

United States Tuna Foundation

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September 17, 2001

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

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

Dear Dockets Manager:

On behalf of the U.S. Tuna Foundation, a non-profit trade association consisting of all segments of the U.S. tuna industry, including all of the U.S. processors of canned tuna – Bumble Bee Seafoods, StarKist Seafoods, and Chicken of the Sea International, we hereby submit our comments on the above referenced Federal Register notice.

The highest program priority, “A,” should be given to the U.S. Tuna Foundation’s Citizens Petition to amend portions of the canned tuna standard (21 CFR 161.190). The amendment to the canned tuna standard has been on the CFSAN “B” list for two years, and it is doubtful it will be acted upon before the end of this fiscal year.

The Citizens Petition was originally submitted by the U.S. Tuna Foundation more than seven years ago on July 25, 1994 (Docket No. 94P-0286). An amendment to the Citizens Petition was submitted this year on May 6, 2001
(<http://www.fda.gov/ohrms/dockets/dailys/01/May01/051401/amd0001.pdf>).

The canned tuna standard amendment should be elevated to the highest priority because it truly will provide the “most good for consumers.” Annually, more than 1.6 billion cans of tuna are sold in the United States. Canned tuna is purchased by more than 76 percent of all American households (Nielsen Household Panel data, 2000). A recent tuna awareness and use study showed that 95 percent of American households have “tried” canned tuna and, on average, 66 percent of households serve tuna once a month or more often. Every one of these consumers will benefit if the canned tuna standard amendment is accepted.

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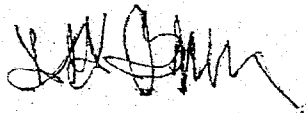
The original petition was filed at the specific request of the then-Director of FDA's Office of Seafood. We were told that the methodology employed in the United States to determine fill weight percentages for canned tuna (pressed cake) was "out of date," "extremely difficult to monitor," and not harmonized with international weights and measures. It was (and is) generally recognized that the internationally accepted drained weight methodology of measuring fill weights was more consumer-friendly. The amendment to the original Citizens Petition was submitted to further define the fill of container requirements. In an effort to provide even more information to consumers, drained weight declaration will be required on the principal display panel along with the net weight declaration.

Acceptance of the canned tuna standard amendment will harmonize the requirements of the standard with that of the serving size declaration requirements of the Nutrition Labeling and Education Act (NLEA). The NLEA requires that canned tuna products declare on the nutrition facts label the serving size of the product, based on a drained weight of 2 ounces (56 grams) per serving. The minimum drained weight percentage (72 percent) contained in our Citizens Petition, regardless of packing media, can easily be compared to the serving size declaration contained in the nutrition facts label.

The canned tuna standard amendment submitted in the USTF Citizens Petition and amendment is an effort to provide better information to more than three-quarters of all American households. The amendment will harmonize the U.S. canned tuna standard of identity with other standards worldwide. It is clear that the canned tuna standard amendment is of the highest importance to the most consumers.

We hereby request that our Citizens Petition and amendment be given the highest priority in the CFSAN 2002 program priorities.

Very truly yours,



David G. Burney