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July 8, 2005

Division of Dockets Management
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

RE: FDA Docket No. 2004P-0223: Petition to Establish Descriptive Claims for Whole Grain Content.

Dear Sir or Madam:

Archer Daniels Midland Company ("ADM"), a world leader in agricultural processing, wishes to comment on the above referenced citizen petition. The petition concerns the establishment of the criteria for the descriptive claims for whole grain content under the FDA's authority.

We respectfully request that the FDA recognize soybeans as a grain, based on the regulatory precedent set by the United States Grain Standards Act ("USGSA"), and specifically acknowledge that whole grain soybeans are eligible for inclusion in any descriptive claims for whole grain content.

According to the USGSA, and incorporated into the U.S. Code of Federal Regulations under title 7, part 810.101 states that "[g]rain refers to barley, canola, corn, flaxseed, mixed grain, oats, rye, sorghum, soybeans, sunflower seed, triticale, and wheat. Standards for these food grains, feed grains, and oilseeds are established under the United States Grain Standards Act." Additionally, the USGSA established the soybean grain standard as a "grain that consists of 50 percent or more of whole or broken soybeans." See 7 CFR § 810.1601.

As is clearly evident based on currently enacted federal regulations, soybeans have been officially recognized by the United States as a grain. Furthermore, based on the soybean standard established under the USGSA, soybean grain may consist of "whole" soybeans, qualifying soybeans, where appropriately processed, for designation as a whole grain product.

While we are not aware of a definition for "whole grain" that has been established by the USGSA, the American Association of Cereal Chemists ("AACC") International Board of Directors approved the following definition of "whole grain" in 1999:

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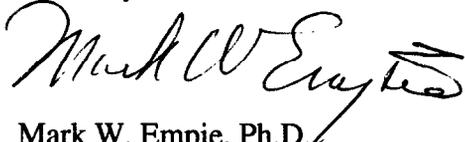
"Whole grains shall consist of the intact, ground, cracked or flaked caryopsis, whose principal anatomical components - the starchy endosperm, germ and bran - are present in the same relative proportions as they exist in the intact caryopsis."

Accordingly, so long as the soy grains are processed in a manner that meets the terms of this definition, soy grain may also be classified as a "whole grain" under the AACCC definition.

Furthermore, we would also note that whole grain soybeans are also utilized in foods in a manner consistent with other whole grains. Whole grain soy flours can be used as an ingredient in whole grain soy breads, muffins, cereals, pastas, and chips. Soy based whole grain foods can contribute to intakes of whole grains, which is set forth by the new US Dietary Guidelines for Americans.

With this in mind, we urge the FDA to classify soybeans as whole grains in this petition, eligible for inclusion in any descriptive claims for whole grain content, and other regulatory standards where applicable. Thank you for your consideration.

Sincerely,



Mark W. Empie, Ph.D.
Vice President, Regulatory & Scientific Affairs