



SEP 2 2003

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Melvin S. Drozen
Keller and Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Re: Docket No. 02N-0178

Dear Mr. Drozen:

This is to acknowledge your letter of April 23, 2003, requesting that your temporary marketing permit (TMP) of August 1, 2002, be extended to market test canned tomato products that deviate from the United States (U.S.) standards of identity for canned tomatoes (Title 21 of the Code of Federal Regulations (CFR) 155.190) in that 1) a liquid carbohydrate sweetener, either corn syrup or high fructose corn syrup, is used as an optional ingredient in lieu of dry nutritive carbohydrate sweeteners and 2) the term "chunky" is used in lieu of styles (i.e., whole, sliced, diced, and wedges) required by the standard. The test products covered by this permit are Del Monte Brand products identified as "Stewed Tomatoes, Original Recipe," "Chunky Tomatoes, Pasta Style," "Diced Tomatoes, basil, garlic & oregano," "Diced Tomatoes, garlic & onion," "Diced Tomatoes, green pepper & onion," "Tomato Wedges," "Zesty Chunky Tomatoes, Chili Style," "Stewed Tomatoes, Cajun Recipe with pepper, garlic, and Cajun spices," "Stewed Tomatoes, Italian Recipe with basil, garlic & oregano," "Stewed Tomatoes, Mexican Recipe with garlic, cumin, and jalapeños," and "Stewed Tomatoes, no salt added." The test products will conform to the standard for canned tomatoes with the exception of the use of a liquid sweetener and the use of the alternative term "chunky" in lieu of style declarations required by the standard. The extension will allow the permit holder, Del Monte Corporation (Del Monte), to continue to collect data on consumer acceptance of the products while the agency takes action on a petition to amend the standard of identity for canned tomatoes that was submitted by Del Monte.

In addition to requesting an extension of your TMP of August 1, 2002, you requested that additional varieties of canned tomatoes be included under this TMP extension. The additional test products that will be covered under your original TMP are 1) Del Monte Brand "Diced Tomatoes, Petite Cut, garlic and olive oil;" 2) Contadina Brand "Stewed Tomatoes with onions, celery, and green peppers," "Stewed Tomatoes with garlic, oregano, and basil, Italian Style," "Diced Tomatoes with roasted garlic," "Diced Tomatoes, Italian Herbs," "Diced Tomatoes with Roasted Red Pepper," "Diced Tomatoes, Primavera with zucchini, bell peppers, and carrots," "Diced Tomatoes, Marinara with burgundy wine and olive oil;" and 3) S&W Brand "Stewed Tomatoes, Italian Recipe, sliced pear tomatoes with oregano and basil, 14 ½ ounces," "Stewed Tomatoes, Italian Recipe, sliced pear tomatoes with oregano and basil, 28 ounces," "Diced Tomatoes in tomato juice with roasted garlic," "Stewed Tomatoes with onion, celery, and bell pepper," "Stewed Tomatoes with bell pepper, celery, and onion, no salt added," "Diced tomatoes, Petite Cut, with roasted garlic and sweet onions," "Stewed Tomatoes, Mexican Recipe

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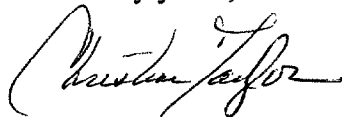
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with mild chili and Mexican seasoning,” and “Stewed Tomatoes, Cajun Recipe with bell pepper, onion, and Creole spices.”

Relying on the representations made in this application, we are hereby extending the permit to make interstate shipments for market testing purposes of a total of 10.3 million cases (226.6 million pounds or 103.0 million kilograms in weight) annually of the above mentioned canned tomato products. All other conditions of the original permit remain the same.

While this permit is in effect, FDA will refrain from recommending regulatory action against shipments of canned tomato products covered by this permit on the grounds that the food fails to comply with 21 CFR 155.190 because of the deviations specified above.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Christine Taylor". The signature is written in a cursive style with a large initial "C".

Christine L. Taylor, Ph.D.

Director

Office of Nutritional Products, Labeling
and Dietary Supplements

Center for Food Safety
and Applied Nutrition