ConAgra Foods

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April 23, 2007

The Honorable Bart Stupak
Chairman
Subcommittee on Oversight and Investigations
United States House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
United States House of Representatives
2322 A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Stupak and Ranking Member Whitfield;

We understand Members of the Subcommittee on Oversight and Investigations have concerns about the adequacy of the Food and Drug Administration's access to company records, and we are writing to clarify ConAgra Foods' policies for providing FDA representatives access to company information. ConAgra Foods fully supports the efforts of regulatory authorities, whether at the federal, state, or local level, in carrying out their mandates in protecting the public health. With particular regard to the production of company documents that may assist regulatory authorities such as the Food and Drug Administration in their efforts, ConAgra's policy has always been to fully cooperate with any such requests within the structure of a protocol that is responsive to the request, while still providing the company with the necessary protections afforded by law.

With respect to the 2005 FDA inspection of the Sylvester facility, ConAgra's staff correctly followed our company's policy at the time. That policy, which required a written request for information, was designed to establish order to the production of documents to the FDA, especially where there may be sensitive proprietary information involved. Importantly, the policy was not designed to withhold any information from the FDA, but rather to simply obtain a written request so that (1) we would have an opportunity to follow necessary Freedom of Information Act protocol to protect appropriate competitive information, such as recipes and trade secrets, from public disclosure and (2) to assure that all responsive documents, regardless of whether they were located at the plant, would be produced. Although this is consistent with common practice in the food industry, the procedure was suspended in the recent recall of our peanut butter.

In the recent recall, we did not require any written requests for information. We were and are aligned completely with the FDA in the priority of responding without qualification in this setting. We can confirm that this kind of response will be forthcoming should we

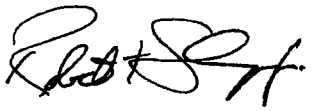
face a similar situation. In reviewing our policy moving forward we have decided to formalize our recent actions to make certain plant level personnel understand their authority in responding to FDA's investigatory needs. Specifically:

(1) In a recall-related situation, we will not require any written request for documentation; rather, we will authorize each plant manager and every plant quality control officer to provide immediate access to all plant information upon a verbal request from FDA and provide copies of such information upon request. Depending on the information being requested, our plant personnel still may confer with company headquarters personnel for guidance, but we will not require procedural protocols for any information that may be important to the FDA. This is the approach that we followed with the FDA in connection with the peanut butter recall.

(2) For routine inspections, we will instruct our plant managers and quality personnel to provide the FDA on-site review of our records and continue to answer all of the FDA's questions to the best of our ability. This will further ensure that the FDA investigators can conduct a complete review of our manufacturing processes. After reviewing the records, if the FDA still needs a copy, our plant personnel will be authorized to provide copies of routine, non-sensitive information upon a verbal request from the FDA. For sensitive proprietary information (such as trade secret processes and specific recipes), we will continue to ask for a written request for copies of records, so that we can be sure that production of documents is responsive, orderly, and complete, and that any such documents are properly marked to protect them from inappropriate disclosure under the Freedom of Information Act.

As with all interaction with government regulators, if the plant personnel at any time are uncertain as to how to proceed, they will be instructed to place an immediate call to corporate headquarters, with the goal of obtaining speedy resolution.

Sincerely,



Robert F. Sharpe, Jr.
Executive Vice President, Legal & External Affairs