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May 18, 2007

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Via E-mail: [fsis.regulationscomments@fsis.usda.gov](mailto:fsis.regulationscomments@fsis.usda.gov)  
and  
U.S. Mail

**RE: Product Labeling: Definition of the Term "Natural" [Docket No. FSIS 2006-0040]**

Dear Sir or Madam:

The Vinegar Institute (VI) is an international trade association representing manufacturers and bottlers of vinegar and suppliers to this industry. Of particular note, the vast majority of vinegar manufacturers in the United States are members of the Institute. The Institute previously submitted comments on the United States Department of Agriculture's (USDA) notice regarding definition of the term "natural" in the December 5, 2006 *Federal Register* (71 FR 70503). A copy of these comments is attached.

Subsequent to the submission of our January 11 comments, we became aware of a statement in the Hormel Foods petition that causes us considerable concern. The statement is as follows: "Beyond the definition of 'chemical preservative' found in 21 CFR 101.22, it is intended that any substance, either natural or chemical, which serves to retard product deterioration as a result of microbial action would not be allowed in products which carry an all natural claim."<sup>1</sup> This section of the petition seems to indicate that even though a substance is specifically excluded from being a chemical preservative in 21 CFR 101.22 (such as salt, sugars and vinegars), if used in a meat or poultry product, it would preclude such products from making a natural claim.

We also understand this statement has caused substantial angst in the food industry and was the subject of many of the oral comments during USDA's December 12, 2006 public hearing on the term "natural." We further understand that many companies assert that USDA is currently not approving labels that contain so-called "dual-purpose" natural ingredients that may also have preservative properties.

According to the transcript of the public meeting, Dr. Philip Minerich of Hormel Foods expressed concern about the confusion the above-noted passage has caused. Dr. Minerich stated, "So there is no misunderstanding, we do not object to dual-purpose natural ingredients that may also have preservative properties. Our petition does not intend to exclude natural ingredients simply because they may have naturally occurring preservative properties. Many natural flavorings, spices and

<sup>1</sup>Petition for the Issuance of a Rule Regarding Natural Label Claims. Philip L. Minerich, Ph.D., Vice President, Research & Development, Hormel Foods Corporate Services, LLC. October 9, 2006.

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extracts have preservative or antioxidant properties. These are natural substances that in our view should not be excluded from the natural definition."<sup>2</sup>

For centuries, natural ingredients have been added to food to take advantage of their antimicrobial properties in addition to the other characteristics they impart to food. Such ingredients include: common salt, sugars, vinegars or oils extracted from spices and substances added to food by direct exposure to smoke.

Vinegar is a product regulated by the Food and Drug Administration (FDA), and according to 21 CFR 101.22, vinegars are explicitly excluded from the definition of a "chemical preservative."<sup>3</sup> Vinegars also are specifically excluded from the definition of "chemical preservative" in the USDA Food Standards and Labeling Policy Book, which references 21 CFR 101.22.<sup>4</sup> Further, we are not aware of any stipulations in USDA's current policy that preclude natural ingredients from also exhibiting antimicrobial properties in foods labeled as natural. In fact, while USDA's Food Standards and Labeling Policy Book mentions ingredients with multiple technical effects in the section titled, "Natural Claims," it is clear a final decision has not been made. Additionally, it is our understanding that the 1982 policy (Policy Memo 55) has been rescinded, but it continues to be referenced, which is confusing to those who are trying to comply with USDA's policy with respect to natural labeling.

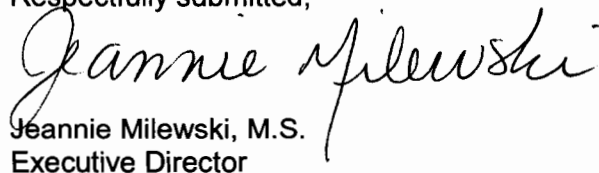
There is a reason why vinegars have been excluded from the definition of "chemical preservative" in 21 CFR 101.22...because they have been used for thousands of years and are considered natural products. Vinegar is one of the few products around today that has been in "Grandma's Kitchen" for centuries and has been used for a variety of purposes. Vinegars, like salt and sugar, have antimicrobial properties in addition to imparting flavor, affecting changes in pH and preserving many foods, including meat.

This in no way should impede its designation as a natural product. Further, it defies logic to call into question the natural designation of any product just because it may also have an antimicrobial effect. Such natural products have been used for centuries for such a purpose. It does not make them any less "natural," and their presence improves the safety of the food, which should be of utmost importance.

#### Conclusion

We appreciate your consideration of these additional comments and believe the Agency should tread carefully with respect to this "dual-purpose" ingredient concept.

Respectfully submitted,

  
Jeannie Milewski, M.S.  
Executive Director

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<sup>2</sup> See Product Labeling: Definition of the Term "Natural" – Transcript of Public Meeting. Free State Reporting, Inc.

<sup>3</sup> See 21 CFR 101.22(a)(5) – "Foods; labeling of spices, flavorings, colorings and chemical preservatives."

<sup>4</sup> See USDA's Food Standards and Labeling Policy Book, "Natural Claims," August 2005