

# Fleminger, Inc.

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January 27, 2005

Vincent de Jesus, M.S., R.D.  
Division of Nutrition Programs and Labeling  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration (HFS-830)  
5100 Paint Branch Parkway  
College Park, MD 20740-3835

Via Fax 301 436-2636

Re: Docket No. 2004Q-0083: Daily consumption of 40 ounces of typical green tea containing 710µg/mL natural (-)-epigallocatechin gallate (EGCG) may reduce the risk of certain forms of cancer....

Dear Mr. de Jesus:

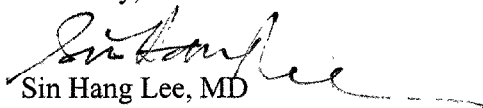
This letter confirms our telephone conversation of today in which I expressed my objection to the FDA's request to further postpone the announcement of its decision on the green tea health claim for the second time. It is a lack of common courtesy that the request for my agreement was conveyed to me just 12 hours prior to the day scheduled for the announcement of its decision.

This letter demands that the FDA announce its decision on the green tea health claim petition under docket no. 2004Q-0083 to the public on January 28, 2005, as indicated in your letter dated November 12, 2004.

Alternatively, the FDA must publish a press release to the news media on January 28, 2005 that its inability to make such an announcement as scheduled is not related to any scientific objection raised by the FDA to the contents of the petition or to the health claim proposed; but rather is necessitated by an overwhelming case load and a shortage of agency staff. This FDA press release is made at the request of Sin Hang Lee, MD of Fleminger, Inc.

Thank you for your cooperation.

Sincerely,

  
Sin Hang Lee, MD  
President

cc. Senator Joe Lieberman's Office

202-224-9750  
860-549-8478  
2004Q-0083

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