

APPENDIX—REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE—Continued

16 CFR part	Topic	Year to review
239	Guides for the Advertising of Warranties and Guarantees	2010
433	Preservation of Consumers' Claims and Defenses Rule	2010
700	Interpretations of Magnuson-Moss Warranty Act	2010
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2010
702	Pre-sale Availability of Written Warranty Terms	2010
703	Informal Dispute Settlement Procedures	2010
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2011
423	Care Labeling Rule	2011
20	Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry	2012
233	Guides Against Deceptive Pricing	2012
238	Guides Against Bait Advertising	2012
240	Guides for Advertising Allowances and Other Merchandising Payments and Services	2012
251	Guide Concerning Use of the word "Free" and Similar Representations	2012
259	Guide Concerning Fuel Economy Advertising for New Automobiles	2012
310	Telemarketing Sales Rule	2013
801	Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules	2013
802	Hart-Scott-Rodino Antitrust Improvements Act Exemption Rules	2013
803	Hart-Scott-Rodino Antitrust Improvements Act Transmittal Rules	2013

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 2003N-0496]

RIN 0910-AF09

Food Labeling: Health Claims; Dietary Guidance; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to February 25, 2004, the comment period for the advance notice of proposed rulemaking (ANPRM) that appeared in the *Federal Register* of November 25, 2003 (68 FR 66040). In the ANPRM, FDA requested comments on alternatives for regulating qualified health claims in the labeling of conventional human foods and dietary supplements. FDA also solicited comments on various other issues related to health claims and on the appropriateness and nature of dietary guidance statements on conventional foods and dietary supplement labels. The agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: Submit written and electronic comments by February 25, 2004.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT: Nancy T. Crane, Center for Food Safety and Applied Nutrition (HFS-830), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 301-436-1456, or e-mail: Nancy.Crane@cfsan.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of November 25, 2003 (68 FR 66040), FDA published an ANPRM with a 60-day comment period to request comments on alternatives for regulating qualified health claims in the labeling of conventional human foods and dietary supplements. FDA also solicited comments on various other issues related to health claims and on the appropriateness and nature of dietary guidance statements on conventional foods and dietary supplement labels. Comments on the regulatory alternatives and the additional topics will inform FDA's rulemaking to establish regulations for qualified health claims, as well as any policy initiative(s) that FDA may undertake to provide information to consumers to help them make wise food choices.

The agency has received multiple requests for either a 30-day or 60-day extension of the comment period for the ANPRM. Each request conveyed concern that the current 60-day

comment period does not allow sufficient time to develop a meaningful or thoughtful response to the ANPRM. In addition, two requests noted that the current comment period occurred during a period of time that included the Thanksgiving and year-end holidays. All of the requests explained that an extension is necessary due to the complexity, implications, and/or importance of the rulemaking on health claims and dietary guidance in food and dietary supplement labeling.

FDA has considered the requests and is extending the comment period for the ANPRM for 30 days, until February 25, 2004. The agency believes that a 30-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues.

II. Request for Comments

Interested persons may, on or before February 25, 2004, submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on this ANPRM. Submit two copies of any comments, except that individuals may submit one copy. Identify comments with the docket number found in brackets in the heading of this document. Interested persons may review received comments in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 22, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

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