



DEPARTMENT OF HEALTH & HUMAN SERVICES

HFA-305  
Public Health Service

Food and Drug Administration  
Rockville MD 20857

701 '00 SEP 20 10 23

SEP 19 2000

Mr. Richard Bouril  
Culture Café 3949  
Calumet Avenue  
Manitowoc, WI 54220

Re: Docket No. 98P-0236/CP1

Dear Mr. Bouril:

This letter is in response to your citizen petition filed on April 15, 1998. In your petition, you request that the Food and Drug Administration (FDA) establish a food standard for cappuccino. You argue that cappuccino should be standardized as espresso coffee mixed or topped with steamed milk and/or cream. In support of this argument, you point to the recent popularity of a powdered cappuccino drink sold at convenience centers in your area. You assert that these drinks contain more ingredients than espresso coffee, milk and/or cream and that your objective is a requirement that these drinks be identified as "cappuccino flavored beverage."

We find that you have not presented sufficient data or information showing that a standard of identity for cappuccino is necessary to promote honesty and fair dealing in the interest of consumers. See 21 USC § 341; 21 CFR § 130.5. You have not demonstrated any consumer confusion regarding the ingredients of coffee-based beverages labeled as cappuccino that would necessitate our establishment of such a standard. FDA is also unaware of any data or information indicating consumer confusion in this regard. In the absence of any substantiating data or information, you have failed to show that there are reasonable grounds for your proposed standard for cappuccino or that the proposed standard will promote the objectives of the act or the agency. See 21 CFR § 10.40(a)(2). Therefore, under 21 CFR § 10.30(e)(3), we are denying, without prejudice, your petition.

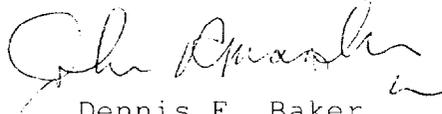
98P-0236

PDN/...

Mr. Richard Bouril - Page 2

Thank you for your interest, and we hope this information has been helpful to you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dennis E. Baker".

Dennis E. Baker  
Associate Commissioner  
for Regulatory Affairs  
Food and Drug Administration