



**American
Frozen Food
Institute**

The AFFI Victory in California in Defense of Frozen Foods

June 2006

In February 2006, AFFI held an emergency meeting during the Institute's Western Frozen Food Convention. The topic of discussion was a policy debate in California that was tarnishing the image of frozen foods. AFFI coordinated all of its resources to contribute substantially to a victory of consequence for the frozen food industry nationwide and across product segments. Particularly given the saying, "As California goes, so goes the nation," it is of tremendous importance that AFFI has been successful in defending the frozen food industry in this state-level policy debate.

AFFI includes approximately 500 member companies, including frozen food processors, as well as their suppliers and customers throughout the supply chain. AFFI includes 89 members from California.

Background: California Fresh Start Pilot Program

At issue is the California Fresh Start Pilot Program, which was enacted in 2005 through Senate Bill 281. The pressing issue this year included two important topics: the development of regulations to implement this legislation, as well as attempts to modify the legislation. As passed in 2005, Senate Bill 281 included language to promote the consumption of "nutritious" fruits and vegetables in schools. Attempts to modify this language through the regulatory and legislative processes focused on limiting the pilot program to "fresh" fruits and vegetables.

AFFI Message: Policies Should Not Disparage Frozen Foods

AFFI acknowledged common ground with proponents of the program. AFFI affirmed the value of policies to promote healthy lifestyles and states' efforts to promote their products. AFFI noted the valuable contributions of frozen fruits and vegetables toward these objectives, while granting that a pilot program that seeks to promote exclusively fresh produce would not on its face be of tremendous concern, as long as frozen

fruits and vegetables would maintain equal footing with fresh across school meals programs broadly. The California Fresh Start Pilot Program is modest in scope at \$400,000.

However, AFFI maintained a firm position that legislative and regulatory language should not foster a perception that frozen fruits and vegetables are inferior. For example, language that would explicitly exclude frozen fruits and vegetables from the program may foster the inaccurate perception of some innate inconsistency between these products and nutrition, even if unintended. AFFI noted the context surrounding the debate, which included intensely negative rhetoric. For example, an article in the March 7, 2006, *San Francisco Chronicle* reported claims that “nothing is a substitute for fresh fruits and vegetables,” and “we have co-opted our children’s health so someone in big food can make money.”

AFFI cited scientific research that indicates the freezing process actually locks in nutrients. After preparation, frozen fruits and vegetables can contain equal, even superior, nutrient content when compared with fresh produce that has been harvested, transported and stored prior to consumption. Frozen fruits and vegetables can provide tremendous advantages for school foodservice operators as well, including labor and product cost savings, year-round availability and variety.

Maintaining Momentum of Pro-Frozen Food Policies

AFFI’s members identified this issue as a topic of concern. AFFI’s leadership recognized the importance of this issue in California, as well as its implications for policies in other states and at the national level. AFFI had been successful in securing important public policy victories that reflect positively on the true benefits of frozen foods, and was not content to allow the policy debate in California to check the momentum of pro-frozen food measures. Examples of AFFI’s prior public policy victories directly related to the image of frozen foods include the following.

- On November 10, 2005, President George W. Bush signed into law the 2006 Agriculture Appropriations Bill (H.R. 2744), which includes language advocated by

San Francisco Chronicle

FRIDAY, MARCH 10, 2006
LETTERS TO THE EDITOR

Frozen food defended

The article, "Light syrup starts school food battle" (March 7), ignores reasons why a school nutrition program should include "nutritious" fruits and vegetables, rather than exclusively "fresh" produce.

Use of "nutritious" instead of "fresh" is appropriate given that many nutrients in raw produce deteriorate after harvesting, during transportation and storage, while freezing locks in nutrients. After reviewing scientific research, the U.S. Food and Drug Administration in 1998 determined the same rules governing the "healthy" claim on raw produce also would apply to frozen and canned produce. FDA said failing to do so "could undermine an important element of current dietary guidance."

The use of "nutritious" in the law is sound policy, and should not be altered through regulatory or legislative means.

