



Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
T +1 202 637 5600
F +1 202 637 5910
www.hoganlovells.com

MEMORANDUM

From: Martin J. Hahn
Sam Dietle

Date: January 4, 2021

Re: **USDA and HHS Release 2020-2025 *Dietary Guidelines for Americans***

Just in time for New Year's resolutions, USDA and HHS issued the 2020-2025 edition of the *Dietary Guidelines for Americans*.¹ The *Dietary Guidelines for Americans, 2020-2025 (2020-2025 DGA)* feature four overarching Guidelines to encourage healthy eating and for the first time, provide recommendations for each life stage – infancy, toddlerhood, childhood, adolescence, adulthood, pregnancy and lactation, and older adults. The 2020-2025 *DGA* also emphasize the importance of healthy eating patterns, including models of different healthy dietary patterns (U.S.-Style, Mediterranean, and Vegetarian) based on age. The 2020-2025 *DGA* encourages Americans to “make every bite count” with nutrient-dense forms of foods and beverages across all food groups, within calorie limits, while limiting added sugar, sodium, saturated fat, and alcoholic beverage intake. Based on the recommendations in the 2020-2025 *DGA*, 85% of a person's daily calories are needed per day to meet food group recommendations, healthfully, in nutrient-dense forms, leaving 15% of calories available for other uses, including added sugars and saturated fat. The 2020-2025 *DGA* reiterate the importance of healthy eating and preventing chronic disease, particularly in light of the COVID-19's impact on individuals with chronic health conditions, including nutrition-related illnesses such as cardiovascular disease, diabetes, and cancer.

Overarching Guidelines

1. Follow a healthy dietary pattern at every life stage.

This is the first time the *DGA* addresses nutrition recommendations throughout the lifespan. Each chapter of the 2020-2025 *DGA* provides recommendations for healthy dietary patterns for specific life stages: infants and toddlers (Chapter 2), children and adolescents (Chapter 3), adults (Chapter 4), women who are pregnant or lactating (Chapter 5), and older adults (Chapter 6). The Appendices in the 2020-2025 *DGA* include nutritional and calorie goals by age and sex, in addition to a series of dietary patterns that exemplify the recommendations of healthy eating patterns in the 2020-2025 *DGA*:

¹ [Dietary Guidelines for Americans, 2020-2025.](#)

- Healthy U.S.-Style Dietary Pattern for Toddlers Ages 12 through 23 Months No Longer Receiving Human Milk or Infant Formula;
- Healthy U.S.-Style Dietary Pattern for Ages 2 and Older;
- Healthy Vegetarian Dietary Pattern for Toddlers Ages 12 through 23 Months No Longer Receiving Human Milk or Infant Formula;
- Healthy Vegetarian Dietary Pattern for Ages 2 and Older; and
- Healthy Mediterranean-Style Dietary Pattern for Ages 2 and Older.

Each dietary pattern addresses, for various caloric intake levels based on age, the number of recommended daily and weekly serving amounts of each food group, and for the first time provides vegetarian dietary patterns for toddlers age 12 through 23 months.

2. Customize and enjoy nutrient-dense food and beverage choices to reflect personal preferences, cultural traditions, and budgetary constraints.

The 2020-2025 *DGA* aim to provide a flexible framework for healthy eating patterns that can be adaptable to specific needs and preferences. Adherence to a diet that follows the *DGA* has generally remained flat since 2005, with the average American diet scoring 59 out of a possible 100 points reflecting conformance with the *DGA*. The 2020-2025 *DGA* states that it purposely provides recommendations by food groups and subgroups – not specific foods and beverages – to avoid being prescriptive. At the same time, there are a number of recommended “shifts” within food groups and subgroups with the goal of encouraging nutrient-dense foods and choices to reduce consumption of added sugars, saturated fats, and sodium, such as the examples, below.

- Figure 1-1 features the following examples of food choices that are not nutrient dense and the calorie content compared to nutrient-dense forms of the food:
 - 80% lean ground beef vs. 97% lean beef
 - Breaded, fried cod vs. baked cod
 - Whole milk vs. fat-free milk
 - Movie theatre-style popcorn with butter v. air-popped popcorn
 - Full-fat mocha vs. espresso with fat-free milk
 - Sweetened applesauce v. unsweetened applesauce
- Figure 1-2 includes examples of individual food or beverage changes to select more nutrient-dense options and help adopt a healthy eating pattern:
 - Choosing plain shredded wheat over frosted shredded wheat cereal
 - Choosing plain, low-fat yogurt with fruit over full-fat yogurt with added sugars
 - Choosing low-sodium black beans over regular canned black beans

- Choosing vegetable oil over butter
- Choosing sparkling water over soda
- For toddlers, the 2020-2025 *DGA* encourages making healthy shifts to nutrient-dense foods, including those below.
 - Cereals with added sugars → Cereal with minimal added sugars
 - Fruit products with added sugars → Fruit (e.g., canned in 100% juice)
 - Fried vegetables → Roasted vegetables
 - High-sodium snacks → Vegetables
 - High-sodium meats → Ground lean meats
 - Beverages with added sugars → Unsweetened beverages

3. Focus on meeting food group needs with nutrient-dense foods and beverages, and stay within calorie limits.

- Vegetables

Almost 90% of Americans are estimated to have insufficient vegetable intake, with most populations failing to meet intake recommendations for any of the vegetable subgroups. The 2020-2025 *DGA* states that following a healthy eating pattern means for most individuals (1) an increased intake in total vegetables and from all vegetable sub-groups; (2) shifting to nutrient-dense forms of vegetables; and (3) increasing the variety of different vegetables consumed over time.

