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

Re: Establishment and Maintenance of Records under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Docket No. 02N-0277)

Dear Sir or Madam,

The Food Marketing Institute (FMI)¹ is pleased to respond to the Food and Drug Administration's (FDA's) request for comments on the proposed regulations to implement the Agency's authority under the Public Health Security and Bioterrorism Preparedness and Response Act (the Bioterrorism Act) to require the establishment and maintenance of records by domestic persons who handle food intended for human and animal consumption in the United States.² 68 Fed. Reg. 25188 (May 9, 2003). FMI strongly supports the goal of food security and has been in the vanguard of the food industry in this regard. Nonetheless, as discussed more fully below, FMI has the following primary concerns with FDA's proposed recordkeeping regulations.

First, FDA's proposal to require the food industry, particularly food distributors and retailers, to track lot numbers will not enhance, but will impede food security. As the food distribution industry is not currently set up to or capable of tracking lot numbers,

¹ FMI conducts programs in research, education, industry relations and public affairs on behalf of its 2,300 member companies — food retailers and wholesalers — in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion — three-quarters of all food retail store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 60 countries.

² In addition to our written comments, we note that FMI personnel escorted three FDA officials — Dr. Nega Beru, Ms. Denise Beavers, and Mr. Andy Eckington — on an educational tour of a local warehouse distribution center and retail store to provide a better understanding of the way in which the proposed regulations will impact the food distribution and retail industries. We respectfully request that the information conveyed during that tour also be considered part of our comments and our contribution to the docket.

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instituting systems to track the lot numbers on the literally millions of individual food products that pass through our distribution centers and stores every day would be exorbitantly costly and would substantially diminish the efficiency of the system, the same efficiency that is able to locate and retrieve products extremely rapidly whenever a food safety or food security concern arises today. The system executes at a high level of performance; requiring the food industry to create and maintain records of lot numbers is unnecessary for food security and beyond FDA's authority to require.

Second, the retail food and distribution industries are the largest contributors of food to food banks and charitable organizations. If FDA requires the food industry to start keeping records to track the food that is donated, the cost of doing so will be prohibitive. Several of our members have already advised that they will not be able to justify the costs necessary to do so and will likely be forced to end their programs. Accordingly, we recommend that you consider food banks and reclamation centers to be "consumers" for the purposes of the recordkeeping regulations and, thus, exempt retailers from the need to track products that leave their stores destined for charitable organizations, just as products that are purchased by individual consumers are not required to be tracked under the proposal.

Third, food distributors and retailers have developed sophisticated systems to quickly and efficiently retrieve product from the distribution system if the level of concern that triggers FDA's records inspection authority is triggered, e.g., credible evidence of a class I recall situation. Distributors simply query their system with the appropriate identification of products and their whereabouts are identified by physical inspection. Such retrieval of the food product itself often occurs within the records retrieval time period that FDA has proposed. Where this does not occur within the stated time frame, appropriate revisions to procedures could be made to bring it into compliance with the time requirements. Accordingly, we recommend that FDA's final regulations permit retailers and distributors to identify and segregate the food itself, rather than producing a historical record of the food's whereabouts, within the specified time frame to demonstrate compliance with the Bioterrorism Act. Once the public health situation has been secured, and the food is removed from the channels of distribution, then retailers and distributors should have a reasonable amount of time to produce any records necessary to assist in FDA's investigatory efforts.

Fourth, we encourage FDA to maintain the exclusion for consumer tracking and for restaurants and restaurant-type facilities that are housed in retail stores. However, to facilitate the former, we urge FDA to delete the requirement for retailers to track immediate subsequent recipients who are wholesalers and retailers, since it is generally impossible to identify whether a particular food purchase is intended for personal or commercial consumption.

Fifth, we urge FDA to clarify the definition of "perishable food" in the proposal by replacing it with the definition for perishable foods that is used in the National Institute for Standards and Technology's Handbook 130.

Sixth, FDA should include interim final regulations with an opportunity to comment on the procedural protections that will be utilized to implement the record maintenance and inspection provisions of the Bioterrorism Act. Specifically, the regulations should at least delineate Agency procedures for authorizing the review, those officials who are permitted to review the documents, the standard for when such review may occur, an appellate procedure for those who disagree with the Agency's determination, and the reasonable times, limits and circumstances to which the Bioterrorism Act limits FDA's review, as well as the procedures FDA is required to implement to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by FDA pursuant to the Act.

Finally, we respectfully request that FDA extend the compliance date for the new recordkeeping regulations from six to twelve months. Compliance may be quite difficult to achieve in six months, particularly to the extent that the food distribution industry relies on "links" in the chain that are properly characterized as "small" or "very small" businesses, who will not be required to comply with the regulations for an additional period of time if the regulations are finalized as proposed.

I. BACKGROUND

A. Legal Background

1. Bioterrorism Act

Section 306 of the Bioterrorism Act adds a new Section 414 to the Federal Food, Drug, and Cosmetic Act (FD&C Act) entitled, "Maintenance and Inspection of Records." See Pub. L. 107-188, § 306(a). In sum, Section 414(a) of the FD&C Act authorizes FDA to access and to copy food industry³ records relating to an article of food when the Agency has a reasonable belief that the food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals. The purpose of the review is to determine whether the Agency's belief is legitimate, i.e., whether the food is actually adulterated and presents a serious threat to public health. The statute requires the records review to be made by an officer or employee, upon presentation of appropriate credentials and a written notice to the person holding the records. Review may only occur at reasonable times, within reasonable limits, and in a reasonable manner.

³ Section 414 applies to many in the food industry. Specifically, paragraph (a) allows FDA to access records held by each person who manufactures, processes, packs, distributes, receives, holds or imports food that may be adulterated to the extent that it presents a threat of serious adverse health consequences or death; paragraph (b) adds transporters to the list of persons subject to FDA's records maintenance jurisdiction. Farms and restaurants are excluded. For simplicity, we here refer to the community that is subject to FDA's records jurisdiction as the "food industry."

Section 306(d) of the Bioterrorism Act and Section 414(b) of the FD&C Act jointly require FDA to publish regulations requiring the food industry to maintain records to allow the Agency to identify “the immediate previous sources and the immediate subsequent recipients of food, including its packaging, in order to address credible threats of serious adverse health consequences or death to humans or animals.” FDA cannot require records to be kept for more than two years. The Agency must consider the size of a business in promulgating regulations.

Section 414(d) prescribes important limitations on FDA’s records access and maintenance authority. In relevant part, Section 414(d) prevents FDA from accessing or copying recipes for food, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). FDA must take appropriate measures to ensure that the Agency has effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by FDA pursuant to Section 414. Section 414(c).

2. FDA’s Proposed Recordkeeping Regulations

FDA has proposed to require all persons who manufacture, process, pack, transport, distribute, receive, hold or import food intended for consumption in the United States to maintain certain records regarding these activities. Proposed 21 CFR § 1.326. The Agency further states that the regulations do not require duplication of existing records if those records contain the information required by this subpart. Proposed 21 CFR § 1.330. Farms, restaurants and fishing vessels are wholly excluded. Proposed 21 CFR § 1.327. FDA explains in the preamble that the Agency intends for this exemption to cover onsite restaurants or counters in retail facilities that sell food directly to consumers, as well. 68 Fed. Reg. at 25191.

FDA has proposed to require non-excluded retail facilities to maintain the following records identifying the immediate previous source of food products:

1. Name of the firm and responsible individual, address, phone number and, if available, the fax number and e.mail address of the nontransporter immediate previous source, whether domestic or foreign;
2. An adequate description of the type of food received, including brand name and specific variety;
3. Date of receipt;
4. Lot or code number or other identifier of the food (to the extent this information exists);
5. Quantity and how the food is packaged; and

6. Name of the firm and responsible individual, address, phone number and if available, fax and e.mail address of the transporters who transported the food.

Proposed 21 CFR § 1.337.

Retail facilities would be excluded from the requirement to track immediate subsequent recipients of food products, to the extent that consumers receive those products. See proposed 21 CFR § 1.327(d)(1). FDA posits that keeping records of each individual recipient consumer would be “too burdensome and not necessary in order to address credible threats of serious adverse health consequences or death to humans or animals.” 68 Fed. Reg. at 25192. The preamble suggests, however, that FDA would expect retailers who sell food “to wholesalers and/or other retailers, in addition to consumers” to “keep records of the immediate subsequent recipients because wholesalers and retailers are not considered consumers for purposes of these proposed regulations.”

FDA has proposed to require records to be maintained for one year “after the date the records were created” for all perishable foods not intended for processing and for animal food; records for all other foods would be required to be maintained for two years. Proposed 21 CFR § 1.360. Perishable foods would be defined as foods that are not heat-treated or frozen and not otherwise preserved in a manner that would prevent the quality of the food from being adversely affected if held longer than 7 days under normal shipping and storage conditions. Proposed 21 CFR § 1.328. The requirement to maintain records would not apply to recipes for food, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). Proposed 21 CFR § 1.362.

