

## Comments Regarding USDA/FDA Joint Proposed General Principles and Food Standards Modernization

This Petition does not represent, nor should it be viewed as, a request to create a new food product standard. It is, however, a request to create standardized conditions surrounding the use of natural claims that may be used on labeling of either standardized or non-standardized products. From that perspective and in consideration of the Proposed General Principles,<sup>1</sup> we submit the following comments.

Codifying and standardizing category, conditions of use, and labeling requirements for "natural" claims serves the public interest by creating uniformity and clarifying the circumstances of use of such claims. The controlled and disciplined requirements associated with the manufacture of products bearing a natural labeling claim do not diminish the level of food safety inherent with production under FSIS program services. Indeed, requirements such as restricting preservatives and chemical additives protect the public and enhance the level of food safety of such foods. This is attested to in the May 8, 2006 Federal Register FSIS Action: Compliance with the HACCP System Regulations and Request for Comment,<sup>2</sup> which states, "Food intolerances are non-immunologically mediated reactions. They are caused by a reaction to the chemical composition of a food itself or to an additive, such as a preservative (e.g., sulfites) or a flavoring (e.g., lactose)."

The restriction of such ingredients from products bearing a natural labeling claim serves to protect the public, especially those consumers with such sensitivities. Limiting the category to a single "all natural" standard with understandable, enforceable and controlled conditions of use minimizes consumer confusion and avoids inherently misleading labeling. Such a standard is less subject to interpretation and, therefore, less likely to be misunderstood, making the Rule simple, easy to use and consistent among all standards.

The conditions of use, although restrictive as to what may or may not be considered "natural," in no way restrict any technological means of qualifying foods for use of the claim. This allows for the use of new technologies, especially advances in minimal processing, to create maximum flexibility. Since a natural claim may potentially be used on any standardized or non-standardized food, it is consistent among all food standards. The proposed language would also allow multiple standards within the commodity group to exist as general provisions.

<sup>1</sup> Docket Number 1995N-0294.

<sup>2</sup> Docket No. 05-016N, FDMS Docket No. FSIS-2005-0035.

The proposed language would not allow a labeling claim to alter or otherwise interfere with a standardized name, eliminating any concern that a claim may undermine the description of the basic nature of the food. This also serves to reflect the essential characteristics of the food and ensures that the food does not appear to be of greater value than it is. Since all existing requirements for labeling of foods—standardized or otherwise—continue to be in force, there are no related labeling or ingredient regulation implications. Similarly, because the recommended labeling requirements relate specifically to the use of the labeling claims in conjunction with, or contiguous to, the name of the food without alteration or interference to the standardized name, the name will not be misleading to consumers. And because natural claims are allowed to be used in accordance with the recommended labeling requirements, they would not interfere with any other presentation to properly identify ready-to-eat or not ready-to-eat foods.

Beyond the reference to minimal processing, there are no more specific restrictions relating to processing generally, thus the recommended provisions are simple, straightforward and easy to use. The recommendations allow for a production environment where commonly-available natural ingredients and processes may be used. These natural ingredients and processes currently exist as alternatives and, therefore, represent a choice for the manufacturer which would not otherwise alter the essential character of the standardized food. Thus, there is nothing encumbering about the recommended provisions that would prevent variations in the physical attributes of the food unless a natural alternative ingredient or process does not exist within the confines of current food science and technology. This may even foster innovation and creativity to discover alternative ingredients and processes that do not currently exist.

All ingredients used are described by their common or usual names and are consistent with those described in other food standards of §319, §381 and §424.21. All purported natural ingredients are verifiable at the time of manufacture and would not require finished product analysis to certify that such ingredients are natural.