

EMORD & ASSOCIATES, P.C.

BURKE PROFESSIONAL CENTER  
5282 LYNNGATE COURT  
BURKE, VIRGINIA 22015

1050 SEVENTEENTH STREET, N.W.  
SUITE 600  
WASHINGTON, DC 20036

PHONE: (202) 466-6937 • FAX: (202) 466-6938  
WEB SITE: www.emord.com  
E-MAIL: jcmord@emord.com

January 10, 2003

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VIA FAX 301-827-3054

Daniel F. Troy  
Chief Counsel  
Office of the Chief Counsel  
Food and Drug Administration  
5600 Fishers Lane, GCF-1  
Rockville, MD 20857

Re: Health Claim Petitions (Selenium and Cancer, Docket 02P 0157;  
Phosphatidylserine and Cognitive Dysfunction, Docket 02P 0413)

Dear Dan:

This letter follows our conversation of January 9 and your letter of today's date. You ask whether my clients in the above-referenced proceedings would each consent to a five-week extension of the deadline for FDA action on the claims in issue to permit a meeting three weeks hence for the purpose of addressing agency concerns. I am pleased to report that having been informed of your request Wellness Lifestyles, Inc. and Dr. Kyl Smith consent to an extension of five weeks in each proceeding. If in future any additional time is desired, my clients ask that you and I confer again at that time on the reasons therefore, that I apprise them of the reasons, and that they then decide whether to agree to more time. We look forward to the upcoming meeting and await word from your office on available times and dates.

Sincerely,



Jonathan W. Emord  
Counsel to Wellness Lifestyles, Inc.;  
Dr. Kyl Smith

cc: Wellness Lifestyles, Inc.; Dr. Kyl Smith

02 P-0413

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