



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Mid-Atlantic Region

12/23/97  
736

Telephone (201) 331-2909

Food and Drug Administration  
Waterview Corporate Center  
10 Waterview Blvd., 3rd Floor  
Parsippany, NJ 07054

**WARNING LETTER**

December 16, 1997

Mr. Gerald Shreiber  
President & CEO  
J & J SnackFoods, Corporation  
6000 Central Highway  
Pennsauken, New Jersey 08109

**File No.: 98-NWJ-11**

Dear Mr. Shreiber:

On July 17 & 18, 1997, an Investigator from the New Jersey District Office of the Food & Drug Administration, conducted an inspection of your pretzel manufacturing facility located at 6000 Central Highway, Pennsauken, New Jersey. Samples of your SuperPretzel Brand products, Baked Soft Pretzel and Soft Pretzel Bites, labeled as "fat-free" foods, were collected and analyzed by our laboratory. Food products are subject to labeling requirements in the Federal Food, Drug & Cosmetic Act (the Act) and regulations as defined in Title 21 of the Code of Federal Regulations.

**SuperPretzel Brand, Baked Soft Pretzel:**

This product is misbranded within the meaning of Section 403(r)(1)(A) of the Act, in that the label bears the nutrient content claim "Fat-Free", however the product fails to qualify for the claim since it contains more than 0.5 grams of total fat per serving, as defined in 21 CFR, Part 101.62(b)(i). The analytical results indicate that the sample contains 0.96 grams of total fat per serving.

**SuperPretzel Brand, Soft Pretzel Bites:**

This product is misbranded within the meaning of Section 403(r)(1)(A) of the Act, in that the label bears the nutrient content claim "Fat-Free", however the product fails to qualify for the claim since it contains more than 0.5 grams of total fat per reference amount customarily consumed, as defined in 21 CFR, Part 101.62(b)(i). While analytical results indicate this product meets the "fat-free" claim, your serving size of 42.5 grams is less than the reference amount for this product, which should be 55 grams per serving. The total fat content for the correct reference amount, would be greater than 0.5 grams per serving.

**RELEASE**

REVIEWED BY Alene deMott 12/18/97  
C.O. DATE

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The above violations concern certain new labeling requirements and are not meant to be an all-inclusive list of deficiencies on your labels. Other label violations can subject the food to legal action. It is your responsibility to assure compliance with regulations as required under the Nutrition Labeling and Education Act of 1990 (NLEA). You should take prompt action to correct these labeling deviations. Failure to promptly correct these violations may result in regulatory action being initiated by the agency without further notice. These actions may include seizure and/or injunction.

We are aware that when nutrition labels were developed for this product in 1990, laboratory analysis conducted by your firm found it met the definition of a "fat-free" food. However, a change in formulation or suppliers may have altered the fat content of these products. You should review your formulation and suppliers for any changes that may have contributed to this misbranding charge.

You should notify this office in writing within 15 working days of receipt of this letter of the specific steps you have taken to correct the noted violations along with a copy of the revised label. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time within which the corrections will be completed. Address your reply to the New Jersey District Office, Food & Drug Administration, 10 Waterview Blvd., 3rd Floor, Parsippany, New Jersey 07054, Attn: Mercedes B. Mota, Compliance Officer.

Sincerely,



DOUGLAS ELLSWORTH  
District Director  
New Jersey District

**CERTIFIED MAIL -**  
**RETURN RECEIPT REQUESTED**

MBM:np