FDA would expressly permit the maintenance of records in electronic form, but would require the records to be maintained onsite or at a reasonably accessible location. Electronic records are considered to be onsite if they are accessible from an onsite location. 21 CFR §§ 1.360, 1.361. Records must be available to the agency within four hours if the request is made between 8:00 a.m. and 6:00 p.m. on a weekday or within eight hours if the request is made any other time. Proposed 21 CFR § 1.361.

FDA has proposed that the regulations requiring recordkeeping would become effective six months following publication of the final rule in the Federal Register for all except small and very small businesses, which would be given twelve and eighteen months respectively to achieve compliance. Proposed 21 CFR § 1.368.

B. Factual Background

Today’s food distribution and retail systems are highly engineered to accomplish their primary purpose: assuring the seemingly effortless availability of tens of thousands of different types of food products to consumers every day at every single grocery store throughout the United States. Although we as consumers walk into a store and expect to

see every product on the shelves at all times, achieving this level of reliability for consumers requires highly efficient, well-designed systems of distribution and delivery. These systems are intended to and do deliver – and, when necessary, retrieve – food products at an unprecedented speed. Although our membership has many and various ways of distributing and retailing foods, the following provides a reasonably representative overview.

Briefly, wholesalers or retailers through their distribution arms, source food products from all over the world. Buyers for each company contract with thousands of suppliers to deliver products, primarily to warehouse distribution centers, but also sometimes directly to stores in a system relatively new to the food distribution industry called DSD or direct store delivery, which is discussed more fully below. Under the traditional warehouse delivery system model, suppliers ship orders – primarily via truck – to the distribution center (DC). Huge truckloads of products from multiple suppliers are offloaded every day into the DC receiving areas. Shipments are typically accompanied by pack slips that identify the products being delivered. Bills of lading also accompany the truckloads of product. Receiving personnel review the incoming products to ensure that the correct types and amounts of food have been delivered.

Products are usually delivered in “pallets,” which are typically comprised of 60 to 160 cases, which are in turn filled with multiple individual products. The cases are typically shrink-wrapped together to give the pallet some stability.

The interior of the DC is typically divided into bays or slots into which the offloaded products are stored. To maximize space, the “slots” are built in tiers so that two or three levels of “reserve” slots are stacked on top of the ground floor “pick” slots, which are the slots from which product is removed and sent to stores. Pallets are stored in reserve slots until needed in a “pick” slot at which time they are moved down and unwrapped, so that individual cases can be selected for delivery to stores.

A warehouse typically serves about 150 to 200 stores. Essentially, a store will place an order with the DC – similar to a shopping list – requesting a variety of food and other items. Upon receipt of the “shopping list,” which is typically organized by slot location, an employee, often referred to as a “picker,” drives a small motorized cart through the numbered bays, stopping at each appropriate slot to select the requisite number of cases for each product. The cases are then assembled and loaded back onto pallets, which are shipped to the individual retail store. Sometimes the food shipped to the store is accompanied by a paper copy identifying the products selected; other companies transmit an electronic copy of the order, which is accessible to the receiving company via computer. Samples of some of the paper records that are currently kept are included as attachments to our comments.

In addition, some distributors operate “piece pick” facilities that supply stores with items on an individual, rather than a case, basis. Orders fulfilled at a piece pick facility are literally selected by hand, placed in cardboard boxes and then sent to stores.

Slower moving items, such as specialty condiments, may be distributed on a piece pick basis.

A typical 65,000 square foot grocery store stocks approximately 40,000 different stock keeping units (SKU's) or food items and receives approximately 3500 to 4000 cases of food from multiple warehouses per week. Conservatively assuming 15 items in a case, the store then handles 52,500 to 60,000 individual items per week or more than 3,000,000 food items per year through the warehouse distribution system.

In addition, many food retailers have entered into agreements with their vendors to deliver products directly to the store – a process fittingly called direct store delivery or DSD. Approximately 25% to 30% of food enters grocery stores via DSD today, including most soft drinks, salty snacks, breads, baked goods, beer, wine, cookies, crackers, as well as some milk, eggs, ice cream, and pizza. With DSD, retailers often rely on the vendor to deliver and stock the shelves with the correct product, providing the retailer with an invoice for the product stocked. A very few DSD suppliers leave their product on a consignment basis.

These systems ensure that today's American consumers receive a wide assortment of products every time they shop at a grocery store. It is imperative that we impose only the safety nets that are necessary to truly enhance the security of the food supply and do not unnecessarily hinder or impede American consumers from enjoying the safest and most abundant food supply in the world.

II. COMMENTS

A. Requirement To Retain Lot Code Information Will Not Enhance, But Ultimately Impede, Food Security

Section 414 of the Federal Food, Drug, and Cosmetic Act, as amended by the Bioterrorism Act, grants FDA the limited authority to require the food industry to maintain records sufficient to allow FDA to “identify the immediate previous sources and the immediate subsequent recipients of food, including its packaging” to the extent that such information is necessary to address credible threats of serious adverse health consequences or death. From this limited grant of authority, FDA has proposed to require the food industry to maintain an exorbitant amount of information, including detailed information on the transporter and the lot code for each food product. Such information, which is well beyond FDA's authority to require under its authorizing statutes and the food distribution industry's ability to deliver, is unnecessary to respond to a situation where the Agency has a “reasonable belief that an article of food is adulterated and presents a serious threat of adverse health consequences to humans or animals” – the only situation in which FDA is entitled to access this information.

Under these circumstances – equivalent to a class I recall scenario – the food industry has repeatedly and reliably demonstrated the ability to identify and remove product from grocery store shelves with unprecedented speed and efficiency. For example, in a recent survey that we conducted of our membership, we learned that many can accomplish a recall of the urgency level of a class I recall within a matter of hours by sending an alert out to their stores and, in some cases, electronically preventing the cash register from scanning the Universal Product Code (UPC) for recalled items. The diversion of the substantial resources that would be necessary to implement the Agency's proposed regulations would not further food security but instead would diminish the overall efficiency of the food distribution system, which is necessary to serve food safety and security needs, as well as commercial purposes.

Currently, lot code information is not available to distribution centers and retailers on any sort of reliable or meaningful basis. The case boxes for some food products may bear some identifying information, such as a production date, but the information is not provided on all boxes and is far from uniform. Although we polled our membership, we were unable to find a single member that currently captures or has the ability to capture and retain lot code information on the tens of thousands of different food products that are delivered through distribution centers to retail stores on a daily basis short of creating a hand-written record, which would be an inordinately time-consuming and inefficient way to conduct business without providing any food security benefit.

As noted above, approximately 25% of the foods currently offered to consumers are distributed to the stores via direct store delivery or DSD. Currently, there are no systems in place to log or track the type of information that FDA has proposed to require – particularly lot code numbers and transporter information – in the DSD context.

Given the significant difficulties that developing and implementing systems to track lot code numbers would cause and the fact that adulterated foods can quickly and efficiently be removed from the marketplace with the systems currently in place, tracking lot code numbers will not enhance food security and, therefore, we respectfully urge FDA to remove the requirement from the final regulations that the food industry track products by lot code.

B. Unreasonable and Unnecessary To Require Retailers To Produce Records in Four Hours When Food Itself Can Be Retrieved In Comparable Time

FDA's proposed regulations would require the food distribution and retail sectors to produce complete records on the immediate previous source and immediate subsequent non-consumer recipient, including transporters, of food within four hours if the request was made between 8:00 a.m. and 6:00 p.m. and within eight hours if the request was made at any other time. FDA is only authorized to exercise its authority to review food industry records required under this provision if the Agency has "a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health

consequences or death to humans or animals,” which is, essentially, the standard for a class I recall. See 21 USC § 414(a).

We believe that the Agency is applying the wrong standard to record availability. If the circumstances for a class I recall are presented, retailers and distributors can identify and retrieve product from their systems far faster than they can produce documents identifying where the products are. We respectfully submit that, if the Agency has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to consumers, it is far more important to remove the product from the system than it is to document its location. We expect that most in the food distribution industry would choose to remove product if the Agency exercised its authority to review records and thereby apprised the industry of the situation. FDA should not impose a specific time frame within which records must be produced; rather, if a food safety or security situation of the urgency described above presents itself, the Agency should enable the food distribution industry to retrieve the food products and provide FDA with any necessary documentation once the situation has been secured.

C. Immediate Subsequent Recipient Exclusion: Food Banks and Consumers

FDA’s proposed regulations exclude retail facilities from the requirement to keep records documenting the immediate subsequent recipient of food products, but limit that exclusion “only to food sold directly to consumers.” 68 Fed. Reg. at 25195. The preamble adds that a facility that sells food to wholesalers and/or other retailers in addition to consumers would have to keep records of the immediate subsequent recipients because wholesalers and retailers are not considered consumers for purposes of this regulation. *Id.* We have the following concerns regarding this standard.

