



FEB 7 2006

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Ms. Bunny Abraham
295 Central Park West - #3A
New York, New York 10024-3021

Re: Docket Number 2004P-0452/CP 1

Dear Ms. Abraham:

This is in response to your letter dated December 6, 2005, regarding our response to your citizen petition dated October 6, 2004, requesting that the Food and Drug Administration (FDA) require expiration dates on food products. You stated that we said in our letter to you that canned foods you purchased were outdated and contained oil which was rancid. However, you pointed out that you never eat canned foods and that the rancid oil came from a bag of pretzels. You also said that the jars of Polaner Fruit Spread were always dated around the rim of the cap but now the date has been replaced with a code.

In your October 6, 2004, citizen petition you stated that you have purchased packages of food that were outdated, with food containing oil which was rancid. We apologize for assuming that you meant canned foods. Nevertheless, as we mentioned in our response to your citizen petition, FDA has only limited regulatory authority to require expiration dates on food products under FDA's oversight. For example, as stated in our letter to you, FDA has required expiration dating "use by" dates on infant formula. However, as we pointed out in our letter, the "use by" date on infant formula is for nutritional quality and not safety. While there may be circumstances that would warrant the agency requiring expiration dates on other foods regulated by FDA, you did not submit any data or other information that provides a basis for FDA to require expiration dates on particular food products.

In your petition, you state that people may be getting sick "when possibly they have been eating food that has gone bad." In your letters, you mentioned several processed foods you have purchased. We would like to assure you that FDA's mission is to ensure the safety of food. There are many measures in place to accomplish this goal. However, we have not been presented data that demonstrates that requiring expiration dates is a measure that would ensure the safety of processed foods.

As we mentioned in our letter, some manufacturers use "codes" on their labels. These codes, which might appear on canned or boxed foods, are used to track inventory, rotate stock, or locate a product under suspicion of a problem. However, these codes do not indicate safety, freshness or quality of a product, and are not the same as expiration dates. Moreover, some foods, such as cereals, are voluntarily labeled with expiration dates. It is

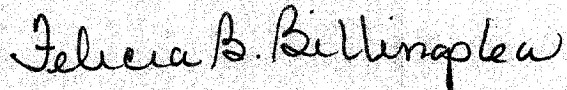
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our understanding that dates printed voluntarily on such food packages refer to the quality e.g., the food has maintained its organoleptic properties such as taste, texture, and smell, rather than the safety of the product. Your letter will be sent to our Division of Dockets Management to be added to Docket Number 2004P-0452/CP 1. If we address expiration dates on foods in the future, we will consider all letters in the docket. If we may be of further assistance, please let us know.

Sincerely yours,

A handwritten signature in cursive script that reads "Felicia B. Billingslea".

Felicia B. Billingslea
Director
Food Labeling and Standards Staff
Center for Food Safety
and Applied Nutrition