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Michael F. Jacobson, Ph.D.
Executive Director
Benjamin Cohen
Senior Staff Attorney
Center for Science in the Public Interest
Suite 300
1875 Connecticut Avenue, NW
Washington, D.C. 20009

Re: Docket No. 2005P-0282/CP 1

Dear Dr. Jacobson and Mr. Cohen:

This letter is in response to your citizen petition, dated July 13, 2005, requesting the Food and Drug Administration to initiate rulemaking to require (1) that the labels of carbonated or non-carbonated soft drinks containing more than 1.1 grams of high-fructose corn syrup or other caloric sweeteners per ounce bear a series of rotating health messages, and (2) that labels of soft drinks that contain more than 10 milligrams of caffeine per 12-ounce serving bear a health message and the number of milligrams of caffeine.

In accordance with Title 21 of the Code of Federal Regulations 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt. Because of competing agency priorities and the limited availability of resources, we have not been able to respond to your petition. We hope to be able to complete the review of your petition and respond to your request in the near future.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

Barbara O. Schneeman, Ph.D.
Director
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

2005P-0282

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