1. FDA Should Consider Reclamation Centers and Food Banks To Be Consumers for Purposes of the Recordkeeping Regulations

Although our members make every effort to provide food to consumers in a timely and efficient manner, a small percentage of the food that is in a grocery store becomes unsaleable because, for example, its packaging is damaged or it is past the “best if used by” date. That product may be sent to a reclamation center from which it is either returned to the manufacturer or sent to food banks or it may be provided directly to food banks from the store. *Reclamation centers are currently the largest single source of food donations for food banks.* The system for sending food to reclamation centers is simple: unsaleable products are collected in banana cartons and then shipped to the center where the food is sorted and either donated to charitable organizations, such as food banks, or returned to the manufacturers. Often, no records are kept by the store of the foods shipped to the reclamation center. Our membership has expressed serious concern that if they are forced to keep detailed records of the products that are sent to foodbanks either

directly or via reclamation centers the cost of so doing will become prohibitive and they will be forced to discard the food instead of giving it to those in need.

One way to solve this potential disaster would be for FDA's regulations to identify reclamation centers and food banks as "consumers" for purposes of the recordkeeping regulations, thereby excluding them from the recordkeeping requirements. Specifically, food retailers do not currently track the foods that are sent to reclamation centers, nor is there a mechanism available to do so. The requirement to develop and implement new recordkeeping systems would be a serious disincentive to corporate food donations and, again, would serve no purpose with respect to food security. If it is not necessary to track product to individual consumers to enhance food security, no purpose is served by monitoring those products that are sent through food banks or reclamation centers to consumers. Any products that are returned to the manufacturer are removed from the food distribution system so they will not reach consumers and their whereabouts need not be accounted for. Accordingly, FDA should broaden the exclusion for retailers to include food products that are routed to consumers through food banks and reclamation centers.

2. Recordkeeping Exclusion Should Continue To Apply Consumers and Clearly Extend To All Foods Sold Through Retail Facilities

As discussed more fully above, FDA has proposed to exclude food retailers from the requirement to maintain records on subsequent recipients of food products. FMI strongly supports the proposed exclusion. As the Agency noted, it would be extremely burdensome and complex to maintain data on all consumer purchases. Moreover, our membership has worked hard to develop and implement policies to protect consumer privacy, an element that is clearly important to many; a sense that their purchases were being monitored might make consumers uneasy.

We believe that this exclusion is properly applied to all foods sold through retail locations, however. As noted above, the preamble states that, although retailers will not be required to keep track of foods sold to consumers, retailers will be required to keep records on those immediate subsequent recipients who are wholesalers or other retailers. We respectfully submit that, unless the recordkeeping exclusion applies to all foods that are sold from the store, it is essentially meaningless.

Food retailers cannot know whether a person who buys food will be using the food for personal consumption or for a business purpose. If retailers are required to track foods that might be intended for a business purpose, they would essentially need to record all consumer transactions. We do not believe that this would advance the purposes of food security or increase consumer confidence if they felt that retailers and the federal government were monitoring their grocery store purchases. Consumer trust is essential to the supermarket industry. Requiring retailers to document all consumer transactions would diminish that trust without furthering the goal of food security. We

urge the Agency to reconsider this issue in the final rule and clarify that the exclusion applies to all grocery store sales of food products.

D. Retail Store Is Not Subsequent Recipient To Distribution Center under Common Ownership

Section 414 allows FDA to require the food industry to maintain records on the immediate previous source and the immediate subsequent recipient of food products. FDA's proposed regulations define "transporters" and "nontransporters" and would require information to be maintained on both. A "nontransporter" is a person who owns food or who holds, processes, packs, imports, receives or distributes food for purposes other than transportation. 68 Fed. Reg. at 25238. A "transporter" is a person who has possession custody or control of an article of food solely to transport the food, but does not own or hold the food for purposes other than transportation. *Id.*

Many of our members own retail store locations and the trucking fleets and distribution centers necessary to service them. Under these circumstances where the entire distribution chain – from warehouse to retail store – is owned by a single corporate entity, the recipient should not be required to keep records of the food's movement within the corporate structure because (1) such tracking is unnecessary for food safety and security reasons and (2) the ownership, possession, custody and control of the food does not change. That is, once the corporate entity obtains ownership of the food at the warehouse receiving dock, there is no subsequent transporter or nontransporter recipient as defined by the Agency until the food reaches the consumer. Accordingly, as the statute only permits FDA to require records on the immediate subsequent recipient and, in this scenario, the distributor/retailer does not have an immediate subsequent recipient until the food reaches the consumer, FDA's regulations should recognize that retailer/wholesalers under common ownership need only maintain records on the immediate previous source and are not required to track the food products from the distribution center to the retail store.

E. FDA Should Clearly Exempt Food Offered To Consumers Through In-Store Food Service Operations from Recordkeeping Requirements

The Bioterrorism Act specifically precludes FDA from requiring farms and restaurants to maintain records. FDA's proposal defines a restaurant as follows:

[A] facility that prepares and sells food directly to consumers for immediate consumption. Restaurants include but are not limited to cafeterias, lunchrooms, cafes, bistros, fast food establishments, food stands, saloons, taverns, bars, lounges, catering facilities, hospital kitchens, day care kitchens, and nursing home kitchens.

68 Fed. Reg. at 25238. In the preamble, FDA states that those facilities that meet the "restaurant" definition, but are engaged in other activities would be required to keep

records as to those activities covered by the rules that do not meet the restaurant definition. 68 Fed. Reg. at 25195. Moreover, the preamble expressly recognizes that, in addition to selling food to consumers, a retail facility may have an onsite restaurant or counter that prepares food it sells to consumers for their ready consumption. *Id.* at 25191.

Indeed, today's retail food stores offer a variety of services and conveniences to consumers, including foods that are prepared in-store and that are ready for consumers' immediate consumption in the same way that restaurants do. For example, many retail food stores have delis or coffee shops, sushi stations and catering facilities, donut shops and rotisserie chicken concessions, and they even offer fruit and cheese baskets through their floral departments. To the extent that retail food stores operate restaurant-type facilities in the store, these should be excluded from the recordkeeping requirements, just as FDA has stated in the preamble. Whether a coffee shop is operated by a national chain outside the four walls of a grocery store or inside the store or whether a deli counter is located inside or outside of a retail store truly is irrelevant: all of these activities are properly considered restaurant functions and should be exempt from the recordkeeping regulations, regardless of their physical location.

We urge FDA to include the exemption in the final regulation itself. For example, the regulatory definition of "restaurant" might expressly state that any restaurant-type activities conducted in retail stores would also be considered restaurants.

F. FDA Should Revise "Perishable Foods" Definition To Correspond to Other Nationally Recognized Definitions

FDA has proposed to define a perishable food product as one that "is not heat-treated, not frozen, and not otherwise preserved in a manner so as to prevent the quality of the food from being adversely affected if held longer than seven days under normal shipping and storage conditions." We are unclear as to the scope of the definition and urge FDA to revise the definition to encompass all foods that are commonly understood to be perishable.

First, the scope of the definition is unclear. For example, it has been understood by some that the agency intends to limit perishable food products to those that begin to decline in seven days if they are not heat-treated, frozen or otherwise preserved. However, a literal reading of the proposed definition does not yield this result. Rather, the definition seems to distinguish between preserved and unpreserved food products and does not necessarily identify as "perishable" for purposes of this definition those food products that will decline within seven days if they are not preserved.

Which leads logically to the second point: in the absence of a definition for perishable foods in the Model Food Code or FDA's regulations,⁴ we recommend that FDA adopt the definition for perishable foods that is found in the National Institute of Standards and Technology Handbook 130, Uniform Laws and Measurements. Section 2.2 defines "perishable food" as any food having a significant risk of spoilage, loss of value, or loss of palatability within 60 days of the date of packaging." Available at <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. The National Institute for Standards and Technology (NIST) Handbook 130 considers a "reasonable period for consumption to be the shelf life of the product plus a reasonable period for consumption that consists of at least one-third of the approximate total shelf life of the perishable food product."⁵ The Handbook 130 definition is widely used and would be an appropriate reference point for FDA in this case.

