



January 9, 2006

Docket No. 05-013N

Comments regarding Possible Changes to the Regulatory Jurisdiction of Certain Food Products Containing Meat and Poultry

Peacock Engineering Company is a secondary packaging company located in the Chicago suburbs. Our company has a vested interest in the possible changes to the regulatory jurisdiction and also has recognized the inconsistencies in product amenability for sandwich assembly under current interpretation and standards.

Peacock does not necessarily agree that the approach for jurisdiction should be based on the contribution of the meat or poultry to the identity of the food. Instead, it makes sense to consider the way in which the meat ingredient is handled in the production of the final consumer product. The decision for inspection jurisdiction should be based on risk assessment. We feel that sandwich assembly, utilizing only previously inspected meat and poultry products, should be consistently regulated by the FDA. The proposal to consider changing jurisdiction of these products from FDA to FSIS does not utilize a scientific or practical approach to food safety.

It is also important to consider the impact of the proposed change for sandwich amenability on the current inspection service resources. Our assembly facility produces sandwiches under both FDA and FSIS jurisdiction. We currently are restricted to FSIS production on extended first shift due to a shortage of second shift inspectors. As a result of this shortage, Peacock must "fill up" first shift before being granted second shift inspection services.

In regards to other products that have been the subject of historical regulatory jurisdictional decisions, it was unclear from the background information and public meeting whether there will be changes to or elimination of the Standards and Labeling definitions for sandwiches (including traditional vs. Non-traditional). If all sandwich assembly were to be placed under FSIS jurisdiction how will the definition of "sandwich" be amended?

If the proposal to move all meat "sandwich" products to FSIS jurisdiction was implemented, our sandwich assembly operation would be impacted. We would need to make the necessary changes to bring current FDA sandwich products into compliance regarding FSIS label approvals.

Peacock Engineering Company currently produces an average of 300,000 “sandwiches” per week that fall under USDA inspection as currently defined. If the proposed changes were implemented Peacock would require inspection services for an additional 4 million sandwiches weekly.

We do not anticipate that significant modifications in equipment, facility design, labeling, record-keeping or processing would be necessary. Due to customer expectation and company policies, our current FDA sandwich assembly operation is very similar to USDA amenable assembly.

We do not feel that there is any positive, or negative, effect on the way the subject products are marketed. We believe that the average consumer relies on both agencies to oversee and protect food safety and does not distinguish between the two. The sandwiches we assemble utilize components that have been produced/processed under USDA/FSIS inspection. We feel that the re-inspection of these products is not an efficient utilization of FSIS resources and certainly not without an appropriate risk assessment of the individual products.

We thank you for the opportunity to comment both publicly and through this forum regarding proposed changes to the amenability of “sandwich” products.

Sincerely,

Susan Ribbens  
Quality Systems and Compliance Manager