

Memorandum

Date:

~~_____~~ = **AUG 9 2006** ~~_____~~

Rec'd 8/18/06 JB

From: Consumer Safety Officer, Division of Dietary Supplement Programs , Office of Nutritional Products, Labeling and Dietary Supplements, HFS-810

Subject: 75-Day Premarket Notification of New Dietary Ingredients

To: Dockets Management Branch, HFA-305

Subject of the Notification: Prolivols-red wine extract

Firm: Seppic, Inc.

Date Received by FDA: May 11, 2006

90-Day Date: August 9, 2006

In accordance with the requirements of section 413(a) of the Federal Food, Drug, and Cosmetic Act, the attached 75-day premarket notification and related correspondence for the aforementioned substance should be placed on public display in docket number 95S-0316 as soon possible since it is past the 90-day date. Thank you for your assistance.

_____*Victoria Lutwak*_____

1995S-0316

RPT 352



Food and Drug Administration
5100 Paint Branch Parkway
College Park, Maryland 20740

JUL 20 2006

Mr. Robert McKay, Vice President
Seppic, Inc.
30 Two Bridges Road, Suite 210
Fairfield, New Jersey 07004

Dear Mr. McKay:

This is to inform you that the notification, dated April 28, 2006, that you submitted pursuant to 21 U.S.C. 350b(a)(2)(section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act (the Act)) was filed by the Food and Drug Administration (FDA) on May 11, 2006. Additional information incorporated into a revised notice, dated June 7, 2006, was received on June 14, 2006. Your notification concerned the substance that you identified as "Provinols," red wine extract, rich in polyphenols, made from Cabernet Sauvignon grapes, *Vitis vinifera* L, that you intend to market as a new dietary ingredient.

Your notification states that you intend to market a product consisting of a powder. Under conditions of use stated in your notice you state: "100-300 of "Provinols" per day is the recommended daily dose, and 100 mg of "Provinols" is equivalent to 95 mg of polyphenols."

Under 21 U.S.C. 350b(a), the manufacturer or distributor of a dietary supplement containing a new dietary ingredient that has not been present in the food supply as an article used for food in a form in which the food has not been chemically altered must submit to FDA, at least 75 days before the dietary ingredient is introduced or delivered for introduction into interstate commerce, information that is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such new dietary ingredient will reasonably be expected to be safe. FDA reviews this information to determine whether it provides an adequate basis for such a conclusion. Under section 350b (a) (2), there must be a history of use or other evidence of safety establishing that the new dietary ingredient, when used under the conditions recommended or suggested in the labeling of the dietary supplement, will reasonably be expected to be safe. If this requirement is not met, the dietary supplement is considered to be adulterated under 21 U.S.C. 342(f) (1) (B) because there is inadequate information to provide reasonable assurance that the new dietary ingredient does not present a significant or unreasonable risk of illness or injury.

FDA has carefully considered the information in your submission and the agency has concerns about the evidence on which you rely to support your conclusion that a dietary supplement

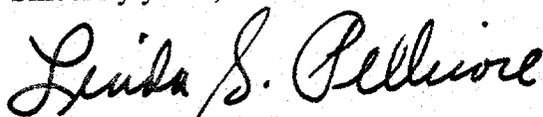
containing "Provinols" will reasonably be expected to be safe. Your notification does not provide a description of your product other than that the ingredient is said to be an extract of red wine. It would have been helpful had the solvents been mentioned for the extract and a description of the material that appears to be the residue that remains when alcohol, and perhaps other volatiles, are distilled from the wine. Your manufacturing process is described in only the most general terms; no details of the distillation, filtration, concentration and spray-drying steps are provided in your notification. In addition, the final material is said to contain a minimum of 95% polyphenolic compounds, yet the information in Section 2.1. suggests that the polyphenol content of the material is about 46%. This discrepancy was never addressed in the notice. Inclusion of specific methods of analysis (e.g., methods that would confirm that the material consists of > 95% polyphenols) would have been useful. Furthermore, the relationship of consumption of red wine as a food and the material that is the subject of the notification is unclear. Therefore, how "Provinols," red wine extract, rich in polyphenols, is qualitatively or quantitatively similar to red wine and how this relates to evaluating the safe use of your new dietary ingredient, under the recommended conditions of use, was never established.