G. FDA Should Promulgate Regulations on Procedural Protections Required under Bioterrorism Act

The Bioterrorism Act includes procedural protections that FDA's regulations should specifically address. For example, Section 414(c) of the Act requires FDA to take

⁴ FDA Does define Perishable on their website as "Perishable Food that is subject to decay, spoilage, or bacteria unless it is properly refrigerated or frozen. Food Safety Implication: Perishable foods can spoil quickly and become unsafe to eat if they are not properly stored. Food Safety Precautions: When shopping, buy perishable foods last and only when you can take them home right away. Always store perishable foods in the refrigerator or freezer to prevent bacterial growth. Avoid leaving perishables out at room temperature for more than 2 hours. Perishable Foods Include: Dairy Products, Produce, Meat, Seafood and Poultry." Source: <http://www.cfsan.fda.gov/~dms/a2z-p.html>

⁵ History and why we evolved from Perishable to Potentially Hazardous Foods (Source: Evaluation and Definition of Potentially Hazardous Foods A Report of the Institute of Food Technologists for the Food and Drug Administration of the U.S. Department of Health and Human Services December 31, 2001 IFT/FDA Contract No. 223-98-2333, Task Order No. 4): "The June 1940 and 1943 recommendations of the Public Health Service (PHS) for eating and drinking establishments used the term "readily perishable food and drink." The "Food Service Sanitation Manual," issued in 1962 by the PHS first defined the term "potentially hazardous food" (PHF) as any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms. "Perishable Food" was defined as any food of such type or in such condition as may spoil. The 1976 Food Service Sanitation Manual expanded the 1962 PHF definition to include edible crustacea, and food containing synthetic ingredients. Both the 1976 Food Service Sanitation Manual and the 1982 Retail Food Store Sanitation Code clarified that the food must be in a form capable of supporting rapid and progressive growth, and excluded from the definition foods that have a pH level of 4.6 or below; a water activity of 0.85 or less under standard conditions; clean, whole, uncracked, odor free shell eggs; and food products in hermetically sealed containers processed to prevent spoilage. Whole, shell eggs were later included in the definition of PHF via an interpretation, and subsequently included in the 1993 Food Code definition." NSF Standard 75 (Standard for identifying non PHFs) does not define perishable, but includes temperature control as part of the definition of PHFs. This standard was incorporated into the IFT document. Source - http://www.foodprotect.org/pdf/NSF_75-00.pdf

appropriate measures to ensure that there are in effect effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained pursuant to the Section. Moreover, Congress prohibited FDA from construing the records inspection and maintenance provisions from extending to recipes for food, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding factory sales).

Similarly, FDA is limited in the extent to which the Agency may exercise its inspection authority. For example, the Act allows FDA to inspect records only if the Secretary has “a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals.” Under these circumstances, FDA is authorized to inspect certain records, but only at the request of an officer or employee duly designated by the Secretary. Such designee may then inspect records, but only upon presentation of the proper credentials and a written notice and such inspection may only occur at reasonable times, within reasonable limits and in a reasonable manner.

We respectfully urge FDA to incorporate these important procedural protections into the regulations. As they will not have been the subject of prior notice or the opportunity to comment, we ask that the public be granted an additional sixty days to comment on these provisions.

H. Six Month Effective Date Is Unrealistic for Food Distribution Industry, Particularly Given Delayed Implementation for Small and Very Small Businesses

The Bioterrorism Act directs FDA to consider the size of impacted businesses when developing the recordkeeping regulations. Toward this end, FDA has proposed to grant small businesses an additional six months to comply with the regulations and very small businesses an additional twelve months to comply with the regulations. Although FMI recognizes the unique needs of small businesses, we are concerned about the impact that the time discrepancy will have on the ability of the overall retail and distribution industry’s ability to comply with the regulations six months after promulgation.

The food distribution chain is comprised of multiple components, some of which will qualify as small or very small businesses, such as independent truck operators or some direct store delivery operations. For example, some large, national baked goods companies deliver products directly to our members’ stores through individuals who function as independent businesses, e.g., they own their own trucks, purchase the food from the vendor, sell it to the store, and hold licenses to the particular delivery routes.

If these businesses are eligible for the small business exemption, they will not be required to provide the information that we will be required to retain. We recommend that FDA either extend the exemption through all subsequent links in the distribution chain or else recognize the interconnectedness of the systems and impose a single, more

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realistic effective date with which all in the food distribution chain will be able to comply, e.g., establish a universal effective date for the regulations of 18 months after Federal Register publication.

* * *

FMI recognizes the importance of ensuring the safety and security of our food supply and appreciates the opportunity to provide you with our comments on FDA's proposed recordkeeping regulations. We urge you to fully consider and incorporate the recommendations we have made in the final rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Hammonds". The signature is written in a cursive style with a large, looping initial "T".

Tim Hammonds
President and CEO

SAMPLE RECEIVING DOCUMENT

DOSS-RPT NO: DSRPV231
 DIST: ORIGINAL TO 725-TRAFFIC, FILE, BUYER
 BUYER = D513-T.HAMOLIA

REPRINT CLOSED RECEIVING DOCUMENT
 A/O 07/03/03 11:14
 ROUTING:

DATE CLOSED: 07/03/03
 WAREHOUSE 11 HLTH / BEAUTY

NUMBER	VENDOR NAME	RECEIVED AT	ASSOCIATE'S INITIALS	PURCHASE ORDER NUM	ORDER DATE	SHIP DATE	DUE DATE	DOCUMENT NUMBER	DOOR
M00250		LAND/MAIN	JDM	00338691-01	06/19/03	06/26/03	07/03/03	68381	112

(THE LAST 6 DIGITS OF THE CASE-UPC CONTAIN THE VENDOR PRODUCT CODE)

CASE - UPC	VEND	VENDOR	REPACK	ITEM	DESCRIPTION	ITEM	EXPIR.	CASES	CASES	DIFF.	CASES	CASES	SHIP.
PROD	PACK	IND	SIZE			CODE	DATE	ORDERED	RECVD		OVER/SHORT	DAMAGED	UNITS RECVD
72225250120	0192	R	2.4 OZ			760634	04/28/04	3	3				48
72225250140	0192	R	2.4 OZ			760635	04/28/04	3	3				48
72225230430	0240	R	1.69OZ			760641	03/28/04	3	3				48
72225230310	0240	R	1.69 Z			760651	04/28/04	12	12				192
72225230330	0240	R	1.69 Z			760653		5	5				80
72225210350	0240	R	1.69 Z			760658	01/28/04	2	2				32
72225250250	0192	R	2.4 OZ			760673	03/28/04	3	3				48

"*" NEXT TO VENDOR PACK INDICATES THAT ITEM WAS RECEIVED TOTALS: ITEMS 7 31 31 - 496
 WITH VENDOR PACK DIFFERENT FROM VEND-PACK OF ITEM TOTALS: WEIGHT 3401.6 3401.6 .0

RECEIVERS NUM: AT PAGE 1 OF 1

SHIPPER'S NUMBER 004 - 1173239

E&E#: 107801

SPECIAL INSTRUCTIONS

SHIP TO: []
 SHIPPED FROM: []
 CS - MAIN FLL USABLE BIN PRO
 CS - CUSTOMER SHIPMENT

F O B CARRIER'S DELIVERY POINT

VEHICLE NUMBER

INVOICE DATE

6/4 2100

CUSTOMER CODE	DATE OF ORDER	CUSTOMER ORDER NUMBER
---------------	---------------	-----------------------

ROUTE/CARRIER

DUCT CODE	CASES ORD	CASES SHPD	P/A	WGT /CS	SIZE	DESCRIPTION	CUSTOMER UNLOADING TALLY
0007	96	96		18.98	33.00 FO	TOMATO JCE 5.5FO	
0285	50	50		38.01	32.00 FO	TOMATO JUICE	
0362	112	112		41.42	46.00 FO	TOMATO JUICE	
0301	103	103		40.47	46.00 FO	TOMATO JUICE	
0297	100	100		37.41	32.00 FO	TOMATO JUICE	
0023	40	40		40.46	46.00 FO	TOMATO JUICE-PET	
0551	20	20		17.31	10.35 CZ	F/A BEEF GRAVY	
0026	50	50		38.82	11.50 FO	V8 VEGETABLE JUIC	
0841	77	77		27.44	34.00 FO	V8 VEG JUICE-PET	
0537	98	98		12.52	26.00 CZ	R&W FAM SZ TOMATO	
0919	60	60		22.71	26.25 CZ	RAW FAM SZ VEG BI	
0378	38	48		18.58	33.00 FO	V8 100% ACE	
0309	48	48		22.52	26.00 FO	RAW FAM SZ VEG BI	
0309	140	140		40.46	46.00 FO	V8 VEG 100% ACE-F	
0568	16	16		14.88	12.30 CZ	FA BEEF GRAVY SL	
0773	20	20		38.10	64.00 FO	V8 SPL STEW/KIWI-F	
0063	20	20		38.10	64.00 FO	V8 SPL STEW/BAN-F	
0031	50	50		37.66	45.00 FO	V8 SMTHR-STE&SAP	

DO NOT FREEZE

BRACKET PRICE INFORMATION:
 CUSTOMER IS RESPONSIBLE FOR SORT
 OF SEGRIGATION

TRAILER DROPPED
 SUBJECT TO COUNT

SIGNED *[Signature]*
 DATE 6-3-03 1739
 XTRA LENSE 23117

(29)

AL CASES	1398	1398	TOTAL WEIGHT	1398	CUBIC FEET
	1398	1398	CORRECT WEIGHT IS	Campbell	1 Cases

Units In: Accepted: Out: 23 1,564 # Balance:
 Units Out: Accepted: Out: 23 1,564 #