AFFI President and Chief Executive Officer Leslie G. Sarasin's letter-to-the-editor was one way in which the Institute engaged in the public relations debate on the issue.

AFFI that encourages the U.S. Department of Agriculture's Cooperative State Research, Education, and Extension Service to "consider priority projects that enhance the microbiological safety of food through freezing." This followed AFFI's aggressive promotion of a scientific article by Douglas Archer, Ph.D., "Freezing: An underutilized food safety technology?" published in the January 15, 2004, *International Journal of Food Microbiology*.

- On June 30, 2004, President George W. Bush signed into law the *Child Nutrition and WIC Reauthorization Act of 2004*, which includes the following language advocated by AFFI: "While there is considerable support for the availability of more fresh produce in schools, the Committee recognizes that frozen and canned fruits and vegetables also have value. Unless otherwise modified, the term fruits and vegetables encompass those commodities whether fresh, frozen or canned."
- On March 25, 1998, the U.S. Food and Drug Administration (FDA) approved an AFFI petition to allow frozen produce to be labeled as "healthy," according to the same protocol that applies to raw produce. In FDA's final rule published in the *Federal Register*, the agency wrote, "The nutrient profiles of selected raw fruits and vegetables and frozen, single ingredient versions of the same fruits and vegetables revealed relatively equivalent nutrient profiles ... In fact, some data showed that the nutrient content level for certain nutrients was higher in the frozen version of the food than in the raw version of the food."

AFFI Wages a Government Advocacy and Public Relations Effort

In June 2006, an effort to change the legislative language related to the California Fresh Start Pilot Program stalled. After this effort had been blocked on its merits several times throughout early 2006, a last-ditch effort to change the language was defeated on the grounds that the procedural tactics being employed were inappropriate. AFFI's contributions to the effort to prevent harm to the frozen food industry included a comprehensive plan. AFFI employed direct advocacy, public relations and grassroots mobilization, as well as the utilization of scientific research.

The following are specific examples of the steps that contributed to this success on behalf of the entire frozen food industry nationwide:

- AFFI coordinated with allied organizations, including the California League of Food Processors.

"...It is imperative that legislative and regulatory language not foster a perception that frozen fruits and vegetables are inferior. This would be my respectful request as regulations are drafted, and if future related legislation is considered."

- AFFI Past Chairman William S. Smittcamp, president, Wawona Frozen Foods, in testimony to the Education Committee of the California State Assembly

- AFFI member Bill Smittcamp of Wawona Frozen Foods submitted testimony to the Education Committee of the California State Assembly, and AFFI member Richard Brown of Cebro Frozen Foods submitted testimony to the Agriculture Committee.
- A letter-to-the-editor by Leslie G. Sarasin, AFFI's president and chief executive officer, was published in the *San Francisco Chronicle* in response to an article in that newspaper that contained highly negative comments about all processed foods.
- Numerous AFFI member companies contacted their elected officials in the California State Assembly to indicate their positions on the issue, and to urge their representatives to support their positions.
- AFFI maintained daily monitoring of the issue and served as a source of information and strategic advisor to entities and individuals interested in its outcome.
- AFFI made available scientific research and background information about the nutritional and economic value of frozen produce.
- AFFI conducted outreach to members of the State Board of Education in California to promote the value of frozen produce and to urge implementation of the California Fresh Start Pilot Program according to the legislative language adopted in 2005.
- AFFI representatives met personally with California legislators.
- AFFI reached out to the Department of Agriculture in California, as well as to the administration of Governor Schwarzenegger.

Conclusion

Through its work to uphold the positive image of frozen foods during the debate over the California Fresh Start Pilot Program, AFFI demonstrated that it is a member-driven trade association. AFFI also demonstrated its skill in coordinating government affairs, grassroots involvement, scientific research and public relations to shape public policy. AFFI will remain vigilant on this issue should it resurface.

American Frozen Food Institute
2000 Corporate Ridge, Suite 1000
McLean, VA 22102
(703) 821-0770
www.affi.com