



FHJ

1735 '02 JUN 17 P1:36

George J. Haines, Jr.  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Technical Service Branch  
Documentation Approval and Supply Services Section  
3207 Frederic Street, Suite B  
P.O. Drawer 1207  
Pascagoula, MS 39568-1207

Dear Mr. Haines,

This is in response to your inquiry on behalf of the Seafood Inspection Service (SIS), United States Department of Commerce, regarding the revision of your inspection protocols for tuna products to reflect the newer pouch packed tuna. You ask whether we believe that the specifications in the Food and Drug Administration (FDA) Standard of Identity for Canned Tuna, Title 21, part 161 (21 CFR part 161), apply to tuna packed in retortable foil pouches.

Your letter cites a number of reasons why the Seafood Inspection Service believe that "certain aspects of the standard will be difficult, if not impossible to apply" to pouch packed tuna. You point out that these difficulties arise not only from differences in the packaging method, but also from fundamental differences in the way pouch packed and canned tuna are processed.

We agree that the Canned Tuna Standard of Identity is somewhat unique among food standards, and that it is not readily applied in its entirety to tuna in other types of packaging. This limited applicability to other than canned products is primarily because the standard for fill-of-container is based on the "pressed-cake" weight of the container's contents. It is the only standard that relies on the pressed-cake weight, along with its very specific methodology that was originally designed around, and for use with, the old two piece can.

Moreover, as you indicate, the limited applicability of the canned tuna standard to other types of packaging is exacerbated by the linkage between the fill of container standard and the "identity" provisions of the standard that prescribe style of pack (i.e., solid, chunk, flake, etc.). This linkage occurs because it is the value obtained for the pressed-cake weight that allows one to confirm, by referring to the table of pressed cake weights in § 161.100 (c), whether the style of pack agrees with what is stated on the label of canned tuna.

Thus, we also conclude that some of the key attributes of the canned tuna standard, those that relate to the amount and style of pack, can not be adopted by pouch packaged tuna without some sort of standardization between the two products. We can not conclude, however, that certain other provisions of the canned tuna standard do not apply. For example, it is clear that

94P-0286

ANS 1

any food identified as "tuna," should be derived from one or more of the fish species identified in § 161.190 (a)(2). At present, it is not clear to us whether there will ultimately be efforts by the industry to seek separate standards for pouch packaged tuna. A petition now before the agency asks that FDA amend 21 CFR part 161.190 to specifically exclude the pouch from the Standard of Identity for canned tuna.

Given the view that fill-of-container and style of pack do not translate from the current standard for canned tuna, our response to your questions about the use of style designations that are only applicable to canned tuna (e.g., "chunk light") is that such labeling of the pouch tuna is not appropriate.

Sincerely,



Anthony P. Brunetti, Ph.D.  
Consumer Safety Officer  
Office of Seafood  
Center for Food Safety  
and Applied Nutrition

cc: Felicia B. Satchell, HFS-820  
Jeraldine A. June, HFS-822