For the reasons discussed above, the information in your submission does not provide an adequate basis to conclude that "Provinols" when used under the conditions recommended or suggested in the labeling of your product, will reasonably be expected to be safe. Therefore, your product may be adulterated under 21 U.S.C. 342(f)(1)(B) as a dietary supplement that contains a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury. Introduction of such a product into interstate commerce is prohibited under 21 U.S.C. 331(a) and (v).

Your notification will be kept confidential for 90 days after the filing date of May 11, 2006. After the 90-day date, the notification will be placed on public display at FDA's Docket Management Branch in docket number 95S-0316. Prior to that date, you may wish to identify in writing specifically what information you believe is proprietary, trade secret or otherwise confidential for FDA's consideration.

If you have any questions concerning this matter, please contact Victoria Lutwak at (301) 436-1775.

Sincerely yours,



Linda S. Pellicore, Ph.D.
Supervisory Team Leader, Senior Toxicologist
Division of Dietary Supplement Programs
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety and Applied Nutrition



SEPPIC, Inc.
30 Two Bridges Road, Suite 210
Fairfield, New Jersey 07004
Phone : 973 882-5597 - Fax : 973 882-5178

8 June, 2006
Amending the 28 April, 2006 filing

Office of Nutritional Products (HFS-820)
Center for Food Safety and Applied Nutrition
Food and Drug Administration
510 Paint Branch Parkway
College Park, MD, 20740-3835

Re : notification of a new dietary ingredient

Pursuant to 21CFR, Part 190, Subpart B, Sec. 190.6 notification is hereby provided of a new ingredient.

1. Name and complete address of distributor of the new dietary ingredient:

SEPPIC Inc.
30 Two Bridges Road, Suite 210
Fairfield, New Jersey, 07004 USA

2. Name of the new dietary ingredient:

PROVINOLS - Red wine extract, rich in polyphenols.

3. Description of dietary supplements that contain the new dietary ingredient;

Level of new dietary ingredient in the dietary supplement:

PROVINOLS is made from the Cabernet Sauvignon grape (Vitis Vinifera L. - Carl Linnaeus). PROVINOLS is sold as a powder. Our customers may add it to beverages, chewing gum, or sell it in caplets.

There is no alcohol in PROVINOLS as it is all removed by distillation.

Ordinary conditions of use of the supplement:

100 to 300 mg of Provinols per day is the recommended daily dose.

100 mg of Provinols is equivalent to 95 mg of polyphenols.

History of use and evidence of safety:

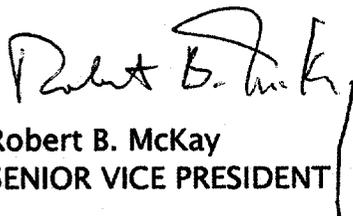
Cabernet Sauvignon made from vitis vinifera L. is commonly consumed in USA. The polyphenols components of Provinols are those of the original red wine.

Epidemiological studies showed that a moderate consumption of red wine has health benefits and it has been recommended to drink of 1 to 3 glasses of red wine per day. A serving of wine (a glass) in France is officially defined as 11 cl.; about 3.7 oz. The study NU3.1048 / RENAUD S. & GUEGNEN R., THE FRENCH PARADOX AND WINE DRINKING. NOVARTIS FOUND SYMP. 1998 is included to support this submission.

A glass of Cabernet-Sauvignon red wine contains around 95 mg of polyphenols. 100 mg of Provinols contains 95 mg of polyphenols. The recommended daily dose of the new dietary ingredient (100-300 mg) corresponds to 1 to 3 glasses of red wine.

Manufacturing process: Wine (Cabernet Sauvignon from Vitis Vinifera L.) is subjected to gentle distillation, filtration, concentration, and spray drying. 1,100 liters of wine produces 1 kg of PROVINOLS.

