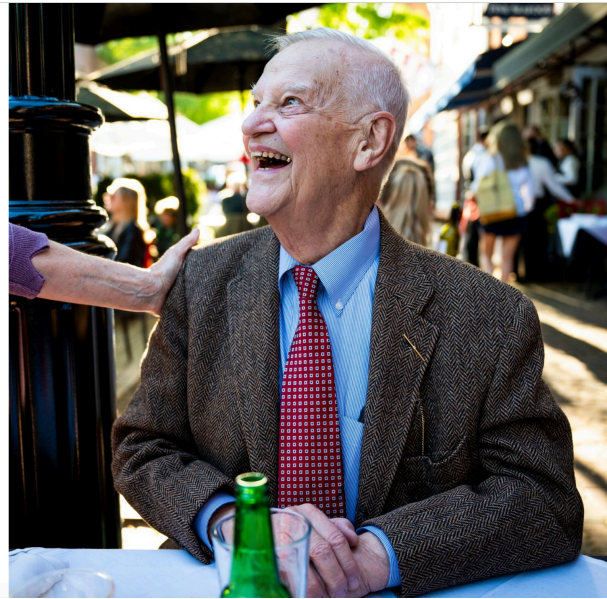


The Father of Nutrition Labels Doesn't Count Calories and Loves Ice Cream

Peter Barton Hutt has left his mark on hundreds of millions of food products in the decades since he introduced labeling rules to America

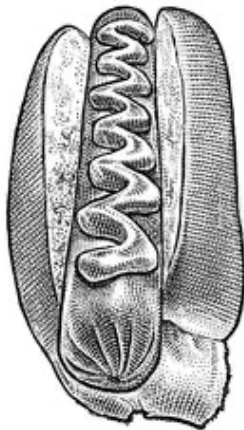


By [Liz Essley Whyte](#) [Follow](#) | Photographs by Pete Kiehart for The Wall Street Journal
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Peter Barton Hutt doesn't care what [food](#) you buy, as long as you know [what's in it](#).

He introduced America to the [nutrition label](#), the fine print on food and drink that reveals, say, the number of calories in that pint of vanilla ice cream or how much fruit juice is really in that "juice drink." He also decreed the label's type size: no smaller than 1/16th of an inch.

From a historical standpoint, Hutt has left a mark matched by few mortals. The labels have appeared on hundreds of millions—billions, maybe—of consumer products in the five decades since he wrote the rules for the Food and Drug Administration. He credits the National Canners Association with the idea of putting all the information in one spot.



Technically, "I didn't write a single regulation," Hutt said. "I dictated." The 89-year-old lawyer doesn't know how to type. His secretary takes occasional dictation, he said, and he is, reluctantly, learning how to use dictation software.

Hutt was the FDA's chief counsel from 1971 to 1975 and remains obsessed with food-and-drug law. "You're dealing with the things on which every human being relies in order to live," he said.

Before Hutt's tenure, the FDA mostly cracked down on miscreants. After his arrival, the agency issued sweeping rules that reshaped entire industries. It now regulates a fifth of the U.S. economy, including more than 10,000 [vending machines](#).



A scorpion lollipop, a knitted ice cream cone topped with a cherry and Peter Barton Hutt.

Two decades ago, his law firm, Covington & Burling, threw a retirement party for him and some colleagues. He used the occasion to declare he'd keep working "unless you throw me out of the firm, in which case I will go across the street and practice food-and-drug law with a competitor," he recalled.

He still works 12-hour days. Besides practicing law, Hutt has lectured at universities, trade groups, professional associations and testified before Congress more than 100 times. He has served on the boards of more than 30 biotech companies and numerous federal advisory panels and published more than 125 articles and has several book projects. There is much more—enough to fill half of a 3-inch binder that holds his curriculum vitae.

Hutt teaches at Harvard Law School every January. He starts with the Code of Hammurabi and ends at the FDA's oversight of modern cosmetics and carcinogens. "That's 5,000 years of food and drug law," he said. "How can you not get excited?"

His class also is notable for props. Hutt brings novelty lollipops embedded with scorpions or worms and asks students to debate whether they should be legal.

The origins of Hutt's passion reach back to childhood. His dad owned a retail dairy outside of Buffalo, N.Y., where Hutt scrubbed floors and made milk shakes. At 16, he was a milkman, making deliveries and exercising responsibility. "I had the key to every house," he said.



Peter Barton Hutt pecking out an email in his law office at Covington & Burling in Washington.

Hutt wrote a history of dairy cooperatives while an undergrad at Yale University. He spent summers delivering milk. While attending Harvard Law School, he wrote a paper on federal rules governing the relationship between farmer and milk-seller. His father had a flood of milk-related legal questions, prompting Hutt to attend a lecture by the then-chief counsel at the FDA, who offered him a food law fellowship at New York University.

While at the FDA, Hutt also legitimized off-label drug use. That, too, grew from life experience. In 1967, his older brother was in a coma with a brain tumor at age 36. Doctors said he had 10 days to live. One told Hutt that a particular steroid medication might ease the brain swelling. It wasn't approved for that use, but the doctor said he could prescribe it. Hutt agreed. His brother gained consciousness and went home to his wife and four children. He lived for 10 more months.

Four years later, when a congressman grilled FDA officials about doctors prescribing drugs for off-label purposes, which fell into a gray area of the law, Hutt didn't hesitate. It was absolutely fine, he testified. In that moment, he cemented a drug-law doctrine.

Despite decades watching the FDA fine peanut-butter companies for unsanitary factories and lecturing lettuce growers about washing leaves with clean water, Hutt isn't picky about what he eats. Some nights after working late, he stops at a Five Guys restaurant for dinner.

"Their hamburgers are just terrific. And so are their hot dogs," Hutt said. "I love hot dogs."

Stacks of paper stand floor to ceiling in his law office. A knitted vanilla ice cream cone topped with a cherry sits on his desk. One of his students made it.

"The only thing I'd never let the FDA ban is vanilla ice cream," he said. It is his favorite food, he said, and he eats an average of a scoop a day.

By coincidence, the FDA is reviewing the color additive Red No. 3, used to make maraschino cherries, one of Hutt's favored ice cream toppings. If they ban it, he joked, "I will bring a lawsuit."

Hutt hired a personal trainer eight months ago, and he takes vitamins B and D supplements and four medications for his heart and blood pressure as a precaution. His father died at age 63 of a stroke. Hutt isn't worried about his health. His mother lived to 107, he said, and doctors assure him he will make it to 100.

If he decides to quit law after that, he said, "I'm gonna go back and be a milkman."



Peter Barton Hutt stopping for lunch at a favorite hamburger and hot dog spot in Washington.



Peter Barton Hutt walking an alleyway near his home in Alexandria, Va.

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