



JAN 16 2008

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

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

Dear Mr. Chairman:

Thank you for your December 21, 2007, letter, co-signed by Subcommittee Chairman Bart Stupak, to Acting Secretary Charles F. Conner regarding the request by Target Corporation to apply special labeling to product packaged using carbon monoxide as a component of modified atmosphere packaging. The Acting Secretary has requested that I respond on his behalf.

The Food Safety and Inspection Service (FSIS) has written to Target Corporation explaining that it is not possible to make a determination for a label notice of the type that they cite in their letter without reviewing the entire label for the product on which the notice will be affixed. We have returned Target's request as incomplete and invited them to resubmit an application that contains all of the necessary documentation.

If Target Corporation wants approval for the Notice included in the letter they submitted, the company should work with the manufacturer in question to submit to FSIS each of the labels that will include the Target Consumer Notice. Following receipt of the labels, FSIS will assess each label in accordance with its regulations, including whether the Consumer Notice is truthful and not misleading. At this time FSIS does not have sufficient information upon which to base a decision and is therefore unable to provide more detailed answers to your questions.

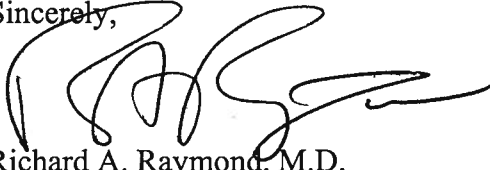
Although the matter is not ripe for review, we are enclosing the documents requested Bates Stamped EC-Carbon Monoxide-1 through EC-Carbon Monoxide-4 and we now consider this matter closed.

We hope you find this information helpful. If you have further questions or if we can be of additional assistance, please have your staff contact the FSIS Congressional and Public Affairs Office at (202) 720-9113.

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A similar letter has been sent to Subcommittee Chairman Stupak.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raymond', with a long horizontal flourish extending to the right.

Richard A. Raymond, M.D.
Under Secretary
Office of Food Safety

Enclosures

Michael T. Roberts
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202-344-4745mroberts@venable.com
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November 9, 2007

Alfred V. Almanza, Administrator
U.S. Department of Agriculture
Food Safety & Inspection Service
1400 Independence Avenue, SW
Room 331-E, Jamie Whitten Building
Washington, DC 20250

Philip S. Derfler
Assistant Administrator, OPPED
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, S.W.
Whitten Building, Room 350E
Washington, D.C. 20250

Gentlemen:

On behalf of our client, Target Corporation, we are sending you this letter to request direction from the Food Safety and Inspection Service (FSIS) and the Food Labeling and Consumer Protection Staff concerning the requirements under 9 C.F.R. Part 317 necessary to secure approval for a label. We understand that the Federal Meat Inspection Act and the enabling regulations require that prior approval be given by FSIS for labels of meat products. 21 U.S.C. § 607; 9 C.F.R. § 317.4.

Target would like to seek approval to affix a label containing the following language on certain meat products:

“CONSUMER NOTICE: Carbon monoxide has been used to preserve the color of this product. Do not rely on color or the “use or freeze by” date alone to judge the freshness of the product. For best results please follow the Safe Handling Instructions.”

We realize that this request is unusual for FSIS because Target is a retailer and that these meat products will have already been inspected, passed, packaged, and labeled in official establishments and distributed to Target by multiple manufacturers. Target requests direction as to

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how best to submit information required in 9 C.F.R. § 317.4 for the sketch labeling and for the FSIS form, Application for Approval of Labels, Marking, and Devices. For example, the form requires information specific to the formulation and composition of the product and manufacturing information that resides with the individual manufacturers and not Target. It is unclear how Target should construe that and other requirements.

Thus, we request a meeting to discuss what steps we should take with FSIS and the Food Labeling Division to address these requirements.

Thank you kindly for your attention to this matter. We look forward to hearing from you.

Regards,



Michael T. Roberts
Raymond V. Shepherd III



Food & Water Watch - 1400 16th Street, NW Suite 225 Washington, DC 20036
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November 19, 2007

Alfred Almanza
Administrator
Food Safety and Inspection Service
331-E Jamie L. Whitten Building
12th Street and Jefferson Drive SW
Washington, DC 20250

Transmitted via facsimile: (202) 205-0158

Dear Mr. Almanza,

I am writing to express concern about labeling proposals we understand have been submitted to the Food Safety and Inspection Service (FSIS) by companies that are using carbon monoxide in their modified packaging systems for red meat products.

Specifically, we are referring to a labeling proposal that has been filed by Cargill and Hormel Foods that will state: "Color is not an accurate indicator of freshness." In addition, we understand that Target Stores has submitted a labeling proposal that will explicitly state whether its meat and seafood products have been treated with carbon monoxide.

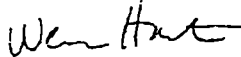
We do not consider these proposals a satisfactory solution to the on-going controversy regarding this technology. We urge FSIS to open the process up for public discussion before proceeding with any decision on the proposals submitted by these and other companies.

As you know, new evidence emerged at the November 13, 2007 hearing held by the Oversight and Investigations Subcommittee of the House Energy and Commerce Committee that called into question the safety of this technology. Based on the information that came forth at that hearing, we urge FSIS to immediately rescind its approval of this technology for all of the products it regulates and work with the companies in question to recall all of their products that have been treated with carbon monoxide.

Further, no labeling proposals should be evaluated by the agency pending a full review of the new information about the safety of carbon monoxide treated meat that surfaced at the November 13 hearing.

Should you have any questions regarding this matter, please feel free to contact me at (202) 797-6550.

Sincerely,



Wenonah Hauter
Executive Director

cc:

Representative John Dingell, Chairman, House Energy and Commerce Committee

Representative Bart Stupak, Chairman, Oversight and Investigations Subcommittee

¹ Weiss, Rick. "Meat Treatment Got Approval Despite Safety Concerns" *Washington Post*, November 14, 2007.