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 Reconsideration of Action – Docket Nos 91N-0101/PRC1, 91N-0098/PRC1, 91N-0103/PRC1, 91N-100H/PRC1, and 99P-3029/PRC1

On December 21, 1999, Emord & Associates, P.C., submitted pursuant to 21 CFR 10.33, and on behalf of the Julian M. Whitaker, M.D., Durk Pearson and Sandy Shaw, the American Preventative Medical Association, and Pure Encapsulations, Inc. (the joint petitioners), two petitions requesting the Food and Drug Administration (FDA) reconsideration of (1) the plan for implementation of *Pearson v. Shalala* as described in a December 1, 1999 *Federal Register* notice (64 FR 67289), and (2) the action taken by letter of November 30, 1999 denying the joint petitioners' 1999 health claim petition pertaining to B vitamins and vascular disease risk.

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 1999 FDA actions that were the subjects of these petitions for reconsideration. 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 Ferrenz confirmed by email on March 9, 2004, on behalf of the joint petitioners, that the two petitions could be withdrawn.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the joint petitioners' two petitions for Administrative Reconsideration of Action, dated December 21, 1999 are hereby withdrawn.

James E. Hoadley

James E. Hoadley, Ph.D.

cc:
HFA-305 (Dockets Management)
HFS-004 (Fraser)
HFS-024 (Brock, Seq. 4671 - 4675)
HFS-800 (Tarantino, Wilkening)
HFS-830 (Ellwood)

91N-0098

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