)

The developers of the Dietary Guidelines for Americans and the Food Guide Pyramid found that consumers and educators tend to prefer dietary guidance that allows consumers to eat in a way that suits their individual tastes and lifestyles (12-14). An illustration would be to balance a high-fat dessert such as rich ice cream with lower fat selections in other food groups to