



THE ASSOCIATION FOR  
*DRESSINGS*  
& SAUCES

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September 11, 2001

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, Maryland 20857

RE: Docket No. 98N-0359; Program Priorities in  
the Center for Food Safety and Applied  
Nutrition

The Association for Dressings and Sauces (ADS) appreciates the opportunity to provide input regarding FDA's Center for Food Safety and Applied Nutrition's (CFSAN) program priorities for the year 2002, as requested in the July 18 *Federal Register* (FR) notice (66 FR 37480). ADS is an international association of manufacturers of dressings for salads, mayonnaise, mustard and specialty sauces and their suppliers. A list of our members is enclosed.

We applaud the Agency for continuing to provide interested parties the opportunity to participate in the CFSAN priority-setting process. ADS previously submitted comments on CFSAN's priorities for 1999, 2000 and 2001 in response to earlier Agency requests. (See ADS' July 14, 1998, September 23, 1999 and August 23, 2000 comments to the docket.) We continue to agree that one of the Center's greatest priorities remains the Food Safety Initiative (FSI), including emphasis on imported products in addition to domestic products. As part of FSI, coordination on foodborne disease outbreaks should be a priority. Too often a food is wrongly implicated in a foodborne disease outbreak because of the lack of coordination among state and Federal agencies investigating the outbreak.

However, as our earlier comments have stated, there are other important functions in which the Agency should focus its efforts, specifically the continued maintenance and administration of the food standards program, national uniformity, promoting international harmonization, and preventing economic fraud. We still strongly believe these areas deserve CFSAN attention and a place on the "A" list of priorities.

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Dockets Management Branch (HFA-305)  
September 11, 2001  
Page Two

It is evident from comments received on the Agency's Advance Notice of Proposed Rulemaking (ANPRM) on food standards (60 FR 67492; December 29, 1995) that a number of existing standards presently serve as barriers to the utilization of new technologies and required ingredients to improve existing products. As a result, petitions have been prepared and filed in several important product categories to affect needed amendments to recognize the advances in food technology and the need for flexibility.

On January 13, 1998, ADS submitted a Citizen Petition that reflected the consensus reached within the dressings industry on how FDA should proceed in implementing the ANPRM with respect to the standards of identity of interest to this industry. The Association requested that the Commissioner of Food and Drugs initiate rulemaking to (1) repeal the standard of identity for French dressing (21 CFR 169.15), and (2) revise, simplify and modernize the standards of identity for mayonnaise and salad dressing (21 CFR 169.140, 169.150). ADS' efforts to update or repeal obsolete standards should be supported by FDA, but almost four years later, no action has been taken by the Agency, despite the fact that the Association provided the necessary information to move forward. ADS continues to discuss with FDA personnel other means of expediting the petition, but no FDA action has been forthcoming.

The goal of the ANPRM is important. Standards need to be updated and modernized in keeping with improving technology, as the Agency itself acknowledged in the document, "2000 CFSAN Program Priorities." Item 2 on the "B" list for Strategy 2.2 - Nutrition, Health Claims and Labeling is to "develop a coordinated plan between FDA and USDA to correlate existing food standards with current technological innovations." While not included in the 2001 priorities, we believe this is an important goal and should be included in the 2002 priorities. Industry should be allowed to participate in any current discussions regarding the development of such a plan to assist in the process.

Similarly, national uniformity among Federal and state agencies should be an "A" list priority for CFSAN in FY 2002. There should be a single set of food safety regulations interpreted in the same way by both Federal and state regulators. A uniform set of regulations and interpretations will eliminate the confusion that currently exists as industry strives for compliance at the local and Federal levels. As an example, the Association is attempting to resolve conflicting state interpretations of the Federal acidified foods regulations. The paper, "Microbiological Safety of Mayonnaise, Salad Dressings and Sauces Produced in the United States: A Review," was developed by Dr. Richard Smittle to assist in this process. ADS staff has contacted FDA personnel to obtain direction on how to distribute the paper and related background to process authorities and state and Federal regulators to educate such persons on the safety of industry's products, and therefore, avoid conflicting interpretations. To date, we have been unable to communicate with the appropriate FDA personnel to disseminate the information. ADS believes the Agency should establish a means for industry to

Dockets Management Branch (HFA-305)  
September 11, 2001  
Page Three

communicate safety information to such FDA personnel as inspectors and process authorities to further their knowledge on the safety of industry-specific products.

The modernization and maintenance of United States (U.S.) food standards and national uniformity of regulations, including those pertaining to food safety, are also important as the U.S. participates in the Codex Alimentarius process. In order for the U.S. to be an effective player within Codex, U.S. standards must be science-based, reflective of current practices, and be national in scope, which will give the U.S. a strong basis for negotiation. It is, therefore, critical that the U.S. positions on several Codex standards be thoroughly reviewed by industry so current industry practices are reflected. We, therefore, encourage more timely communications between FDA and industry. In the increasingly global marketplace, the promotion of international harmonization is imperative, and the U.S. should take a leadership role in the Codex process. Thus, it is crucial that U.S. positions be shared with other countries in a timely manner so meaningful discussions can occur during Codex committee meetings.

Lastly, economic fraud should be a CFSAN priority because of its importance to both consumers and industry. FDA must continue to pursue and prosecute fraudulent activities. Individuals and companies engaged in such activities are just as likely to have little regard for the welfare and safety of the public and should not be allowed to operate. FDA's efforts in this regard should be to enforce the existing statutory provisions.

In conclusion, ADS appreciates the opportunity to provide comments on CFSAN's 2002 priorities. While we agree that the Food Safety Initiative should remain one of CFSAN's top priorities, the Agency is also responsible for other important functions as outlined in these comments. Thus, we encourage the Agency to balance its resources accordingly.

Sincerely,

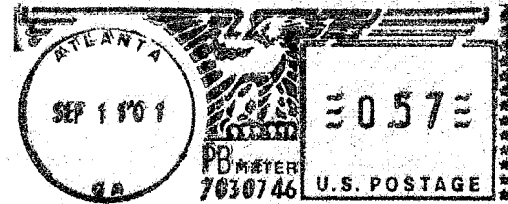


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