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Manufacturers
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Docket Clerk, USDA, FSIS,
300 12th Street, S.W., Room 102 Cotton Annex
Washington, D.C. 20250-3700

JAN 11 2007

Dear Docket Clerk:

Re: FSIS Docket No. 2006-0040
Product Labeling: Definition of
the term "natural"

This letter addresses the request for comment requested in the Notice of the Federal Register Vol. 71, No. 233/Tuesday, December 5, 2006, page 70503 – 70505.

The National Seasoning Manufacturers Association wishes to thank FSIS and others at USDA for holding the meeting to allow interested parties to express concerns and offer suggestions on the Proposed Rulemaking on a standard for the voluntary use of the term "natural" on labels of meat and poultry products. It is important that FSIS clarify use of the term "natural" so there are fewer uncertainties and less case by case decisions about labels of meat and poultry products.

The Association wishes to comment on this voluntary standard. This Association currently has 24 member firms that blend seasonings, provide ingredients, or offer services to members and the processed food industry.

Association representatives and I appreciated the opportunity on December 12, 2006 to listen to Dr. Post, other USDA officials, and industry representatives on matters related to a standard for the term "natural" on meat and poultry product labels. It was helpful to hear the issues addressed by producer and food industry interests.

As an association whose members blend seasonings, spices and spice extractives, produce flavors, produce or provide antimicrobial agents, and other ingredients to their customers, we are keenly aware of the need to clarify and codify the term "natural". Our members and their customers are adversely affected by the prior and current definition for "natural" as applied by FSIS through label approval. The requirements for "minimal processing" and "no preservatives" are of most concern to our members.

Minimal processing affects spice extractives, oleoresins of spices, extracting natural flavors, producing flavors, hydrolysis and separation of ingredients. Provision for “more than minimal processing” should be included under labeling of “natural”. Also, some of our members are faced with the problem of finding food grade oils that have not been subjected to relatively severe processing, e.g. solvent extraction, acid hydrolysis and chemical bleaching. The current FSIS standard prohibits use of refined, bleached and deodorized vegetable oils. Under “organic” labeling there are available organic certified vegetable oils that are refined, bleached and deodorized. Similar recognition by FSIS should be a part of the standard for “natural”.

Under FDA regulations, uses of the terms “artificial” and “natural” are differentiated by the source of the flavor and not the processing used to produce the flavor. FDA Regulations, 21 CFR §101.22 (a) (3) states “The term natural flavor or natural flavoring means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional. Natural flavors include the natural essence or extractives obtained from plants listed in Sec. 182.10, 182.20, 182.40, and 182.50 and Part 184 of this chapter, and the substances listed in Sec. 172.510 of this chapter.” FSIS should incorporate this FDA definition of “natural flavor” in its standard for “natural”.

The USDA and FDA must consider the health risks that may arise if the standard for “natural” prohibits the use of spices and herbs that have been either irradiated, steam sterilized or treated with ethylene oxide to control pathogenic and spoilage microorganisms. With concern for food safety, FSIS recently permitted the use of antimicrobial agents in foods labeled “natural”. We endorse use of ingredients that increase food safety and consumer protection and should be provided for in rulemaking.

The National Organic Program, administered by USDA’s Agricultural Marketing Service was faced with having to accept non-organically derived ingredients when no organic substitute was available. Use of such ingredients has been permitted in foods labeled “organic” in a total amount not to exceed five percent [5%]. We understand that the European Union has also made such provisions. This will also affect Codex standards. It is reasonable that a similar provision for food ingredients that are “more than minimally processed” or ingredients that when used at appropriate levels have antimicrobial properties and provide increased food safety should be included in the standard for “natural”.

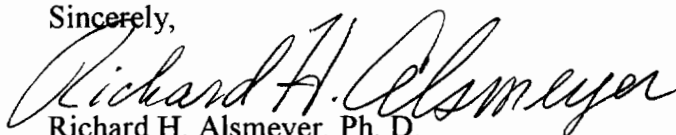
This Association proposes a provision for use of up to five percent [5%] collectively, of ingredients that are either “more than minimally processed” or function as antimicrobials. Such meat and poultry products could be labeled “natural” but not “all natural”.

Meat and poultry products that meet the initial version of Policy Memo 055, that is, are no more than minimally processed, contain ingredients that are not more than minimally processed, and ingredients that are not artificial or synthetic, or preservatives could be labeled “all natural”.

If the Agency wishes, the Association will be pleased to discuss these labeling alternatives. If the period for comment on this important and sensitive labeling issue is extended, we would be pleased to discuss these alternatives with Dr. Post and his staff during the forthcoming Government Liaison Committee Meetings on Wednesday February 21, 2007. However, due to provisions of the Administrative Procedures Act if this is not possible, please have Dr. Post contact me to arrange a meeting with he and/or his staff during the period for comment.

Thanks for FSIS' continued cooperation and understanding.

Sincerely,

A handwritten signature in cursive script that reads "Richard H. Alsmeyer". The signature is written in black ink and is positioned above the printed name and title.

Richard H. Alsmeyer, Ph. D.

Executive Director