The 2020-2025 *DGA* has renamed the “legumes (beans and peas)” vegetable subgroup to “beans, peas, and lentils” to more accurately reflect the foods in this subgroup. In addition, the 2020-2025 states that because beans, peas, and lentils have a similar nutrient profile to foods in both the vegetable and protein foods groups, these foods can be considered either a vegetable or protein food when aiming to meet recommended intakes.

- Fruits

The 2020-2025 *DGA* found that most Americans would benefit from increasing fruit intake, mostly in whole fruits in their nutrient-dense forms. The category includes whole fruits and 100% juice. The 2020-2025 *DGA* state, “at least half of the recommended amount of fruit should come from whole fruit, rather than 100% juice” and “when juices are consumed, they should be 100% juice and always pasteurized or 100% juice diluted with water (without added sugars).”

- Grains

The *DGA* continue to recommend that at least 50% of grain consumption consist of whole grains, which many Americans continue to fail to meet. The 2020-2025 *DGA* recommend shifting from refined to whole-grain versions of commonly consumed foods, such as from white to 100% whole-wheat breads and white rice to brown rice, to increase whole grain intakes and help meet recommendations. In addition, the 2020-2025 *DGA* recommends shifting to more nutrient-dense forms of grains, such as breakfast cereals with less sugar.

- Dairy and Fortified Soy Alternatives

The 2020-2025 *DGA* explains that the dairy and fortified soy alternatives food group does not include “milks” made from plants (e.g., almond, rice, coconut, oat, and hemp “milks”) because the overall nutritional profile of these plant-based milk alternatives is not similar to dairy milk and fortified soy beverages. Fortified soy milks and yogurts are fortified with calcium, vitamin A and D comparable to dairy products, and therefore count towards this food group.

- Protein Foods

Although many Americans meet their recommended total protein intakes, many fail to meet the recommended servings from each subgroup. Accordingly, the 2020-2025 *DGA* recommends that

Shifts are needed within the protein foods group to add variety to the subgroup intakes. Selecting from the seafood subgroup or the beans, peas, and lentils subgroup more often could help meet recommendations while still ensuring adequate protein consumption. Replacing processed or high-fat meats (e.g., hot dogs, sausages, bacon) with seafood could help lower intake of saturated fat and sodium, nutrients that are often consumed in excess of recommended limits. Replacing processed or high-fat meats with beans, peas, and lentils would have similar benefits, as well as increasing dietary fiber, a dietary component of public health concern.

- Oils

The 2020-2025 *DGA* recommends that Americans shift oil intake to vegetable oil in place of fats high in saturated fat, including butter, shortening, lard, or coconut oil.

- Beverages

Water and other beverages that are calorie-free, as well as those that contribute beneficial nutrients, such as fat-free and low-fat milk and 100% juice, should be the primary beverages consumed. The 2020-2025 *DGA* recognizes “coffee, tea, and flavored waters also are options, but the most nutrient-dense options for these beverages include little, if any, sweeteners or cream.” The 2020-2025 *DGA* continues to encourage limiting consumption of sugar-sweetened beverages due to added sugar and calorie content.

4. Limit foods and beverages higher in added sugars, saturated fat, and sodium, and limit alcoholic beverages.

The 2020-2025 *DGA* encourage consumption of a small amount of added sugars, saturated fat, or sodium, ideally in combination with nutrient-dense foods and beverages to help meet food group recommendations. To that end, the 2020-2025 *DGAC* recommends limiting consumption of nutrients of concern.

- **Added sugars** – Less than 10% of calories per day starting at age 2. Avoid foods and beverages with added sugars for those younger than age 2.
- **Saturated fat** – Less than 10% of calories per day starting at age 2.
- **Sodium** – Less than 2,300 mg per day – and even less for children younger than age 14.

- **Alcoholic beverages** – Adults of legal drinking age can choose not to drink, or to drink in moderation by limiting intake to 2 drinks or less in a day for men and 1 drink or less in a day for women, when alcohol is consumed.

The Dietary Guidelines Advisory Committee’s Scientific Report recommended further reducing the quantitative limitations on added sugars and alcoholic beverages for the 2020-2025 *DGA*. Ultimately the 2020-2025 *DGA* maintains the same quantitative limits on added sugar and alcoholic beverages (described above) as the new evidence evaluated since the 2015-2020 *DGA* was not found to support further reduction.

* * *

We will continue monitor developments related to nutrition policy and the *Dietary Guidelines*; please contact us if you have any questions on this or any other matter.