



Via Electronic Dockets

January 30, 2006

FSIS Dockets Clerk  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
300 12th Street SW, Room 102  
Cotton Annex  
Washington, DC 20250

**Re: Docket No. 05-013N; Meeting to Discuss Possible Changes  
to the Regulatory Jurisdiction of Certain Food Products  
Containing Meat and Poultry**

The National Frozen Pizza Institute (NFPI) appreciates the opportunity to comment on the approach the Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) should take with regard to regulation of frozen pizza.

NFPI is the national trade association representing the interests of the \$3.8 billion frozen pizza business. It should be noted that frozen retail and food service pizza sales represent only about 14 percent of the \$28 billion pizza business in the United States. The majority of the pizza business represents restaurants that are not actively regulated either by FDA or FSIS.

NFPI generally supports the concept of regulating all frozen pizza products under the jurisdiction of FDA, although the Institute withholds unconditional support for the concept until certain implementation concerns are addressed.

### **Introduction**

Frozen pizza is a product that is characterized by a dough base or crust, a sauce, and toppings. The toppings include any number of ingredients including cheese, meat, vegetables, mushrooms, seafood and fruit. Since the rescission of the standard of identity for frozen pizza in 2003, there has been an explosion of new products and topping combinations on the market.

Products include a Margherita pizza, that contains a special sauce, spices, mozzarella and granna cheese; Hawaiian-style pizza, that includes flavors, bacon, cheese and pineapple; low-fat pepperoni pizza, that contains lower fat and calories per serving; and low-carbohydrate pizzas.

Moreover, according to a Mintel International report, new product introductions for pizzas have increased from an average of 84 new products during 1999-2002 to 111 products for each of 2003 and 2004. According to Mintel, "The elimination of the standard of identity for pizza in August 2003 opened the door for packaged pizza makers to put just about anything they could imagine on top of a pizza."<sup>1</sup> Finally while some may still argue that pizza is characterized by "meat," it is important to note that restaurants historically allow consumers to choose their toppings with the restaurant pricing all toppings equally, regardless if the topping is pepperoni, mushrooms or green peppers.

### **Pizza is not Characterized by Meat**

NFPI believes that differences between meat-topped and non-meat topped pizza are not and should not be determinative in terms of regulatory jurisdiction. Regarding food safety, use of previously inspected and passed meat and poultry on a frozen, not-ready-to-eat pizza product poses no safety issues unique to meat products. Indeed, to the best of our knowledge, there has never been any human illness attributed to frozen pizza. Moreover, the concept of previously inspected meat and poultry as an ingredient in an assembled processed product is not unique to frozen retail and food service pizza. This concept is repeated thousands of times a day in school pizza kiosks, institutions, and restaurants, without strict regulatory oversight.

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<sup>1</sup> Pizza, Mintel international Group, Ltd , 2005

Although NFPI supports regulatory consistency, this issue cannot be viewed in isolation from practical considerations. Given meat-topped pizza has always been regulated by FSIS, other requirements have evolved. If regulatory jurisdiction is transferred from FSIS to FDA, there are a variety of implementation issues that need to be addressed.

### **Exports**

NFPI understands that many foreign governments currently require USDA inspection to export meat products, regardless of whether USDA deems the products to be amenable to continuous federal inspection. If the FSIS inspectors are withdrawn, the Institute is unclear how exports will be handled and who will issue export certificates. If export of frozen meat-topped pizzas requires the services of an FSIS inspector, then a change of jurisdiction for these processors has little meaning. Certainly, NFPI believes this issue deserves consideration by FDA and FSIS, in consultation with USDA's Foreign Agricultural Service (FAS).

### **School Food Service Products**

Under Food and Nutrition Service (FNS) Child Nutrition Label regulations, USDA inspection is required for products bearing a CN label. Importantly, if this provision remains in CN rules, frozen pizza facilities will be required to maintain dual inspection services. NFPI see no reason why FDA inspection of CN facilities would not be sufficient. Since pizza is the number one school lunch product and many schools require the CN label, the costs of separate FSIS inspection would be significant for many companies and might jeopardize their participation in the program.

## **Labeling**

Many pizzas are sold under private label; hence a single pizza company may have hundreds of labels which vary primarily in terms of the brand name. If jurisdiction is transferred to FDA, these products cannot bear the mark of inspection. This would require a costly label change. If the regulatory jurisdiction of frozen meat topped pizza is changed to FDA, removal of the USDA legend must be accomplished so as to minimize cost, especially to the small companies specializing in private label products. Frozen pizza processors should be permitted to use up label stocks with the mark of inspection even though inspectors are no longer in the facility.

## **Scope of Transfer**

Lastly, the agencies must contend with the concept of what is a “pizza.” As FSIS and FDA are aware, “pizza” has evolved over the years so that now there are dozens of variations, not only in terms of toppings, but in terms of presentation, such as when the crust is folded over or totally encloses the toppings. Many of these products are made by NFPI members and the Institute believes that these products are “pizza,” especially considering the recent rescission of the standard of identity. How pizza is defined in terms of what pizza products will be deemed non-amenable and what pizza products will remain with FSIS is an important issue that must be addressed by the agencies.

## **Conclusion**

NFPI, and the frozen pizza industry it represents, appreciate the opportunity to express our views on this issue. We understand that there will be subsequent discussions on the issue of jurisdiction for processed foods and NFPI will be happy to participate in those discussions and offer our recommendations, where appropriate.

Sincerely,

Robert L. Garfield  
Executive Director