Delivery: 6/11/2003
 Assignment: 18332
 Store: 00394

Picks Report

SAMPLE "PICKING" REPORT FOR SINGLE STORE Page 1
 Printed: 6/11/2003
 08:58 AM

Item Number	Store	Trip	Order	Assignme	Locati	Quant	Status	Pick Time	Qty	Tot	Sc	Scratc	Size	Description	Date	Zone
4136	00394	001	45604	18332	05AA12	1	Picked	6/11/2003 8:1	1	1	No		14.5	CUT GREEN BEANS	6/11/20	GRO
8547	00394	001	45604	18332	05AA55	1	Picked	6/11/2003 8:1	1	1	No		14.5	HNT SSN DCD TOM SCE T	6/11/20	GRO
8546	00394	001	45604	18332	05AA75	1	Picked	6/11/2003 8:1	1	1	No		15	HUNTS SSN TOM SCE PIZ	6/11/20	GRO
4925	00394	001	45604	18332	05AB12	1	Picked	6/11/2003 8:1	1	1	No		15.25	W K GOLD CORN	6/11/20	GRO
8434	00394	001	45604	18332	05AB75	1	Picked	6/11/2003 8:1	1	1	No		20	SLICED PINEAPPLE-	6/11/20	GRO
8364	00394	001	45604	18332	05AC22	1	Picked	6/11/2003 8:1	1	1	No		N4614.5	PLD WHL TOMATOES	6/11/20	GRO
8461	00394	001	45604	18332	05AC83	1	Picked	6/11/2003 8:1	1	1	No		20	CHUNK PINEAPPLE-J	6/11/20	GRO
4163	00394	001	45604	18332	05AD12	11	Picked	6/11/2003 8:1	11	11	No		14.25	F S GREEN BEANS	6/11/20	GRO
8472	00394	001	45604	18332	05AD22	2	Picked	6/11/2003 8:1	2	2	No		14.5	RED GOLD DICED TOMATO	6/11/20	GRO
4881	00394	001	45604	18332	05AD83	1	Picked	6/11/2003 8:1	1	1	No		14.75	D M CRM STY GOLDEN CO	6/11/20	GRO
7824	00394	001	45604	18332	05AE02	1	Picked	6/11/2003 8:1	1	1	No		15.25	DEL MONTE SLCD YC PEA	6/11/20	GRO
8362	00394	001	45604	18332	05AE12	1	Picked	6/11/2003 8:1	1	1	No		14.5	DICED TOMATOES	6/11/20	GRO
9545	00394	001	45604	18332	05AE22	1	Picked	6/11/2003 8:1	1	1	No		15.25	LITE SLI PEARS	6/11/20	GRO
8366	00394	001	45604	18332	05AE32	1	Picked	6/11/2003 8:1	1	1	No		14.5	DICED TOM W/JALAP	6/11/20	GRO
9471	00394	001	45604	18332	05AE53	1	Picked	6/11/2003 8:1	1	1	No		14.5	GOLD WHL PLD TOMA	6/11/20	GRO
4252	00394	001	45604	18332	05AE73	2	Picked	6/11/2003 8:1	2	2	No		14.5	STKLY SHELLIE BEANS	6/11/20	GRO
5084	00394	001	45604	18332	05AE93	1	Picked	6/11/2003 8:1	1	1	No		13.5	D M WHL LF SPNCH N/SL	6/11/20	GRO
7527	00394	001	45604	18332	05AG22	1	Picked	6/11/2003 8:1	1	1	No		15	LT FRUIT COCKTAIL	6/11/20	GRO
3424	00394	001	45604	18332	05AG32	1	Picked	6/11/2003 8:1	1	1	No		15	PARAMNT CHILI HOT DOG	6/11/20	GRO
1033	00394	001	45604	18332	05AG73	1	Picked	6/11/2003 8:1	1	1	No		15	MACKEREL	6/11/20	GRO
4542	00394	001	45604	18332	05AH12	2	Picked	6/11/2003 8:1	2	2	No		14.5	SLICED CARROTS	6/11/20	GRO
2328	00394	001	45789	18332	05AH73	1	Picked	6/11/2003 8:1	1	1	No		15	LIB CRM STY SWT CORN	6/11/20	GRO
3717	00394	001	45604	18332	05AI12	1	Picked	6/11/2003 8:1	0	0	Finali		15	MIXED VEGETABLES	6/11/20	GRO
3544	00394	001	45604	18332	05AI22	5	Picked	6/11/2003 8:2	5	5	No		15.25	SLI PEARS	6/11/20	GRO
5737	00394	001	45604	18332	05AI63	1	Picked	6/11/2003 8:2	1	1	No		14	ALLEN CHPD TURNIP GRE	6/11/20	GRO

<u>am Nymbe</u>	<u>Store</u>	<u>Trip</u>	<u>Order</u>	<u>Assignme</u>	<u>Locati</u>	<u>Quanti</u>	<u>Status</u>	<u>Pick Time</u>	<u>Qty</u>	<u>Tot</u>	<u>Sc</u>	<u>Scratch</u>	<u>Size</u>	<u>Description</u>	<u>Date</u>	<u>Zone</u>
4931	00394	001	45604	18332	05AJ12	1	Picked	6/11/2003 8:2	1	1	No		15.25	C&S W K GOLD CORN	6/11/20	GRO
3611	00394	001	45604	18332	05AK12	1	Picked	6/11/2003 8:2	1	1	No		15	TOMATO SAUCE	6/11/20	GRO
4556	00394	001	45604	18332	05AK73	1	Picked	6/11/2003 8:2	0	0	Finali		14.5	D M SLICED CARROTS	6/11/20	GRO
7803	00394	001	45604	18332	05AL12	1	Picked	6/11/2003 8:2	1	1	No		15.25	Y C SLICED PEACHE	6/11/20	GRO
3407	00394	001	45604	18332	05AL22	1	Picked	6/11/2003 8:2	1	1	No		15	LESUEUR EARLY JUNE PE	6/11/20	GRO
3742	00394	001	45604	18332	05AO12	1	Picked	6/11/2003 8:2	1	1	No		15.75	BROOKS MILD CHILI BNS	6/11/20	GRO
5770	00394	001	45604	18332	05AP02	10	Picked	6/11/2003 8:2	10	10	No		15	STKLY PEAS SWEET MX S	6/11/20	GRO
4086	00394	001	45604	18332	05AP42	1	Picked	6/11/2003 8:2	1	1	No		15	G G FRN STY GRN BNS-B	6/11/20	GRO
2664	00394	001	45604	18332	05AP63	1	Picked	6/11/2003 8:2	1	1	No		14.75	CHEF BOY HS CKN ALF W	6/11/20	GRO
5822	00394	001	45604	18332	05AS22	1	Picked	6/11/2003 8:2	1	1	No		15	G S PEAS NSA	6/11/20	GRO
3992	00394	001	45604	18332	05AS32	1	Picked	6/11/2003 8:2	1	1	No		15	LIMA BEANS	6/11/20	GRO
3410	00394	001	45604	18332	05AS83	1	Picked	6/11/2003 8:2	1	1	No		15	G G SWT PEAS	6/11/20	GRO
5587	00394	001	45604	18332	05AU02	4	Picked	6/11/2003 8:2	4	4	No		15	EXTRA CHRRY MXD F	6/11/20	GRO
7809	00394	001	45604	18332	05AU22	1	Picked	6/11/2003 8:2	1	1	No		15.25	YC PEACH HALVES	6/11/20	GRO
5824	00394	001	45604	18332	05AU32	2	Picked	6/11/2003 8:2	0	0	Finali		15	D M SWT PEAS	6/11/20	GRO
5044	00394	001	45604	18332	05AW12	1	Picked	6/11/2003 8:2	1	1	No		14	POPEYE LEAF SPINACH	6/11/20	GRO
2653	00394	001	45604	18332	05AX32	1	Picked	6/11/2003 8:2	1	1	No		15	CBAD ABC S & 123 S	6/11/20	GRO
0461	00394	001	45604	18332	05AY12	1	Picked	6/11/2003 8:2	1	1	No		15	CBA CHEESY BURGR MACA	6/11/20	GRO
5741	00394	001	45604	18332	05AZ32	1	Picked	6/11/2003 8:2	1	1	No		15	ALLENS GRN&WHT LIMAS	6/11/20	GRO
5046	00394	001	45604	18332	05CA32	1	Picked	6/11/2003 8:2	1	1	No		14	POPEYE CHOPPED SPINAC	6/11/20	GRO
3985	00394	001	45604	18332	05CA42	1	Picked	6/11/2003 8:2	1	1	No		15	V C SPANISH RICE	6/11/20	GRO
4543	00394	001	45604	18332	05CB22	2	Picked	6/11/2003 8:2	2	2	No		14.5	WHOLE BABY CARROT	6/11/20	GRO
3616	00394	001	45604	18332	05CB73	1	Picked	6/11/2003 8:2	1	1	No		15	H C ITAL BEAN/PASTA S	6/11/20	GRO
4561	00394	001	45604	18332	05CB83	3	Picked	6/11/2003 8:2	3	3	No		15	STKLY CRINKLE SLC CAR	6/11/20	GRO
6442	00394	001	45604	18332	05CC12	1	Picked	6/11/2003 8:2	1	1	No		14.5	BRK JUST FOR CHILI TO	6/11/20	GRO
4134	00394	001	45604	18332	05CC22	1	Picked	6/11/2003 8:2	1	1	No		14.5	CUT GRN ITAL BEAN	6/11/20	GRO
5905	00394	001	45604	18332	05CC53	1	Picked	6/11/2003 8:2	1	1	No		15.25	STKLY MIXED VEGETABLE	6/11/20	GRO

