



International Fresh-cut Produce Association

August 21, 2000

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

Re: Food Labeling; Use of the Term "Fresh" for Foods Processed with Alternative Nonthermal Technologies (Docket No. 00N-1351)

The International Fresh-cut Produce Association's (IFPA) mission is to advance the industry by supporting its members with technical information, representation and knowledge to provide convenient, safe and wholesome food. Our membership is comprised of fresh-cut produce processors, produce grower/shippers, food service companies, retailers and those who provide goods and services to the fresh-cut produce industry.

The fresh-cut produce industry has flourished because consumers can clearly differentiate and actively choose "fresh" produce items unaltered from their fresh state that are flavorful, nutritious and convenient. The IFPA believes that the term "fresh" in product labeling must be reserved only for produce that is in a "fresh state", that is still alive and respiring, and we oppose attempts to confuse consumers over these matters. 21CFR§101.95 currently allows for the use of mild acid and chlorine washes, approved wax coatings and post-harvest pesticides, and irradiation up to 1 kiloGray to be used on produce – both whole product and fresh-cut – and does not preclude the use of the word "fresh" in describing those products. The IFPA believes that this remains appropriate and that any new technologies, which meet the criteria of keeping produce alive and respiring after treatment, do not entail processing or preservation as those terms are used in 21CFR§101.95. Such produce items can thus be described as "fresh". The IFPA supports the present definition regarding use of the term "fresh" and believes that the appropriateness of the word "fresh" in describing products treated with new technologies can be determined via guidance documents or letters to the industry from FDA.

The IFPA respectfully submits the following comments on Use of the Term "Fresh" for Foods Processed with Alternative Nonthermal Technologies. The IFPA's comments are meant to address this issue only with respect to fresh-cut fruit and vegetable products and not intended for application to other food products such as fruit and vegetable juices.

Respectfully,

James R. Gorny, Ph.D.
IFPA Technical Director

Cc: Edith Garrett, IFPA President

00N-1351

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The International Fresh-cut Produce Association represents and provides technical expertise to commercial suppliers of fresh-cut produce, as well as companies affiliated with the fresh-cut produce industry, including equipment manufacturers, retailers and foodservice operators. We represent over 500 corporate members who are actively involved in the \$10 billion plus fresh-cut business. The International Fresh-cut Produce Association, which has as members both suppliers and buyers of fresh-cut produce, defines fresh-cut produce as any fresh-cut fruit or vegetable or any combination thereof that has been physically altered but remains in the fresh state. These products are items such as bagged salads, baby cut carrots and broccoli florets.

3) What does industry think the term "fresh" means?

1) Do consumers associate the term fresh with organoleptic characteristics, nutritional characteristics, or some other characteristics?

Comment: In the fresh-cut produce industry no definition is more important than the meaning of the word "fresh". The International Fresh-cut Produce Association industry membership purposefully chose the word "fresh-cut" which includes the word "fresh", to describe the products, which they produce because it clearly identifies and differentiates our products in the marketplace. This "fresh state" of produce including fresh-cut products, means that the produce item is still alive, actively respiring, and carrying out the metabolic and biochemical activities we call life. This point clearly differentiates "fresh" and "fresh-cut" produce from processed fruits and vegetables. The IFPA supports the present definition regarding use of the term "fresh" and any new technologies that meet the criteria of keeping produce alive and respiring after treatment should not be precluded from using the term "fresh".

7) Are there quantifiable parameters e.g. level of nutrients vitamins etc that could be used to determine if a food is fresh?

Comment: Produce, which is respiring and "fresh", will consume oxygen and produce carbon dioxide. Common laboratory techniques are available to determine if produce is in fact actively respiring, alive and "fresh".

5) Do the new technologies preserve the foods?