Respectfully submitted,



Robert B. McKay
SENIOR VICE PRESIDENT

SEPPIC, Inc.
30 Two Bridges Rd.
Suite 210
Fairfield, NJ 07004

Enclosure :

Advice of DGCCRF (Direction Générale de la concurrence, de la consommation et de la répression des fraudes) on Provinols
Technical data sheet of Provinols
Specifications of Provinols
Certificate of analysis of Provinols
NU3.1048 / RENAUD S. & GUEGNEN R. THE FRENCH PARADOX AND WINE DRINKING. NOVARTIS FOUND SYMP. 1998

Société Française de Distilleries

B.P. 47 - 07150 VALLON PONT D'ARC

☎ (+33) 04.75.88.02.18; 📠 (+33) 04.75.37.18.19

e-mail : contact@france-distilleries.com

PROVINOLS® GRANULE

CERTIFICATE OF ANALYSIS

Réf: **PROVINOLS® GRANULE**

Batch : **0234501001**

DESCRIPTION	SPECIFICATIONS	VALUES
Appearance	Granulated powder	Conforms
Colour	Dark red to purple	Conforms
Odour	Tanic, characteristic	Conforms
Taste	Astringent	Conforms
Composition	95 % mini total polyphenols of red wine	95.2
Residual alcohols	≤ 0.02 %	Not detectable
Loss on drying	≤ 8%	3.6 %
Heavy Metals	Cadmium	9.4 ppm
	Mercury	< 0.02 ppm
	Lead	2.07 ppm
Pesticides	Not detected	Conforms
Microbial Count	Total germs	- max 1000/g
	Yeast & Mould	- max 100/g
	Enterobacteria	- max 100/g
	Escherichia coli	- absence
	Salmonella	- absence
	Pseudomonas aeruginosa	- absence
	Staphylococcus aureus	- absence

Fait à Vallon Pont d'Arc, le 04 avril 2003

Signed by : Carine Vouillon

Department : Quality and R&D

SOCIÉTÉ FRANÇAISE DE DISTILLERIES
BP 47 - 07150 VALLON PONT D'ARC
Tél. 04 75 88 02 18 - Fax 04 75 88 10 17



Siège social : 75, quai d'Orsay - 75321 Paris Cedex 07 - France
Tel. : +33 (0) 1 40 62 55 55 - Fax : + 33 (0) 1 40 62 55 53
www.seppic.com

Date : 22 July 2003
Update : 03 June 2004

SPECIFICATIONS

Product : PROVINOLS™

Product code: 10682L

Description : Red wine extract – Fine powder

Characteristics	Standards	Methods
Appearance	Fine powder	Visual
Colour	Dark red to purple	Visual
Taste	Astringent	Organoleptic
Odour	Tannic	Organoleptic
Loss on drying	Max. 5 %	3h at 105°C
Solubility in water	Min. 1 %	At 20°C
Solubility in ethanol	Min. 4 %	At 20°C
Total polyphenols	Min. 95 %	OD 280 / Eq. Catechin on dry
Heavy metals : - Total (as lead)	Max. 20 ppm	Atomic absorption
- Arsenic	Max. 2 ppm	Atomic absorption
Residual alcohols	Max 0.5 %	GC
Pesticides	Conform	European Pharmacopoeia
Microbiological count :		
- Total germs	Max. 1000/g	
- Yeast & Mould	Max. 100/g	

Packaging 25 kg net cartons
Storage To store in a cool, dry and dark place
Shelflife 3 years

Product manufactured by Société Française de Distilleries (France)

Société d'Exploitation de Produits Pour les Industries Chimiques
S.A. à Directoire et Conseil de Surveillance au capital de 3.050.640 euros
Siret : 552 016 487 00407 - N° TVA UE / EU VAT Number : FR 95_552016487

Une société du groupe AIR LIQUIDE



PARIS, LE 15 JAN. 2002

DIRECTION GÉNÉRALE DE LA CONCURRENCE,
DE LA CONSOMMATION ET DE LA RÉPRESSION DES FRAUDES
68, BD VINCENT AUBRIOT TELEDOC
75703 PARIS CEDEX 13

Réf : / seppic provinols.doc

Affaire suivie par MC MARTY
Bureau : D2 BOISSONS
Téléphone : 01 44 97 31 46
Télécopie : 01 44 97 30 39
Mél. : @dgcrcf.finances.gouv.fr

5 1 7 2

Madame Marie-Anne DESRUMEAUX
SEPPIC
75 quai d'Orsay
75321 PARIS CEDEX 07

Objet : extrait de composés phénoliques totaux de vins rouges, de marque PROVINOLES.

Madame,

Suite à votre visite et l'examen du projet de commercialisation par votre société SEPPIC, d'un ingrédient dénommé PROVINOLES, constitué de polyphénols de vin rouge sous forme de poudre, je vous précise les points suivants.

