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Division of Dockets Management
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane
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We are submitting this comment in connection with docket number **2007P-0085** and the related petition submitted October 25, 2006 by the Grocery Manufacturers Association (GMA) in general support of the general principles for food standards proposed by the Food Safety and Inspection Service (FSIS), USDA, and the Food and Drug Administration (FDA), HHS [70FR 29214, May 20, 2005].

More specifically GMA requested regulations of general applicability to modernize food standards and proposed details related to application of additional flexibility across all standardized foods. There were six categories of variations proposed to provide flexibility and accomplish the following objectives:

1. Addition of ingredients intended solely for technical, nondistinctive effects, such as emulsifiers, stabilizers, or antimycotic agents
2. Use of safe and suitable flavors and flavors enhancers in foods generally, and use of safe and suitable ingredients such as salt substitutes, sweeteners, and vegetable fats and oils where appropriate

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3. Use of advanced or more efficient technologies to produce ingredients of all types, such as enzyme technologies that enhance the properties of egg yolk used in mayonnaise
4. Use of alternate manufacturing processes, also known as "alternate make" procedures, for those standards that specify particular processes
5. Changes to a product's basic shape in response to consumer demands, such as "chunky" stewed tomatoes
6. Improvements in nutritional properties that do not rise to the level of a defined nutrient content claim (e.g., reducing calories by 10% rather than requiring a minimum 25%), or use of nutritious ingredients like whole grains.

ADM Cocoa, one of the largest U.S. manufacturers of chocolate and cocoa products with manufacturing facilities in North and South America, Europe, Africa, and Asia, generally applauds GMA's petition and its goals to address areas of greatest need, promote the efficient use of agency resources, remove barriers to innovation, increase honesty and fair dealing in the interest of consumers and enable manufacturers to bring to consumers a wider selection of traditional foods with improved nutritional profiles.

There is one area however of particular concern to ADM Cocoa. As GMA notes itself in its petition, "flexibility involving certain ingredients would probably trigger considerable controversy and make it difficult to achieve consensus." One such issue, and one not highlighted in the GMA petition, relates to the exceptional flexibility implied within category 2 above in connection with the use of vegetable fats and oils. If implemented as proposed, it is the understanding of ADM Cocoa that various standard-of-identity chocolate products (e.g., milk chocolate, bittersweet chocolate, white chocolate, and sweet chocolate) could be manufactured while substituting alternative vegetable fat products for, at times, a significant portion of the cocoa butter now finding use.

While ADM Cocoa understands such substitution may provide certain economic, functional and perhaps nutritional composition flexibility (e.g., lower cost to produce, altered melting properties, or lower total saturated fat content), we find it important and necessary to bring to the attention of FSIS, USDA and FDA the extraordinary and unfortunate impact such a change in chocolate standards may have upon millions of cocoa farmers around the globe. Such potential shifts in cocoa butter consumption in a market as important as the United States will, in our opinion, create extraordinary hardship for cocoa farmers, their families and their farming communities as the total value of their relatively small harvest may be diminished significantly as demand for cocoa butter falls. In fact, cocoa butter represents

approximately 50% by weight the content of a cocoa bean. The outcry from cocoa producing countries and even other consuming countries could be considerable and, we believe, needs to be considered as potential benefits to consumers and manufacturers are considered.

Finally, GMA suggests "flexibility in U.S. standards will promote equivalence with Codex standards and support an ongoing U.S. leadership role in Codex." Generally, we would agree. However, in connection with chocolate standards of identity we believe the opposite may be true. Generally, Codex and most individual country standards for chocolate throughout the world (most recently China) respect the role of cocoa butter. An alteration in U.S. standards in connection with such substitution of vegetable fats in standard-of-identity chocolates, rather than promoting equivalence, may trigger controversy and trade tensions.

As we encourage special consideration for chocolate, we do so believing chocolate is a unique situation. In drawing attention to the millions of small cocoa farmers, we are not alone. Governments, NGO's, research organizations and industry around the globe have mobilized to provide assistance to these farmers, their communities and thus their nations. The World Cocoa Foundation (www.worldcocoafoundation.org) may be the single most important industry funded organization. The U.S. State Department through USAID is promoting a Sustainable Tree Crops Program in West Africa designed to help all tree crop farmers while giving special attention to the plight of small cocoa farmers. Moreover, USDA has pursued one of the largest cocoa research efforts in the world over the last decade reflecting the importance of cocoa and sustainable agricultural practices to regional stability in Africa and South America. We would encourage contact with the Africa Bureau at USAID and the ARS at USDA to learn more as you consider the potential impact of certain changes to food standards.

We look forward to discussing these comments, answering any related questions or providing clarification.

Sincerely,



Steven J. Laning
Director Technical Services North America
ADM Cocoa Division