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

RE: Irradiation in the Production, Processing and Handling of Eggs, Docket No. 98F-0165.

On behalf of the 85,000 members of the Animal Protection Institute (API), I am pleased to offer these comments on the final rule amending the food additive regulations to provide for the use of ionizing radiation in fresh shell eggs. I would like to thank the Food and Drug Administration (FDA) in advance for your consideration of these comments.

My chief concerns regarding this amendment are: (1) the fraudulent information conveyed to consumers by irradiated eggs improperly marked as "fresh" and/or lacking the word "irradiated" on the package and (2) the failure of irradiation to ensure egg safety and address the primary causes of Salmonella enteritidis (SE).

1. Fraudulent Consumer Information:

As the final rule stands there is no means by which a consumer will be able to distinguish irradiated eggs from non-irradiated eggs despite the fact that the process may be objectionable to many people.

The labeling of irradiated eggs as "fresh" should not be allowed. According to the Center for Consumer Research, a project of U.C. Davis, "food irradiation, radiant energy (electron gamma rays, or x-rays) breaks chemical bonds just as in *cooking*, but so few bonds are broke that the food is *like* fresh" (emphasis added).

I refer you to the Random House's definition of the word fresh.

Fresh: Newly made...not frozen or canned...not fatigued...not faded worn or obliterated.

As demonstrated by this definition, the marking of irradiated eggs as "fresh" conveys a message that is misleading, considering the alterations of the product following irradiation are comparable to cooked, canned, or frozen food. Further, irradiated eggs should simply be labeled "irradiated." Failing to provide consumers with a means of choosing a product that meets their expectations of "fresh" is a violation of truth-in-advertising laws and is an affront to consumers.

2. Failure to Ensure Egg Safety :

Irradiation will not guarantee egg safety. As pointed out in the July 21, 2000 *Federal Register* notice, "irradiation of fresh shell eggs at the doses requested in the petition will reduce, but not entirely eliminate, microorganisms in eggs." Once again, irradiated eggs may mislead consumers about product quality. Consumers and distributors may be inclined to use

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less handling and storage caution with irradiated eggs under the false assumption that irradiated eggs are protected from SE contamination.

On-farm production strategies have increasingly facilitated outbreak and transmission of disease. Crowding, forced molting, lighting programs, and filthy housing environments all cause stress, compromising the hens' ability to combat disease and thereby increasing the production of disease laden eggs. In addition, routine use of antibiotics in livestock has been identified by the Centers for Disease Control and Prevention as the leading cause of the development of anti-biotic resistant bacteria including Salmonella. Irradiation fails to address these issues.

This raises the concern that on-farm prevention measures will be ignored and replaced with irradiation--an inadequate alternative. Consequently, disease causing farming conditions and techniques will continue unabated and SE-contaminated eggs will be sold under the misleading assurances of irradiation.

Conclusion:

The FDA's decision to legalize the irradiation of eggs may fail to meet consumers' expectations of a fresh product. Additionally, the decision ignores and/or facilitates on-farm conditions that are the primary causes of SE-contaminated eggs. I urge the FDA to hold a public hearing on both issues numbered and discussed above, and we request that in the interim, all irradiated eggs are appropriately marked as indicated.

Once again, I thank you for your consideration of these comments.

Sincerely,

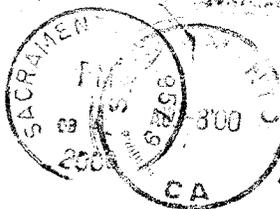


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