

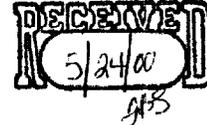
Nestlé USA

QUALITY MANAGEMENT
800 N. BRAND BLVD
GLENDALE CA 91203



Rec'd in DMS
1/9/01
Nestlé H.K.

(818) 549-6873
FAX (818) 549-6908



May 19, 2000

Felicia Satchell
Deputy Director
Division of Standards and Labeling Regulations
Office of Nutritional Products, Labeling and Dietary Supplements
Food and Drug Administration
200 C Street, SW
Washington DC 20204

**RE: Notification pursuant to 21 CFR 130.17 of Participation
in Extended Market Test of White Chocolate Deviating from
the Standard of Identity in 21 CFR 163: Cacao Products**

Dear Ms. Satchell:

In accordance with 21 CFR 130.17(l), and the notice appearing in the Federal Register of December 29, 1994 (Docket No. 93-P-0310) pertaining to an extension of a temporary permit for market testing white chocolate, Nestlé USA hereby notifies the Food and Drug Administration that we wish to extend our current permit to market test white chocolate by addition of a new White Chocolate Solid Bunny test product.

The test product will be offered for sale under the trade name Nestlé Solid White Chocolate Bunny. This product has previously been sold as Nestlé Solid White Confection prior to the publication of the proposed standard for white chocolate. The product labeled as white confection meets the proposed standard for white chocolate but has not, prior to this, taken advantage of the opportunity to label it as white chocolate.

- (1) The name and address of the applicant is: Nestlé USA, Inc., Kathryn Beich Division, 101 South Lumber Street, Bloomington, IL 61701.
- (2) The Test Product will be manufactured for Nestlé at: Chris Candies Inc., 1557 Spring Garden Avenue, Pittsburgh, PA 15212.
- (3) The Test Product is slated for distribution with the new product identity statement during the Easter 2001 holiday season, with annual Easter holiday distribution thereafter.

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- (4) The amount of the Test Product to be distributed is approximately 8,815 cases (80,000 lbs). The solid white chocolate Rabbit will weigh 6 oz and be individually packaged. The cartons will be packed 24 per case.
- (5) The Test Product will be distributed nationally to all 50 states.
- (6) The Test Product is composed of white chocolate only. It deviates from the U.S. Standard of Identity for chocolate products in that: 1) It is prepared without the nonfat components of the ground cacao nibs, but contains the fat (cocoa butter) expressed from the ground cacao nibs; and 2) safe and suitable antioxidants may be added. In all other respects, the Test Product will conform to the cacao product standards.
- (7) An accurate draft of the proposed label (actual size) for the Test Product to be marketed is enclosed. Before the Test Product is shipped in interstate commerce, finished labels, complying with the applicable food labeling requirements in 21 CFR 101 and 130, will be submitted to the Office of Nutritional Products, Labeling and Dietary Supplements.

Nestlé USA understands that any permit to market-test the Test Product expires either on the effective date of a final rule for any proposal to establish a new standard of identity for white chocolate which may result from the petition, or 30 days after termination of such proposal.

We appreciate your review of this application. If there are questions regarding this application, you may contact me at (818) 549-6639. I will be on vacation from May 22 through June 2. If you need additional information during that time, please contact Ken Mercurio at 818-549-6353. We look forward to your reply.

Sincerely,

A handwritten signature in cursive script that reads "JoAnn Hamamura".

JoAnn Hamamura, M.S., C.N.S.
Sr. Labeling & Regulatory Specialist
Quality Management, Regulatory & Nutrition

Enclosure: Draft label copy

cc: Ken Mercurio - QM 14
Rebecca Novack - K.Beich, Bloomington