

# KALSEC®

January 11, 2007



FSIS Docket Room  
Docket Clerk  
USDA  
FSIS  
300 12<sup>th</sup> Street, SW  
Room 102 Cotton Annex  
Washington, DC 20550

**RE: Docket No. FSIS 2006-0040 – Product Labeling: Definition of the Term “Natural”**

KALSEC®, one of the oldest and one of the few remaining spice extraction companies in the United States, wishes to make comment on the FSIS initiative to define the term “natural” in the labeling of USDA regulated products.

It is our opinion that the FSIS should continue to permit ingredients using the US FDA definition of “natural flavor” or “natural flavoring” found in 21 CFR Part 101, section 101.22(a)(3), for those USDA regulated products labeled using the term “natural” or “all natural ingredients”. The sources of natural “spice oleoresins” or “spice extractives” are clearly defined in 21 CFR part 182, § 182.10, 182.20, 182.40, 182.50 and part 184, and are made using only the appropriate extraction solvents listed in 21 CFR Part 173. It is our hope that FSIS will take this opportunity to comment upon and clear up some of the confusion which has resulted from the National Organic Program’s allowing ethanol (organically produced) or carbon dioxide as “extraction solvents” in the manufacture of “organic” spice extractives, since there is currently no provision for this usage in 21 CFR.

The process for making a spice extractive is a minimal process and should be considered as such since it involves a simple, physical separation of the flavor and aroma essence from the whole botanical plant or plant part. The complete process often involves the steps of dehydration and grinding of the botanical material, treatment with a food-grade solvent, separation of the solvent containing the botanical ingredients in an unaltered state, and recovery of the extracted botanical ingredients in an unaltered, but concentrated state by evaporation of the solvent to levels below permitted residual amounts. This is essentially the same process traditionally used to separate soybean oil from soybeans. Prior to solvent removal to levels permitted by the US FDA, the extraction process yields an extractive in solvent, which is similar to vanilla extract. Would vanilla extract be considered “natural”?

In order to manage effectively, we believe that the FSIS needs to maintain flexibility in interpreting products and processes that can be used in foods labeled “natural”. FSIS must continue to have the ability to promote technologies that manage or increase food safety to the consumer, such as use of

**Address:**  
P.O. Box 50511  
Kalamazoo, MI 49005-0511

3713 West Main St.  
Kalamazoo, MI 49006

**Telephone:**  
269-349-9711  
800-323-9320

**Web:**  
[www.kalsec.com](http://www.kalsec.com)

**Fax:**  
Sales & Marketing 269-382-3060  
Hop Sales & Lab 269-349-9055  
Customer Service 269-349-1195  
Purchasing 269-349-1558  
Accounting 269-349-1558

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sodium lactates or high pressure processing to control microbiological counts and pathogenic bacteria. It is important for the FSIS to be able to make some risk / benefit decisions that may not be available with an overly restrictive regulated definition of "natural".

Another positive example is the use of modified atmospheres in the packaging of fresh meat. The benefits of such technology, using higher than ambient levels of carbon dioxide in combination with oxygen or nitrogen to control microbial growth, are well documented. On the other hand, we do not believe that meat artificially colored to appear "fresh" through the use of carbon monoxide in modified atmosphere packaging should be allowed, much less considered "natural". We have seen meat packages deceptively labeled as "all natural" and touting "no hormones or antibiotics", that are in fact "artificially colored" through the use of carbon monoxide. Because carbon monoxide is not labeled as an ingredient, the consumer has no way of knowing that the product is artificially colored and that it may not be as fresh as it appears.

We are also concerned that the term "natural" will become confused with the definition of "organic". We do not think that this is the intent of FSIS to restrict "natural" to meet the requirements of "organic".

We appreciate the opportunity for comment and the FSIS effort in being responsive to these complicated issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Lupina", with a long horizontal flourish extending to the right.

Ted Lupina,  
Technical Regulatory Compliance Director  
KALSEC®