L'analyse de la composition du produit portant la marque PROVINOLES, par notre laboratoire de Talence, nous a permis de caractériser et de dénommer ce produit comme étant : « un extrait de composés phénoliques totaux de vins rouges ». L'examen du dossier fourni a permis de confirmer cette conclusion.

Notre laboratoire a indiqué que les composants de ce produit sont ceux du vin et par voie de conséquence, consommés traditionnellement dans l'Union Européenne.

Nous avons relevé dans votre dossier, que 1100 l de vin étaient nécessaires à la production de 1 kg de PROVINOLES.

Je vous ai donc posé la question de la dose d'utilisation que vous souhaitez recommander auprès de vos clients et vous m'avez répondu par message en date du 08/01/2002, que « *Les études épidémiologiques mettant en évidence les bienfaits sur la santé d'une consommation modérée de vin rouge recommandent une consommation de 1 à 3 verres de vin rouge par jour et que pour vous, 100 à 300 mg de PROVINOLES correspondent à l'apport en composés polyphénoliques de 1 à 3 verres de vin rouge.* ».

En conséquence, il convient que la société SEPPIC communique systématiquement à ses clients, la dose d'utilisation maximale qu'elle préconise, pour que ces derniers puissent à leur tour, en tenir compte dans l'élaboration et la présentation de leurs propres denrées alimentaires.

Par ailleurs, je vous précise que le terme PROVINOLES, qui est la marque du produit, ne peut pas constituer la dénomination légale de vente. Au vu de la composition actuelle du produit, il convient donc d'utiliser la dénomination telle que précitée : « *extrait de composés phénoliques totaux de vins rouges* ».

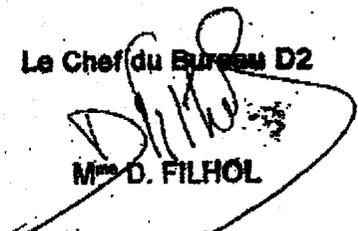
Concernant les éventuelles allégations publicitaires relatives à ce produit, je vous rappelle que l'étiquetage et les modalités selon lesquelles il est réalisé, doivent respecter strictement les dispositions de l'article R 112-7 du code de la consommation.

La société SEPPIC doit être en mesure de justifier toutes les allégations publicitaires qu'elle envisage d'employer et la simple présentation d'études diverses, de source tant nationale qu'étrangères, ne constituent pas des justificatifs suffisants.

En matière d'allégations nutritionnelles, je vous invite à consulter plus particulièrement, Madame RIOU ou Madame FASSI, chargées notamment de ces questions, au sein du bureau D3 de ma direction. (tél. secrétariat : 01 44 97 29 02)

Je vous prie d'agréer, Madame, mes meilleures salutations.

Le Chef du Bureau D2


M. D. FILHOL



MINISTÈRE DE L'ÉCONOMIE
DES FINANCES ET DE L'INDUSTRIE

15
SECTION GÉNÉRALE DE LA CONCEPTION, DE LA
CONSOMMATION ET DE LA RÉPRESSION DES
BUREAU D2 - BOISSONS ET MISSION VINS ET SPIRITUEUX
59, BD VINCENT AURIOL - TELEDOC 251
75703 PARIS CEDEX 13
TÉL. : 01 44 97 23 51



Madam,

Pursuant to your visit and the reviewing of the project of marketing, through your company SEPPIC, an ingredient named Provinols, containing polyphenols of red wine in powder form, I would like to point out the following items.

The analysis, carried out by our laboratory in Talence, of the composition of the material named Provinols, allowed us to characterize and describe this material as being **"an extract of total phenolic compounds of red wines"**. The review of the provided Dossier allowed us to confirm this conclusion.

Our laboratory mentioned that the components of this material are those of red wine and consequently traditionally consumed in the European Union.

We noted in your Dossier that 1,100 liters of wine were used to manufacture 1 kilogram of Provinols.

Then, I asked you what the daily dose that you intend to recommend to your customers was. You answered by email dated August 1st, 2003 that "epidemiological studies, showing health benefits of a moderate consumption of red wine, recommend to drink from 1 to 3 glasses of red wine per day. **As per your declaration, 100 to 300 mg of Provinols correspond to the amount of polyphenolic compounds of 1 to 3 glassed of red wine"**.

Consequently, it is agreed that your company SEPPIC systematically communicate to its customers the recommended maximum daily dose in order for them to take it into account in their formulation and presentation of their own foodstuffs.

