DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration
College Park, MD 20740

MEMORANDUM OF TELEPHONE CONVERSATION

March 9, 2004

Between: Andrea G. Ferrenz, Esq.
Emord & Associates, P.C.
1050 Seventeenth Street, N.W.
Suite 600
Washington, D.C. 20036

And

James E. Hoadley, Ph.D.
Special Assistant, Nutrition Programs & Labeling Staff
Office of Nutritional Products, Labeling and Dietary Supplements
Center for Food Safety and Applied Nutrition

Subject: Petitions for Administrative Stay of Action – Docket Nos 93N-480F/PSA1, 93N-480C/PSA1, 93N-480O/PSA1, 93N-480A/PSA1, 93N-480Z/PSA1, and 93N-481C/PSA1

On January 19, 1994, Johnathan W. Emord, submitted pursuant to 21 CFR 10.35, and on behalf of the American Preventative Medical Association, Citizens for Health, National Health Federation, and Durk Pearson and Sandy Shaw (the joint petitioners), two petitions requesting the Food and Drug Administration (FDA) act to stay implementation of the final regulations that do not authorize certain dietary supplement health claims. The FDA decisions that were the subjects of these petitions were published in the *Federal Register* on January 4, 1994 (59 FR 433 and 59 FR 436).

Dr. Hoadley called Ms. Ferrenz on March 5, 2004 to ascertain whether these two petitions could be closed in light of subsequent FDA actions that have replaced the 1994 FDA actions that were the subjects of these petitions. Ms. Ferrenz confirmed by email on March 9, 2004, on behalf of the joint petitioners, that the two petitions could be withdrawn. Therefore, the joint petitioners' two petitions for Administrative Stay of Action, dated January 19, 1994 are hereby withdrawn.

James E. Hoadley

James E. Hoadley, Ph.D.

cc:
HFA-305 (Dockets Management)
HFS-004 (Fraser)
HFS-024 (Brock, Seq. 3936 - 3941)
HFS-800 (Tarantino, Wilkening)
HFS-830 (Ellwood)

93N-480A

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