

# Chef America, Inc.

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01 DEC 18 PM 1:06

December 17, 2001

FSIS Docket Clerk  
Docket #01-018P  
Room 102  
Cotton Annex  
300 C Street, SW  
Washington, DC 20250-3700

(b)

01-018P  
01-018P-5  
Mary Marr

RE: [Docket No. 01-018P] Definitions and Standards of Identity or Composition:  
Elimination of the Pizza Standard; 66 Federal Register 55601; November 2, 2001

Dear Sir or Madam:

Chef America, Inc. respectfully requests an extension of **90** days, to April 4, 2002, of the comment period for Docket No. 01-0118P (Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard).

Chef America, Inc. is a manufacturer and distributor of frozen prepared food products. Principal brands include Hot Pockets® brand stuffed sandwiches, Lean Pockets® brand stuffed sandwiches, Croissant Pockets® brand stuffed sandwiches, Hot Pockets® brand Toaster Pizzas, Hot Pockets® brand Toaster Melts™, Hot Pockets® brand Pizza Mini's® and Belgian Chef® brand waffles.

Under the above brand names, Chef America sells approximately 125 million pizza variety stuffed sandwiches annually that would be affected by this regulation. Since our consumers and product lines would be greatly impacted by this proposed ruling, Chef America feels that an extension of the comment period is necessary to conduct consumer research with regards to their expectation on pizza composition and meat ingredient quantity.

Due to the holiday season, Chef America has found it impractical to carry out consumer research. Therefore, an extension of **90** days is requested in order to allow the necessary time to properly conduct, gather and analyze consumer research data.

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The outcome of this ruling will set precedence for all other modernizing of existing standards of identity for meat and poultry products. Time should be taken to let all parties involved thoroughly analyze and determine all ramifications of the ruling.

Thank you for the opportunity to comment on this and future important issues.

Sincerely,

A handwritten signature in cursive script that reads "Mary Marr". The signature is written in black ink and is positioned above the printed name.

Mary Marr  
Chef America, Inc.  
Regulatory Technologist

# Chef America, Inc.

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December 28, 2001

FSIS Docket Clerk  
Docket #01-018P  
Room 102  
Cotton Annex  
300 C Street, SW  
Washington, DC 20250-3700

RECEIVED  
FSIS DOCKET ROOM 11  
02 JAN -2 PM 1:09

RE: [Docket No. 01-018P] Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard  
66 Federal Register 55601; November 2, 2001

Dear Sir or Madam:

Chef America, Inc. is a manufacturer and distributor of frozen prepared food products. Principal brands include Hot Pockets® brand stuffed sandwiches, Lean Pockets® brand stuffed sandwiches, Croissant Pockets® brand stuffed sandwiches, Hot Pockets® brand Toaster Pizzas, Hot Pockets® brand Toaster Melts™, Hot Pockets® brand Pizza Mini's® and Belgian Chef® brand waffles.

Chef America, Inc. has reviewed the proposed rule and appreciates the opportunity to comment on the Food Safety and Inspection Service proposal regarding "Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard." Chef America serves 300,000,000 consumers annually pizza variety stuffed sandwiches that would be affected by this regulation. Both our consumers and product lines would be greatly impacted by this proposed ruling. We feel that some modernization could be necessary to allow for increased product creativity but we do not support the complete elimination of the pizza standard.

**The primary guiding principal for modernizing product standards should be to protect the interest of the consumer.**

In 1998, Advance Notices of Public Rulemaking (ANPR) was published by FSIS and FDA (61 FR 47453 and 60 FR 67492), as stated in the National Advisory Committee on Meat and Poultry Inspection (NACMPI) issue paper from Robert Post, the agencies received 123 comments in response to the ANPR from industry and consumer groups. The comments contained little support for complete elimination of food standard. Many of these comments recognized that by establishing a core basis upon which similar products are formulated, food standards protect consumers from fraudulent and substandard products.

Also stated in the NACMPI issue paper is FSIS and FDA's modernization strategy. It proposes a set of guiding principals which state that during the modernization, food standards should be structured to protect the interest of consumers. This is Chef America's primary goal, to protect our consumers and pizza consumers as a whole. We feel that the percentage meat component, as outlined in 9 C.F.R. § 319.600, must remain a part of the pizza standard or the pizza industry will provide its consumers with substandard products.

**Consumer research should be the foundation for making informed policy decisions during the modernization process.**

Chef America collected data on several pepperoni pizza products during 3 separate Home Use Tests (HUT) conducted by Marylander Marketing Research on June 2000, May 2001 and July 2001. The products tested were Hot Pockets® Brand Stuffed Sandwiches Pepperoni Pizza, Hot Pockets® Brand Juniors™ Stuffed Sandwiches Pepperoni Pizza and Red Baron™ Deep Dish Singles Pepperoni Pizza. (See Attachment A)

**The current pizza standard is still serving its purpose and meeting the consumer's interests with regards to meat quantity.**

Chef America determined through the above mentioned consumer studies that an average of 77% of the consumers polled felt that the amount of pepperoni on the pizza was just about right and an additional 19% felt there was not enough pepperoni on the pizza. Only an average of 4% of the consumers polled indicated that they would like less meat on their pizzas. As you can see from this data, pizza consumers are getting what they want at the current meat requirement of 12% cooked or 15% raw. This research indicates that the current percent meat requirements, as outlined in 9 C.F.R. § 319.600, continues to “promotes honesty and fair dealing in the interest of the consumer”, as written in section 401 of the Food, Drug and Cosmetic Act, 21 U.S.C. § 341, and also demonstrates that the pizza standard is still serving its purpose.

