

**National
Seasoning
Manufacturers
Association, Inc.**

President

*Lionel Vil
Kerry Savory*

Docket Clerk, USDA, FSIS,
300 12th Street, S.W., Room 102 Cotton Annex
Washington, D.C. 20250-3700

March 5, 2007

Vice President

*Paul Kurpe
Elite Spice*

Dear Docket Clerk:

Re: FSIS Docket No. 2006-0040
Product Labeling: Definition of
the term "natural"

Secretary

*Jeff Bovit
Continental Seasonings*

This letter addresses the request for comment requested in the Notice of the Federal Register Vol. 71, No. 233/Tuesday, December 5, 2006, page 70503 – 70505.

Treasurer/Executive

*Director
Dick Alsmeyer, PhD*

The letter to the Hearing Clerk dated January 11, 2007 from this Association was reviewed by the Board of Directors on February 20 – 21. It was decided that additional comments and modifications to the January 11 letter were in order.

Directors

*David Lessans
Chesapeake Spice
Paul Kurpe
Elite Spice
Gregory Taylor
Griffith Labs.
Lionel Vil
Kerry Savory
Jean Theiss
Newly Weds Foods
Simon Statter
Presco Food Seasonings
Paul Hargarten
United Food Ingredients*

It is important that FSIS clarify use of the term "natural" so there are fewer uncertainties and less case-by-case decisions about labels of meat and poultry products.

This Association currently has 24 member firms that blend seasonings, provide ingredients, or offer services to members and the processed food industry. As an association whose members blend seasonings, spices and spice extractives, produce flavors, produce or provide antimicrobial agents, and other ingredients to their customers, we are keenly aware of the need to clarify and codify the term "natural". Our members and their customers are adversely affected by the prior and current definition for "natural" as applied by FSIS through label approval.

The requirements for "minimal processing" are of most concern to our members. Minimal processing affects spice extractives, oleoresins of spices, extracting natural flavors, producing flavors, hydrolysis and separation of ingredients. Provision for "more than minimal processing" should be included under labeling of "natural". Many typical seasoning ingredients, even though correctly labeled as spice or natural flavor, undergo more than minimal processing, are processed with synthetic materials, or contain synthetic carriers and non-flavoring components. These should not be considered "natural".

Under FDA regulations, uses of the terms "artificial" and "natural" are differentiated by the source of the flavor and not the processing used to produce

the flavor. FDA Regulations, 21 CFR §101.22 (a) (3) states “The term natural flavor or natural flavoring means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional. Natural flavors include the natural essence or extractives obtained from plants listed in Sec. 182.10, 182.20, 182.40, and 182.50 and Part 184 of this chapter, and the substances listed in Sec. 172.510 of this chapter.”

FSIS should incorporate this FDA definition of “natural flavor” in its standard for “natural”.

The USDA and FDA must consider the health risks that may arise if the standard for “natural” prohibits the use of spices and herbs that have been either irradiated, steam sterilized or treated with ethylene oxide to control pathogenic and spoilage microorganisms. With concern for food safety, FSIS recently permitted the use of antimicrobial agents in foods labeled “natural”. We endorse use of ingredients that increase food safety and consumer protection and should be provided for in rulemaking.

The Board believes that the term “natural” should represent the same standard for all food products, whether regulated by FDA or USDA. The definition should be consistent with, but not limited to, current standards applied in the natural food marketplace. (see http://www.wildoats.com/content/STANDARDS_VENDOR_GUIDE_MAY_2006.pdf).

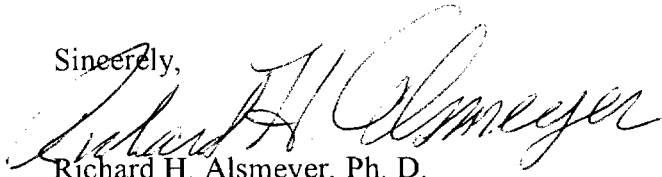
It makes sense to separate claims for natural meat and poultry (referring to how the animal was raised) from natural meat and poultry products that are processed with a variety of ingredients. The industry cannot effectively run its business waiting for case-by-case determinations from FSIS label approvals. Industry needs a definition by which it can clearly evaluate potential ingredients as to their suitability in a product claiming to be natural. Much like organic labeling, it should be very difficult to make an “all natural” claim on a multi-ingredient food product. Even with the FSIS label approval, there is no guarantee that the natural marketplace as represented by Whole Foods and Wild Oats will approve the product.

Currently, the term natural is an elusive concept in the consumer’s mind and the lack of a consistent, transparent definition from FDA and USDA has contributed to this vague perception. Misleading natural claims are the result of a wide range of interpretations of what is or is not “natural”. The end result is that the consumer is not being well served.

The current marketplace adulteration with inconsistent and misleading natural statements on food products and the marketing of these products is clearly manipulating consumers toward the perception that natural is healthier. Legislation and subsequent enforcement should not support these practices.

Thanks for FSIS’ continued cooperation and understanding.

Sincerely,

A handwritten signature in cursive script, reading "Richard H. Alsmeyer". The signature is written in black ink and is positioned above the printed name and title.

Richard H. Alsmeyer, Ph. D.
Executive Director