<u>Numbe</u>	<u>Store</u>	<u>Trip</u>	<u>Order</u>	<u>Assignme</u>	<u>Locati</u>	<u>Quanti</u>	<u>Status</u>	<u>Pick Time</u>	<u>Qty</u>	<u>Tot</u>	<u>Sc</u>	<u>Scratc</u>	<u>Size</u>	<u>Description</u>	<u>Date</u>	<u>Zone</u>
85	00394	001	45604	18332	05CC63	1	Picked	6/11/2003 8:2	1	1	No		14.5	DEL MONTE ITAL GRN BE	6/11/20	GRO
168	00394	001	45604	18332	05CC73	1	Picked	6/11/2003 8:2	1	1	No		14.25	STKLY ITAL FLAT GRN B	6/11/20	GRO
186	00394	001	45604	18332	05CD42	1	Picked	6/11/2003 8:2	1	1	No		14	STKLY BAVARIAN SAUERK	6/11/20	GRO
157	00394	001	45604	18332	05CE42	3	Picked	6/11/2003 8:2	3	3	No		24PK/12O	BIG K RED CREAM SODA	6/11/20	GRO
104	00394	001	45604	18332	05CE63	2	Picked	6/11/2003 8:2	2	2	No		15	STKLY PEAS & CARROTS	6/11/20	GRO
127	00394	001	45604	18332	05CG32	1	Picked	6/11/2003 8:2	1	1	No		12PK/12	BLACK CHERRY SO	6/11/20	GRO
169	00394	001	45604	18332	05CG42	1	Picked	6/11/2003 8:2	1	1	No		14.25	STKLY EUROPEAN WH GRN	6/11/20	GRO
161	00394	001	45604	18332	05CH02	2	Picked	6/11/2003 8:2	2	2	No		12PK/12	GINGER ALE	6/11/20	GRO
251	00394	001	45604	18332	05CH42	3	Picked	6/11/2003 8:2	3	3	No		12PK/12	DIET DR K 12 PK	6/11/20	GRO
916	00394	001	45604	18332	05CH63	1	Picked	6/11/2003 8:2	1	1	No		15.25	STKLY SHOEPG WHT WK C	6/11/20	GRO
797	00394	001	45604	18332	05CH83	2	Picked	6/11/2003 8:2	2	2	No		15	STKLY PEAS EARLY SZ 2	6/11/20	GRO
277	00394	001	45604	18332	05CI02	1	Picked	6/11/2003 8:2	1	1	No		14	STKLY SAUERKRAUT SHRE	6/11/20	GRO
1303	00394	001	45604	18332	05CI12	6	Picked	6/11/2003 8:2	6	6	No		12PK/12	ROOT BEER 12PK	6/11/20	GRO
1344	00394	001	45604	18332	05CI32	3	Picked	6/11/2003 8:2	3	3	No		12PK/12	DIET PINK LEMON	6/11/20	GRO
1286	00394	001	45604	18332	05CJ02	11	Picked	6/11/2003 8:3	11	11	No		12PK/12	DIET CITRUS DRO	6/11/20	GRO
1757	00394	001	45604	18332	05CJ83	1	Picked	6/11/2003 8:3	1	1	No		14.75	FRANCO AM SPAG-O S W/	6/11/20	GRO
1357	00394	001	45604	18332	05CK12	2	Picked	6/11/2003 8:3	2	2	No		12PK/12		6/11/20	GRO
1650	00394	001	45604	18332	05CK22	2	Picked	6/11/2003 8:3	2	2	No		15	VAN CAMP PORK & BEANS	6/11/20	GRO
1060	00394	001	45604	18332	05CK73	1	Picked	6/11/2003 8:3	1	1	No		15	BUSH GARBANZO BEANS	6/11/20	GRO
3362	00394	001	45604	18332	05CM12	1	Picked	6/11/2003 8:3	0	0	No		24PK/12	ORANGE	6/11/20	GRO
3663	00394	001	45604	18332	05CM93	1	Picked	6/11/2003 8:3	1	1	No		16	BUSH LT RED KID BEANS	6/11/20	GRO
3353	00394	001	45604	18332	05CO12	3	Picked	6/11/2003 8:3	3	3	No		24PK/12		6/11/20	GRO
3301	00394	001	45604	18332	05CP02	7	Picked	6/11/2003 8:3	7	7	No		12PK/12	LMN-LM SODA 12P	6/11/20	GRO
3302	00394	001	45604	18332	05CS02	11	Picked	6/11/2003 8:3	11	11	No		12PK/12	ORANGE 12PK CAN	6/11/20	GRO
3622	00394	001	45604	18332	05CU32	1	Picked	6/11/2003 8:3	1	1	No		15	SHWBT PORK & BEANS	6/11/20	GRO
10503	00394	001	45604	18332	05CU53	1	Picked	6/11/2003 8:3	1	1	No		14.75	FRANCO AM A TO Z W/MT	6/11/20	GRO
10501	00394	001	45604	18332	05CU83	1	Picked	6/11/2003 8:3	1	1	No		15	FRANCO AM A TO Z PLAI	6/11/20	GRO

<u>am Numbe</u>	<u>Store</u>	<u>Trip</u>	<u>Order</u>	<u>Assignme</u>	<u>Locati</u>	<u>Quanti</u>	<u>Status</u>	<u>Pick Time</u>	<u>Qty</u>	<u>Tot</u>	<u>Sc</u>	<u>Scratc</u>	<u>Size</u>	<u>Description</u>	<u>Date</u>	<u>Zone</u>
3629	00394	001	45604	18332	05DL73	1	Picked	6/11/2003 8:4	1	1	No		6	CAMP TOMATO JCE 6PK A	6/11/20	GRO
3344	00394	001	45604	18332	05DL93	1	Picked	6/11/2003 8:4	1	1	No		10 1/2	CAMP CHICKEN W/RICE S	6/11/20	GRO
3245	00394	001	45604	18332	05DM02	1	Picked	6/11/2003 8:4	1	1	No		10 1/2	CAMP VEGETABLE SOUP	6/11/20	GRO
3371	00394	001	45604	18332	05DM12	2	Picked	6/11/2003 8:4	2	2	No		10 3/4	CAMP CHICKEN NOODLE S	6/11/20	GRO
3353	00394	001	45604	18332	05DM22	1	Picked	6/11/2003 8:4	1	1	No		10 3/4	CAMP CRM OF CHICKEN S	6/11/20	GRO
3488	00394	001	45604	18332	05DM32	1	Picked	6/11/2003 8:4	1	1	No		10 1/2	CAMP VEGETABLE BEEF S	6/11/20	GRO
3434	00394	001	45604	18332	05DM42	1	Picked	6/11/2003 8:4	1	1	No		10 3/4	CAMP CRM OF MUSHROOM	6/11/20	GRO
3310	00394	001	45604	18332	05DP12	1	Picked	6/11/2003 8:4	1	1	No		10 3/4	CAMP HMSTY CHIC NDL S	6/11/20	GRO
3264	00394	001	45604	18332	05DP73	1	Picked	6/11/2003 8:4	1	1	No		10.5	CAMP OLD FASH VEG SOU	6/11/20	GRO
3367	00394	001	45604	18332	05DP93	6	Picked	6/11/2003 8:4	6	6	No		12	、 DROP RED 12 PK	6/11/20	GRO
3900	00394	001	45604	18332	05DU12	1	Picked	6/11/2003 8:4	1	1	No		12/13.2	ALPO PRIME SELECT VAR	6/11/20	GRO
3257	00394	001	45604	18332	05DW22	1	Picked	6/11/2003 8:4	1	1	No		11	CAMP DBL NDL/CKN BRTH	6/11/20	GRO
3534	00394	001	45604	18332	05DX12	1	Picked	6/11/2003 8:4	1	1	No		10.5	、 J CRM OF MUSHRM SOU	6/11/20	GRO
3490	00394	001	45604	18332	05DX32	1	Picked	6/11/2003 8:4	1	1	No		10 1/4	FRANCO AM BEEF GRAVY	6/11/20	GRO
3538	00394	001	45604	18332	05DY12	1	Picked	6/11/2003 8:4	1	1	No		10.5	、) SOUP CREAM OF CHI	6/11/20	GRO
3537	00394	001	45604	18332	05DY53	1	Picked	6/11/2003 8:4	1	1	No		10.5	、) CRM OF BROCCOLI S	6/11/20	GRO
3850	00394	001	45604	18332	05DZ12	1	Picked	6/11/2003 8:4	1	1	No		64	O S CRANBERRY JCE CKT	6/11/20	GRO
3754	00394	001	45604	18332	05DZ22	2	Picked	6/11/2003 8:4	2	2	No		64	、) CRNBRY JCE CKTL P	6/11/20	GRO
3823	00394	001	45604	18332	05DZ93	1	Picked	6/11/2003 8:4	1	1	No		64	GATORADE FIERCE GRAPE	6/11/20	GRO
3754	00394	001	45604	18332	05EA32	1	Picked	6/11/2003 8:4	1	1	No		64	V-8 SPLASH STRWBRY BA	6/11/20	GRO
3748	00394	001	45604	18332	05EB12	1	Picked	6/11/2003 8:4	1	1	No		64	WHITE GRAPE JCE P	6/11/20	GRO
3712	00394	001	45604	18332	05EB73	1	Picked	6/11/2003 8:4	1	1	No		64	100% CRAN/RASPB J	6/11/20	GRO
3743	00394	001	45604	18332	05EB83	1	Picked	6/11/2003 8:4	1	1	No		64	GRAPEFRUIT JUICE	6/11/20	GRO
3900	00394	001	45604	18332	05ED83	1	Picked	6/11/2003 8:4	1	1	No		64	WELCH GRAPE CKTL JUIC	6/11/20	GRO
3730	00394	001	45604	18332	05EE12	10	Picked	6/11/2003 8:5	10	10	No		64	、) APPLE JUICE PLSTC	6/11/20	GRO
3672	00394	001	45604	18332	05EE42	1	Picked	6/11/2003 8:5	1	1	No		64	OLD ORCHRD APPLE CHER	6/11/20	GRO
3252	00394	001	45604	18332	05EG32	1	Picked	6/11/2003 8:5	1	1	No		64	DSNY100ACR WOOD APPLE	6/11/20	GRO