**Manufacturing flexibility can be achieved through the elimination of the four basic components only.**

With regards to the four basic components outlined in 9 C.F.R. § 319.600 (meat, cheese, tomato sauce and crust), Chef America believes that this portion of the standard is restrictive and does not allow pizza manufactures to compete with non-traditional restaurant-style pizzas. We believe by eliminating just the four basic components, this will allow manufactures the flexibility to produce non-traditional pizzas that the consumers want but still protect their interests with regards to the meat quantity, as demonstrated in the consumer research outlined above.

**Nutritionally improved products can be and should be achieved by using lower fat ingredients, not less of the full fat ingredients.**

Many companies believe that the only way to produce a pizza with an improved nutritional profile is to reduce the minimum meat content from 12% cooked or 15% raw to 2% cooked or 3% raw. Chef America currently produces a whole line of products under the Lean Pockets® Brand. One of these products is a Pepperoni Pizza. This pizza provides only 7 grams of fat and 300 total calories per serving. We utilize low fat cheese and a reduced fat pepperoni in manufacturing this product. Using less of full fat ingredients should not be the policy in developing nutritionally improved products. Improved nutritional profiles should be achieved through the use of lower fat ingredients.

**Chef America is opposed to mandatory percentage meat ingredient declaration.**

If FSIS were to eliminate the pizza standard, Chef America is opposed to mandatory percentage meat ingredient declaration. Disclosure of this information would be infringing on companies propriety, trademarked recipes. It could also distract from more important information that is being conveyed to the consumer (i.e. product safety and handling requirements, and/or nutrient information.) Percentage meat ingredient declarations would also mislead the consumer due to manufacturing variables with regards to meeting precise target weights.

**Chef America also feels that several important policies were not address in the proposed rule that needs further clarification.**

**- Policy Memo 001**

Chef America believes that it is important to discuss several other points that were not addressed in the proposed ruling. These points need clarification in the final ruling if the standard is eliminated. With regards to the policy listed in the Food Standards and Labeling Policy Book on "Pizza Containing Cheese Substitutes", Chef America believes that no change is needed to this policy statement. A change in this policy would cause undo burden to those products that have been on the market for years.

**- Generic Label Approval**

Chef America would also like to note that if FSIS were to remove the standards of identity for meat pizzas, many prepackaged pizzas that now may take advantage of generically approved labeling, under the provisions of 9 **CFR** 317.5(b)(1), would be required to seek prior label approval. Chef America believes that this would have an effect on small entities, contrary to FSIS's assertion in the related section of preamble in the proposed rule. Chef America also notes that this change will have a significant impact on the work of FSIS staff, an effect that appears not to have been analyzed in the proposed rule. We urge FSIS to take this effect into consideration as it makes the decision with respect to any final rule that may result from this rulemaking. Chef America believes that if a company continues to comport with the traditional product and contain a bread-based **crust**, tomato sauce, cheese and meat **or** poultry, that company may continue to utilize the generic approval process.

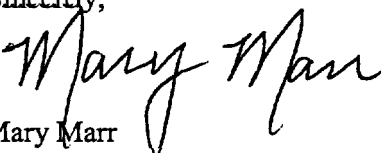
**Closed-faced pizzas have a large stake in the pizza category.**

Chef America would also like to recognize that we have been required and would like our pizza stuffed sandwiches to remain under the pizza standard. The term "open-faced" crust was used in the proposed ruling, "Definitions and Standards of Identity or Composition: Elimination of the Pizza Standard" dated November 2, 2001. We would like to point out that Chef America produces and sells millions of closed-faced pizzas each year. Any verbiage used in the final ruling should remain as originally stated in **47 FR** 28257, which simply states "a bread based meat food product".

Chef America continues to make a quality product based on research from our consumers. It is industry's and FSIS's responsibility to use this research to make informed policy decisions. The consumer research and market trend may show that consumers want new flavors but it also shows that the meat portion of the current pizza standard is still meeting consumer's expectations. The current meat percentages as outlined in 9 C.F.R. § 319.600, are still serving their intended purpose.

Thank you for the opportunity to comment on this and future proposals.

Sincerely,



Mary Marr  
Chef America, Inc

**ATTACHMENT A**

**CONF RESEAR**

**June 2000**

Home Use Test

Marylander Marketing Research

Hot Pockets ® Brand Stuffed Sandwiches Pepperoni Pizza

Question:

How do you feel about the amount of pepperoni?

Sample Size	<b>105</b>
Too much	<b>7%</b>
Just about right	<b>79%</b>
Not enough	<b>14%</b>

**May 2001**

Home Use Test

Marylander Marketing Research

Red Baron™ Deep Dish Singles Pepperoni Pizza

Question:

How do you feel about the amount of pepperoni?

Sample Size	<b>200</b>
Too much	<b>4%</b>
Just about right	<b>70%</b>
Not enough	<b>27%</b>

**July 2001**

Home Use Test

Marylander Marketing Research

Hot Pockets ® Brand Juniors™ Stuffed Sandwiches Pepperoni Pizza

Question:

How do you feel about the amount of pepperoni?

Sample Size	<b>47</b>
Too much	<b>2%</b>
Just about right	<b>81%</b>
Not enough	<b>17%</b>