Comment: "Fresh" and "fresh-cut" produce senescence and deterioration have been traditionally delayed by the use of cold storage and/or modified atmospheres, that slow produce metabolism and keep produce alive that is to say in a "fresh" state. New technologies such as pulsed light and pulsed electric fields may have applications in the fresh-cut produce industry to reduce the risk of contamination by human pathogens. However, these technologies do NOT reduce the primary cause of produce deterioration which is tissue aging, senescence and death and thus they do not preserve the food. High pressure processing technologies are not applicable to fresh-cut produce as these technologies rely on a processing method which not only kills potentially harmful microorganisms but in the process of doing so, also destroys the

ability of "fresh" or "fresh-cut" produce to remain alive and actively respiring. The IFPA is not opposed to the use of emerging new technologies to improve quality or enhance food safety. We encourage our membership to continue development of new products and technologies, so long as the finished products are labeled appropriately.

- 2) Do consumers want a way to identify foods that taste and look fresh but have been processed to control pathogens?**
- 4) Is the term fresh when applied to foods processed with the new technologies misleading to consumers?**

Comment: Produce must be alive and respiring to be labeled and marketed to consumers as "fresh" or "fresh-cut" produce. If this criterion is met when new technologies are utilized, then no new labeling requirements should be imposed. More labeling may actually confuse consumers by implying that there may be a problem (safety or otherwise) with labeled products where no problem exists. Fruits or vegetables, which have been processed by new and/or emerging technologies, which do not leave the produce item alive and respiring after processing, could be termed 'minimally processed' and not "fresh". The word "fresh" in "fresh-cut" clearly and poignantly relays the message to consumers that this produce item is alive in a raw state and it has not been cooked, partially cooked, frozen or treated with chemical preservatives. The IFPA supports the present definition regarding use of the term "fresh" and any new technologies that meet the criteria of keeping produce alive and respiring after treatment should not be precluded from using the term "fresh".

- 8) Is there a term other than fresh that can be used for foods processed with new technologies?**
- 9) Would consumers understand a new term?**

Comment: To determine whether or not produce is "Fresh" and "Fresh-cut" the FDA need only place one criteria on these products: Is the product alive and respiring? If so, it should be allowed to labeled as a "fresh" produce item. Fruits or vegetables which do not meet these criteria and have been processed with non thermal technologies and may appear to consumers to be fresh could be termed 'minimally processed' or some other term to prevent misleading consumers. This term has appeared in the scientific and trade publications ostensibly to describe a number of the technologies that are being reviewed. This term would make it clear to consumers that the product they are purchasing has been processed and it is not in the raw state. The IFPA supports the present definition regarding use of the term "fresh" and any new technologies that meet the criteria of keeping produce alive and respiring after treatment should not be precluded from using the term "fresh"

10) What is the economic impact of allowing the term fresh for foods processed with the new technologies?

Comment: The fresh-cut industry has flourished because consumers can clearly differentiate and actively choose "fresh" produce items unaltered from their fresh state that are flavorful, nutritious and convenient. The IFPA believes that the term "fresh" in product labeling must be reserved only for produce that is in a "fresh state", that is still alive and respiring, and we oppose attempts to confuse consumers over these matters. The economic consequences could be dire to our industry if consumers are unable to differentiate between alive "fresh-cut" produce and products processed with new technologies which do not meet the criteria of being alive and "fresh".

In summary:

- 1) The International Fresh-cut Produce Association supports the use of new and emerging technologies that may more effectively maintain or enhance the quality and/or safety of "fresh" produce.
- 2) However "fresh" and "fresh-cut" produce are unique foods and the use of the term "fresh" must be reserved for fruit and vegetable products that meet the criteria of being alive and respiring.
- 3) 21CFR§101.95 currently allows for the use of mild acid and chlorine washes, approved wax coatings and post-harvest pesticides, and irradiation up to 1 kiloGray to be used on produce – both whole product and fresh-cut – and does not preclude the use of the word "fresh" in describing those products. The IFPA believes that this remains appropriate and that any new technologies, which meet the criteria of keeping produce alive and respiring after treatment, do not entail processing or preservation as those terms are used in 21CFR§101.95. Such produce items can thus be described as "fresh".
- 4) The IFPA supports the present definition regarding use of the term "fresh" and believes that the appropriateness of the word "fresh" in describing products treated with new technologies can be determined via guidance documents or letters to the industry from FDA.