<u>em Numbe</u>	<u>Store</u>	<u>Trip</u>	<u>Order</u>	<u>Assignme</u>	<u>Locati</u>	<u>Quanti</u>	<u>Status</u>	<u>Pick Time</u>	<u>Qty</u>	<u>Tot</u>	<u>Sc</u>	<u>Scratc</u>	<u>Size</u>	<u>Description</u>	<u>Date</u>	<u>Zone</u>
2624	00394	001	45604	18332	05GD02	1	Not Picked		0	0	No		26.5 OZ	HUNTS CLSC ITL GRL&HR	6/11/20	GRO
2536	00394	001	45604	18332	05GD12	1	Not Picked		0	0	No		26 OZ	RAGU CH G/S TOM GRLC&	6/11/20	GRO
9562	00394	001	45604	18332	05GD42	2	Not Picked		0	0	No		10-6.75	MIN MD COOLER FRT PNC	6/11/20	GRO
9559	00394	001	45604	18332	05GD53	1	Not Picked		0	0	No		10-6.75O	MIN MD COOLER LMNADE	6/11/20	GRO
2613	00394	001	45604	18332	05GD83	1	Not Picked		0	0	No		28	PREGO SPAGH SCE REG	6/11/20	GRO
3623	00394	001	45604	18332	05GE02	1	Not Picked		0	0	No		16	BUSH BEST BKD BEANS W	6/11/20	GRO
2576	00394	001	45604	18332	05GE22	1	Not Picked		0	0	No		26 OZ	RAGU ROBUST 7 HERB TO	6/11/20	GRO
6478	00394	001	45604	18332	05GG42	1	Not Picked		0	0	No		14.5	RED GOLD DCD TOM W/GR	6/11/20	GRO
6479	00394	001	45604	18332	05GG53	2	Not Picked		0	0	No		15	RED GOLD CRSH TOMATO/	6/11/20	GRO
2574	00394	001	45604	18332	05GG83	1	Not Picked		0	0	No		26 OZ	RAGU ROBUST ONION/MUS	6/11/20	GRO
3329	00394	001	45604	18332	05GG93	1	Not Picked		0	0	No		1 L	CRYS CLR CF SPRG WTR-	6/11/20	GRO
2541	00394	001	45604	18332	05GH12	1	Not Picked		0	0	No		26 OZ	RAGU OWS MEAT FLV SCE	6/11/20	GRO
2512	00394	001	45789	18332	05GH63	1	Not Picked		0	0	No		28	PREGO SPG SCE MSHRM P	6/11/20	GRO
1472	00394	001	45604	18332	05GI12	1	Not Picked		0	0	No		32	MIRACLE WHIP DRESSING	6/11/20	GRO
1481	00394	001	45604	18332	05GI22	1	Not Picked		0	0	No		32	KRAFT MAYONNAISE	6/11/20	GRO
6866	00394	001	45604	18332	05GI73	1	Not Picked		0	0	No		4	MOTTS CINNAMON APLSCE	6/11/20	GRO
6865	00394	001	45604	18332	05GJ32	1	Not Picked		0	0	No		3.9	MOTTS NAT APPLE SCE 6	6/11/20	GRO
6839	00394	001	45604	18332	05GJ83	1	Not Picked		0	0	No		6 PK /4	MOTTS FRTSTNS BANANA	6/11/20	GRO
0948	00394	001	45604	18332	05GK02	2	Not Picked		0	0	No		6	S K CHNK LGHT TUNA OI	6/11/20	GRO
1458	00394	001	45604	18332	05GL02	1	Not Picked		0	0	No		48	MIRACLE WHIP PLSTC	6/11/20	GRO
1669	00394	001	45604	18332	05GL93	1	Not Picked		0	0	No		20	HEINZ EASY SQZ KETCHU	6/11/20	GRO
1829	00394	001	45604	18332	05GM63	1	Not Picked		0	0	No		34.5 OZ	FOLGRS GRMT SPRM COFF	6/11/20	GRO
2540	00394	001	45604	18332	05GM93	1	Not Picked		0	0	No		26 OZ	RAGU OWS TRAD SPAGH S	6/11/20	GRO
3196	00394	001	45604	18332	05GO53	1	Not Picked		0	0	No		18.8	CAMP HRB RST CKN W/GR	6/11/20	GRO
6869	00394	001	45604	18332	05GP22	1	Not Picked		0	0	No		24	MOTT APPLE SCE REG GL	6/11/20	GRO
6558	00394	001	45604	18332	05GP42	1	Not Picked		0	0	No		8	HUNTS TOMATO SAUCE	6/11/20	GRO
2647	00394	001	45604	18332	05GP53	1	Not Picked		0	0	No		16	RAGU CC RSTD GARLIC P	6/11/20	GRO

Date

Access Granted/Denied By

Item Number	Store	Trip	Order	Assignme	Locati	Quanti	Status	Pick Time	Qty	Tot	Sc	Scratch	Size	Description	Date	Zone
3248	00394	001	45604	18332	05GS53	1	Not Picked		0	0	No		26	CAMP FMLY SZ TOMATO S	6/11/20	GRO
3251	00394	001	45604	18332	05GS63	1	Not Picked		0	0	No		26	CAMP VEGETABLE BEEF S	6/11/20	GRO
3626	00394	001	45604	18332	05GW63	1	Not Picked		0	0	No		26	HNT CLS ITL RST GLC&O	6/11/20	GRO
3641	00394	001	45604	18332	05GW83	1	Not Picked		0	0	No		24.7	RAGU EXPRESS TRAD TOM	6/11/20	GRO
3603	00394	001	45789	18332	05GX12	1	Not Picked		0	0	No		26.5 OZ	HUNTS PASTA SC ORIG M	6/11/20	GRO
3601	00394	001	45789	18332	05GX22	1	Not Picked		0	0	No		26.5 OZ	HUNTS TRAD SPAGHETTI	6/11/20	GRO
3774	00394	001	45604	18332	05GX63	1	Not Picked		0	0	No		11.5	MAX HSE DECAF COFFEE	6/11/20	GRO
3448	00394	001	45604	18332	05GX83	1	Not Picked		0	0	No		10	KL-AID JAMMERS GRPE 1	6/11/20	GRO
3454	00394	001	45604	18332	05GY12	1	Not Picked		0	0	No		16	MIRACLE WHIP DRESSING	6/11/20	GRO
3800	00394	001	45604	18332	05GY32	2	Not Picked		0	0	No		28	VAN CAMP O F HCKRY BK	6/11/20	GRO
3801	00394	001	45604	18332	05GY42	1	Not Picked		0	0	No		28	VAN CAMP O F ONION BK	6/11/20	GRO
3657	00394	001	45604	18332	05GZ22	1	Not Picked		0	0	No		28	CAMP PORK & BEANS	6/11/20	GRO
3627	00394	001	45604	18332	05GZ32	1	Not Picked		0	0	No		28	BUSH BEST HOMESTYLE B	6/11/20	GRO
3629	00394	001	45604	18332	05GZ42	1	Not Picked		0	0	No		28	BUSHS BOLD&SPICY BK B	6/11/20	GRO
3624	00394	001	45604	18332	05HA93	3	Not Picked		0	0	No		28	BUSH BAKED BEANS	6/11/20	GRO
3446	00394	001	45604	18332	05HB63	1	Not Picked		0	0	No		10	KL-AID JAMMERS CHRY 1	6/11/20	GRO
3994	00394	001	45604	18332	05HB83	6	Not Picked		0	0	No		6	S K CHNK LGHT TUNA SP	6/11/20	GRO
37503	00394	001	45604	18332	05HC12	1	Not Picked		0	0	No		4	MOTTS FRTSTN STRWBRY	6/11/20	GRO
3241	00394	001	45604	18332	05HC63	1	Not Picked		0	0	No		10	TANG RTD PCH FRT FREN	6/11/20	GRO
3551	00394	001	45604	18332	05HD83	1	Not Picked		0	0	No		10	CAPRI SUN RD BRY FRT	6/11/20	GRO
3405	00394	001	45604	18332	05HE53	1	Not Picked		0	0	No		15	G G X-LONG ASPARAGUS	6/11/20	GRO
3631	00394	001	45604	18332	05HE63	2	Not Picked		0	0	No		28	BUSH BEST BKD BEANS W	6/11/20	GRO
3632	00394	001	45604	18332	05HE73	3	Not Picked		0	0	No		28	BUSH MPL CRD BCN BKD	6/11/20	GRO
3168	00394	001	45604	18332	05HG63	1	Not Picked		0	0	No		18.8	CAMP CHKY CK& DMPLNG	6/11/20	GRO