Nevertheless I point out that the denomination Provinols, which is a trademark, can not constitute the legal sales denomination. As per the current composition of the material, it is agreed that to use the above mentioned denomination : "extract of total phenolic compounds of red wines"

Regarding possible label claims related to this material, I remind you that labeling and modalities of labeling should strictly comply with the Code of Consumption part R112-7.

The company SEPPIC has to be in a position to justify all label claims that are intended to be used. Providing only various scientific papers from domestic or foreign sources does not constitute sufficient justifications.

Regarding nutritional claims, I invite your to get particularly in touch with Mrs RIUO or Mrs FASSI, in charge of these questions within the D3 office of my department.

Sincerely yours,

Mrs. D. Filhol
Office D2 Manager



PROVINOLS™

Red wine extract

- **Wine and the French Paradox**
- **Total red wine polyphenols**
- **For nutraceutical and health food**



1 - DESCRIPTION

A fine or granulated powder obtained from selected red wine produced in Languedoc-Roussillon regions (France).

PROVINOLS™ is a natural and efficient source of the antioxidant polyphenols contained in red wine and which properties are known as "*The French Paradox*".

Aspect	Fine powder
Colour	Dark red to purple
Odour	Tannic
Taste	Astringent

2 - ANALYSIS

2.1 - Active ingredients

Polyphenols	Results (mg/100g of powder)
Gallic acid	
p-coumaric acid	
Proanthocyanidole B1	
Proanthocyanidole B2	
Proanthocyanidole B3	
Catechin	
Epicatechin	
Other OPC	
Polymers	
Resveratrol	

References of analytical methods : HPLC - NUTRINOV (Rennes, France) - 07/09/99



2.2 - Nutritional facts

Characteristics	Results
Protein (N x 6.25)	8.81 %
Fat	0.17 %
Carbohydrate	15.14 %
Ashes	4.71 %

References of analytical methods : standard methods

Recommended daily dosage (red wine polyphenols) 100 to 300 mg/day

2.3 - Microbiological specifications

Characteristics	Results
Total plate count	1000 CFU/g
Coliforms	< 100 CFU/g
E. Coli	absence/g
Pathogenic Staphylococci	absence/g
Salmonella	absence/25g
Pseudomona aeruginosa	absence/g
Yeast-Mould	< 100 CFU/g

3 - PHYSICAL DATA

Loss on drying
Solubility (water, 20°C, pH 3-4)
Solubility (ethanol 15 %)



4 - TOXICOLOGICAL AND REGULATORY DATA

4.1 - Toxicology

Acute dermal test/rabbit

Acute toxicity : LD 50 orally/rat

4.2 - Regulatory data

Extract of total polyphenols compounds of red wine extract, **PROVINOLS™** is a food derivative product. It is not an additive and could be use freely in nutraceutical and health food products.

5 - PACKAGING AND STORAGE

Packaging	25kg double wall polyethylene-lined cartons
Storage	Store in a cool, dry and dark place
Shelflife	2 years
Transport - labelling	Product not under the transport regulations

6 - USES

PROVINOLS™ is used as a nutritional ingredient for its health benefits in beverages (soft drinks, alcoholics drinks, fruit juices), diary products and desserts, dietary supplements, chewing gums and confectionery. It is also used in nutraceutical supplements in form of capsules, tablets or sachets.

Product manufactured by Société Française de Distilleries (FRANCE)



Nota

The analytical specifications warranted are only those mentioned on the certificate of analysis supplied with each delivery of the product.

Except as set forth above, SEPPIC* makes no warranties, whether express, implied or statutory, as to the product which is the subject of this document . Without limiting the generality of the foregoing, SEPPIC* makes no warranty of merchantability of the product or of the fitness of the product for any particular purpose. Buyer assumes all risk and liability resulting from the use or sale of the product, whether singly or in combination with other goods. The information set forth herein is furnished free of charge and is based on technical data that SEPPIC* believes to be reliable. It is intended for use by persons having technical skill and at their own discretion and risk. Since conditions of use are outside SEPPIC*'s control, SEPPIC* makes no warranties, express or implied, and assumes no liability in connection with any use of this information. Nothing herein is to be taken as a license to operate under or a recommendation to infringe any patents.

* SEPPIC being:

and, depending on the country :

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Subsidiary of the AIR LIQUIDE group

P/1836/GB/02/June 2002