



SEP 26 2003

6413 '03 SEP 29 P1:37

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

Re: Docket No. 03P-0171/CP 1

Dear Mr. Drozen:

This letter is in response to your citizen petition, dated April 23, 2003, requesting the Food and Drug Administration (FDA) to amend the standard of identity for canned tomatoes in Title 21 Code of Federal Regulations (CFR) 155.190 for the purpose of promoting honesty and fair dealing in the interest of consumers.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt. We are currently at the height of rulemaking in response to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Because of this and other agency priorities and the limited availability of resources, we have not been able to respond to your petition.

We note that FDA is currently working with the Food Safety and Inspection Service of the United States Department of Agriculture to propose a set of general principles by which existing federal food standards of identity may be revised or eliminated, or new ones established. We encourage you and the food manufacturer you represent to provide comments on these general principles when the proposed rule is published in the Federal Register. As we continue to develop our policy on the modernization of food standards, we will consider how to appropriately address your petition within FDA's overall strategy to reinvent food standards.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

for Christine L. Taylor, Ph.D.  
Director  
Office of Nutritional Products, Labeling  
and Dietary Supplements  
Center for Food Safety  
and Applied Nutrition

03P-0171

LET 1