Need Help?
Click here

Employee
Division:
Phone:
Phone:
User's Dept:

Lumber Users
Lumber Admin

(ies)

SAMPLE TRANSPORTER SHIPPING DOCUMENT



728 South New York Avenue
Lakeland, Florida 33815
(863) 413-1500

496
SHIPPER'S FILE NO. 19971
TRAILER LICENSE 5685 10 - 5
Truck Owner _____
Truck Broker _____
Driver J. King

Date: 9 June 03

**IN EVENT OF ANY DELAY --- IMMEDIATELY CALL CONSIGNEE COLLECT
\$100.00 FINE FOR NO CALL**

Consignee _____
Address _____
Destination _____
Phone No. _____

PO# 248294555
Shipped From: FARMERS FARMS
038

66

No. Pkgs	Description		
<u>66</u>	24" Athena Cantaloupe	44 ^s Temp	06-11-03 J. King
	20" Athena Cantaloupe		
	Carton Cantaloupe		
NOTE	SHORTAGE ON COUNT OR CWT. WILL BE TAKEN OFF FREIGHT.		

MAINTAIN 38°

DRIVER LOAD & COUNT _____

RECEIVER: Unloading Must Be On The Bill

Driver _____
X _____

Customer: _____
X _____

Any exception to good delivery MUST be noted on delivery receipts to be binding. Clear receipt constitutes good delivery; Invoice to be paid in full. The merchandise described above received in apparent good order and condition and consigned and destined as indicated above, which the said truck owner or the driver as his agent, agrees to carry and deliver to Consignee in good condition and good order at said destination. In accepting this shipment the above signator, as owner agent or driver for owner, assumes all responsibility for it safe delivery in good condition to destination and will reimburse shipper for all damage to merchandise.

SAMPLE INVOICE

INV#7566611/DD-06/28 - page 14

STORE 0216 11213 INVOICE NUMBER: 7566611
 DATE ORDERED: 06/28/03
 DATE/TIME INVOICED: 06/28/03 21:21

STORE NUMBER: 00216 DELIVERY DATE: 06/28/03 PM PAGE 15 FAC72

INV CLASS	ITEM CODE	WAREHOUSE DESCRIPTION	WHSE PACK	RETAIL SIZE/UNIT	UNIT		CASE		TOTAL		GP %	QTY ORG	QTY ORD	QTY SHPPED
					WHSE COST	RETL COST	WHSE COST	RETL COST	WHSE COST	RETL COST				
13	912135	USF ORANG-STRAW-BAN	24	11.50	OZ									
		04 INACTIVE ITEM NO BOH												
13	912161	USF ORANGE PINEAPPLE	4	6-11.5	OZ									
13	912675	USF STRW&CRM RTD 12	2	11	OZ									
13	912676	USF RCH CHC RYL RTD	2	11	OZ									
13	912678	USF MILK CHOC RTD 12	2	12-11	OZ									
13	912679	USF FRENCH VAN RTD 1	2	12-11	OZ									
13	912712		4	66	OZ									
13	912713		4	66	OZ									
13	920002		4	56	CT									
13	920004		4	48	CT									
13	920042		6	27	CT									
13	922516		3	46	CT									
13	922526		4	40	CT									
13	991003		18	22	CT									
13	991009		12	16	CT									
13	991016		6	20	CT									
13	991017		6	16	CT									
13	991020		4	18	CT									
13	991024		6	24	CT									
13	991028		12	22	CT									
13	991029		6	14	CT									
13	991051		12	18	CT									
13	991054		12	48	CT									
13	991055		12	64	CT									
13	991056		12	50	CT									
13	991058		4	20	CT									
13	991061		12	14	CT									
13	991064		12	22	CT									
13	991065		12	24	CT									
13	991066		6	36	CT									
13	991069		6	36	CT									
13	991073		12	72	CT									
13	991076		12	18	CT									
13	991081		12	16	CT									
13	991104		12	20	CT									
13	SUMMARY													

SAMPLE RECALL SURVEY TO IDENTIFY PRODUCT IN STORES

Product Withdrawal 03-022			1 Liter, 3 pack - Cat Mgr:1			Pulled: 6/6/03								
Store	Cases	Units	Store	Cases	Units	Store	Cases	Units	Store	Cases	Units	Store	Cases	Units
24	0	0	106	0	0	175	0	0	225	0	0	298	0	4
28	0	3	112	0	2	176	1	0	226	0	0	299	0	6
29	0	0	114	1	0	177	0	0	227	0	0	Total	0	10
32	0	4	115	0	0	178	0	0	228	0	0			
33	0	0	116	0	0	179	0	4	229	0	4			
35	1	0	117	0	0	180	0	4	230	0	1			
39	0	0	119	1	0	181	0	4	231	0	3			
40	0	4	122	0	0	182	0	2	232	0	0			
42	0	0	123	0	0	183	0	7	233	1	0			
45	3	8	124	0	6	184	0	0	234	0	10			
48	0	0	126	0	4	185	0	0	235	0	4			
49	0	7	127	0	4	186	0	4	236	0	7			
50	0	2	128	0	0	187	0	0	239	0	4			
51	0	8	130	0	4	188	0	0	240	1	5			
52	0	0	132	0	4	189	0	0	241	0	0			
53	0	0	134	1	4	190	0	0	244	2	0			
54	0	0	136	0	0	191	1	3	245	1	0			
57	0	0	137	0	0	192	0	0	246	0	0			
58	0	4	138	1	0	193	1	0	247	0	0			
59	0	0	141	0	3	194	0	8	248	1	0			
60	1	0	142	0	0	195	0	0	253	0	0			
63	0	7	144	0	0	196	0	0	254	0	8			
64	1	4	145	0	0	197	0	0	255	0	12			
65	0	6	147	0	8	198	2	0	256	0	4			
66	0	0	148	0	4	199	0	5	257	0	12			
67	0	0	149	0	0	200	0	0	258	0	0			
70	1	0	150	0	3	201	2	8	259	0	0			
71	0	0	151	0	0	202	0	0	260	1	0			
73	0	4	152	0	0	203	0	0	261	0	7			
74	0	0	153	0	0	204	0	6	262	0	0			
75	0	4	154	0	0	205	0	0	263	0	0			
76	0	0	155	0	7	206	1	0	264	1	0			
77	0	4	156	0	0	207	0	0	265	1	4			
79	1	0	157	0	4	208	1	0	266	0	4			
82	0	0	158	0	0	209	0	8	267	0	4			
84	1	0	160	0	0	210	0	4	268	0	0			
85	4	0	161	0	4	211	0	0	269	0	3			
87	0	0	162	1	0	212	0	0	270	0	4			
91	0	4	163	0	4	214	1	12	272	1	0			
92	4	12	164	0	0	215	0	0	273	0	0			
94	0	0	165	0	0	216	0	3	275	0	7			
95	0	0	166	0	8	218	0	0	276	0	3			
96	0	0	167	1	0	219	0	4	277	1	0			
97	0	6	168	0	0	220	0	0	282	0	0			
99	0	0	169	0	2	221	0	0	284	0	4			
102	0	0	170	0	0	222	0	0	289	1	0	TOTALS	47	388
103	0	4	173	0	0	223	0	8	291	0	0			
104	0	0	174	0	0	224	0	0	294	2	0			
Total	17	95	Total	6	75	Total	10	94	Total	14	114			