



KURT SCHMIDT  
BUSINESS HEAD  
NESTLÉ INFANT NUTRITION  
NORTH AMERICA

January 31, 2008

The Honorable John D. Dingell  
Chairman  
House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Bart T. Stupak  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Dingell and Chairman Stupak:

Thank you for your letter of January 17, 2008, in which you request information on the use of bisphenol A ("BPA") in the lining of the metal cans used to package liquid forms of Nestlé infant formula. As the head of Nestlé Infant Nutrition in the U.S., I am responding on behalf of Nestlé USA, Inc. as Nestlé Infant Nutrition is responsible for all Nestlé infant formulas in the United States. I assure you that we take your inquiry seriously, and that we will cooperate fully with the Committee.

Nestlé Infant Nutrition is committed to providing parents with safe products of the highest quality. As you know, the laws and regulations that govern the production of infant formula in the United States are among the most stringent and comprehensive in the world. As a result, the production of infant formula in this country is accompanied by a substantial amount of product testing. At Nestlé Infant Nutrition, we conduct extensive pre-release testing of each batch of infant formula produced to ensure that all 29 essential nutrients are provided at levels that meet our own internal specifications, as well as the standards of the Infant Formula Act and the regulations of the United States Food and Drug Administration (FDA).

Additionally, prior to any product being released to the public, we test every batch to ensure the absence of any microbiological public health concern, and we also periodically test our product formulations in accordance with the Total Diet Study protocol (a tool developed and used by FDA for assessing the presence of over 40 heavy metals, pesticide residues, and other potential contaminants).

Regarding your question about the use of BPA, as you are aware, it is currently used in the production of epoxy food packaging coatings and linings, and is approved by the FDA for this use. Consistent with such approval, our metal can suppliers use epoxy linings that contain a trace amount of residual BPA in the cans we use for our liquid formulas. The liquid formulas Nestlé packages in metal cans include Good Start® Supreme, Good Start® Supreme DHA & ARA and Good Start® Supreme Soy DHA & ARA.

Our suppliers advise that there is a practical, public health-based reason for using epoxy linings in our cans. Metal cans, especially those that undergo heat treatments like those used to ensure the commercial sterility of our liquid infant formulas, require a lining to reduce the possibility of interaction between the food and the metal packaging. The lining plays two important roles in food preservation. It protects the can against corrosion that could lead to microbiological contamination and nutrient degradation, and it also protects the product from absorbing any metal components from the can. Epoxy linings are safe, effective and reliable, and BPA is a key component of these linings.

Regarding your questions about testing for BPA, we follow the practice of food producers throughout the United States. We require that the suppliers of our packaging and packaging materials provide us binding certifications and commitments that all packaging and materials, including container coatings and linings, are fully compliant with all applicable legal and regulatory safety standards, including those established and enforced by FDA. Therefore, as a matter of common regulatory practice, all requisite testing of packaging and packaging materials is conducted by our suppliers. Consequently, we do not test the finished product for BPA.

In addition to FDA, other government regulatory agencies have concluded that the use of low levels of BPA in the lining of cans of heat-processed foods poses no risk to consumers, including infants. The European Food Safety Authority (EFSA) has concluded that the use of BPA in can linings, even in the linings of cans containing products like liquid infant formula, is safe. As recently as January 2007, EFSA announced the completion of its review of the latest science on BPA, and that it had established a Tolerable Daily Intake (TDI) for BPA of 0.05mg/kg body weight/day. EFSA also found that current exposure to BPA in the diet is well below this safe level for all population groups including infants and children.<sup>1</sup>

Nevertheless, we are looking into possible alternatives to our current can liners. However, we would not consider it responsible to implement alternative can linings until those alternatives have been thoroughly evaluated as to their safety and appropriateness for packaging infant formula and approved for our use by FDA. To date, no alternative can lining has been identified that can provide a level of protection equivalent to our current can linings.

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<sup>1</sup> European Food Safety Authority. "Opinion of the Scientific Panel on food additives, flavourings, processing aids and materials in contact with food (AFC) related to 2,2-BIS(4-HYDROXYPHENYL)PROPANE [Bisphenol A]". *The EFSA Journal*. 2006; 428: 1-75.  
[http://www.efsa.europa.eu/en/science/afc/afc\\_opinions/bisphenol\\_a.html](http://www.efsa.europa.eu/en/science/afc/afc_opinions/bisphenol_a.html)

Nestlé Infant Nutrition has a rich history of providing parents with helpful and science-based information about feeding their babies. We consistently advise parents that breastfeeding is the ideal way to provide nutrition to an infant. But, for those infants who do not receive the benefit of exclusive breastfeeding throughout the first year of life, we join with the American Academy of Pediatrics in stating that iron fortified infant formulas are the only healthy alternatives. We take the responsibility of producing these important products very seriously, and are proud of our tradition and record of product safety and quality. We believe U.S. formulas are among the safest and most nutritious infant formulas in the world.

I trust this is the information you require. Please let me know if we can be of any further help to you in this investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Schmidt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kurt Schmidt  
Business Head  
Nestlé Infant Nutrition  
North America

cc: The Honorable Joe Barton  
Ranking Member  
Committee on Energy and Commerce

The Honorable John M. Shimkus  
Ranking Member  
Subcommittee on Oversight and Investigations