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FOAM PACKAGING, INC.

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January, 25, 2001

Ms. Felicia Satchell
Divisional Director of Standards
and Labeling Regulations
Food & Drug Administration
Office of Nutritional Products, Labeling
and Dietary Supplements
200 C- Street South West
Washington, DC 20204

Dear Ms. Satchell

We recently received a copy of the newly required safe handling instructions for the safe handling of eggs from Gale Mason, USDA Assistant National Supervisor, Shell Eggs - Grading Branch. I talked with Ms. Mason on 1/4/01 about this letter which states that the "Safe Handling Instructions" must be displayed on the principal display panel of the egg carton. I expressed my concern that it would not allow us to display the safe handling instructions on the inside lid of the carton. This is where we are currently displaying this information and would like to obtain your approval as soon as possible to be allowed to meet the "Safe Handling Instructions" requirements. The following is our basis for this appeal for defrence in this matter.

We have no available space on our carton top in which to display this information without changing the graphic design of every brand that we produce for every customer. This would be very costly to Foam Packaging and not very practical. The cost for a one brand, four color print with sizes jumbo - small would cost \$1,400 per brand. The 18 egg carton in the same brand with one size only would cost \$340. The total cost of one complete brand would be \$1,740. Some of our customers have as many as 20 brands making the total cost between \$20,000 and \$35,000 depending on the number of brands and color schemes required by the customer. These cost do not include phone calls, sample cost or any art adjustments.

In the information from USDA it stated that the front and back panels of the egg carton would be exceptable for displaying the safe handling information. Currently we do not have the equipment that would allow us to print on these panels. The cost for the equipement to print on the side panels is \$230,000. To do this would not only require costly equipment but mold changes to every set of egg carton molds that we use. The cost for the molds would be about \$780,000. The total cost for the equipment and the molds would be \$1,010,000. This is not an option for a small company such as Foam Packaging, Inc.

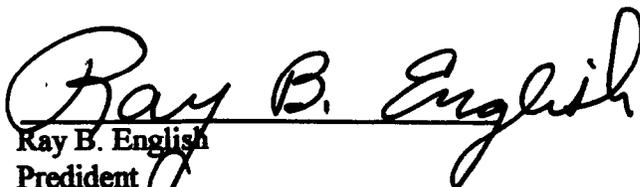
We also produce a split six egg carton that requires us to duplicate the graphics on both halves. There is no available space to print on the top of the six egg carton given that all graphics have to be duplicated on each half. With the option of side lid printing out the only available space for printing the safe handling instructions on the six egg is in the inside lid of the carton.

In the information sent to Foam Packaging via USDA, volume buyers of loose eggs such as McDonalds and SYSCO were given options in meeting the safe handling requirements. The statement stated that the safe handling instructions could be placed either on the packaging material (cases), or on invoices or bills of lading as a means of meeting the requirements. It seems there is a double standard in meeting the requirements. Foam Packaging is not given the options that would allow us to meet the requirements of displaying the safe handling instructions economically and mutually beneficial to all. Foam Packaging would ask that you give us the same deference in meeting the requirements along with all manufactures of egg cartons.

We are asking that you allow Foam Packaging to print the "Safe Handling Instructions" in the only available space that we have to print this requirement and that is on the inside lid of the carton. The cost are very minimal and will not cause an undue burden on Foam Packaging. The safe handling instructions will be seen by the consumer when they inspect the eggs in the store and every time the egg carton is opened for use in the home. Along with the safe handling instructions they will also view the Nutrition Facts requirements that are currently being printed inside the lid of the carton drawing further attention to the safe handling instructions. Finally Foam Packaging will be able to respond to the safe handling requirements in a much more expedient and economical manner. This job can be completed in a week's time including printing plates, USDA approval of the artwork and production. We are currently printing the required safe handling instructions inside the lid of our egg cartons. Thanks for your prompt attention in this matter.

Sincerely,

Foam Packaging, Inc.


Ray B. English
President

RE/se
cc: file