

Fleminger, Inc.

160 Hawley Lane, Suite 205, Trumbull CT 06611
Tel. 203 385-3836 Fax 203 385-3832

October 26, 2004

Kathleen Ellwood, Ph.D.
Director
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 and Federal Express overnight delivery

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 Dr. Ellwood:

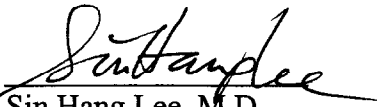
Pursuant to our telephone conversation of October 25, 2004, this letter will confirm that, at the FDA's request, Fleminger, Inc. (the "Petitioner") has agreed to a three-month extension for the FDA to complete the processing of the above-referenced petition. You have confirmed that your request for extension is not related to any scientific objection raised by the FDA to the contents of the submission or to the health claim proposed; but rather is necessitated by an overwhelming case load and a shortage of agency staff. You also informed the Petitioner that the new date for announcing the final decision is set for January 28, 2005.

The Petitioner in turn has requested that it be notified of the language of the final approved claim at least a few days before the date of announcement so that it can better educate its limited staff to take part in the overall educational program of the FDA to augment the effects of its public service.

Thank you for your kind cooperation.

Sincerely,

FLEMINGER, INC.

By: 
Sin Hang Lee, M.D.
President

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