

**Memorandum**

*Rec'd 8/18/06  
JLB*

**AUG 9 2006**

Date:

From: Consumer Safety Officer, Division of Dietary Supplement Programs, Office of Nutritional Products, Labeling and Dietary Supplements, HFS-810

Subject: 75-Day Premarket Notification of New Dietary Ingredients

To: Dockets Management Branch, HFA-305

Subject of the Notification: Prolivols-Olive

Firm: Seppic, Inc.

Date Received by FDA: May 11, 2006

90-Day Date: August 9, 2006

In accordance with the requirements of section 413(a) of the Federal Food, Drug, and Cosmetic Act, the attached 75-day premarket notification and related correspondence for the aforementioned substance should be placed on public display in docket number 95S-0316 as soon possible since it is past the 90-day date. Thank you for your assistance.

*Victoria Lutwak*

*1995S-0316*

*RPT 351*



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration  
5100 Paint Branch Parkway  
College Park, Maryland 20740

Mr. Robert McKay, Vice President  
Seppic, Inc.  
30 Two Bridges Road, Suite 210  
Fairfield, New Jersey 07004

JUL 20 2006

Dear Mr. McKay:

This is to inform you that the notification, dated April 28, 2006, that you submitted pursuant to 21 U.S.C. 350b(a)(2)(section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act (the Act)) was filed by the Food and Drug Administration (FDA) on May 11, 2006. Additional information incorporated into a revised notice, dated June 7, 2006, was received on June 14, 2006. Your notification concerned the substance that you identified as "Prolivols," olive fruit extract, *Olea Europaea* L., that you intend to market as a new dietary ingredient.

Your notification states that you intend to market "Prolivols" in a powder form. Under conditions of use stated in your notice you state: "100 mg of "Prolivols" is the recommended daily dose of [the] dietary supplement, equivalent to 35 mg of polyphenols and particularly 5 mg of hydroxytyrosol and 0.3 mg of tyrosol."

Under 21 U.S.C. 350b(a), the manufacturer or distributor of a dietary supplement containing a new dietary ingredient that has not been present in the food supply as an article used for food in a form in which the food has not been chemically altered must submit to FDA, at least 75 days before the dietary ingredient is introduced or delivered for introduction into interstate commerce, information that is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such new dietary ingredient will reasonably be expected to be safe. FDA reviews this information to determine whether it provides an adequate basis for such a conclusion. Under section 350b (a) (2), there must be a history of use or other evidence of safety establishing that the new dietary ingredient, when used under the conditions recommended or suggested in the labeling of the dietary supplement, will reasonably be expected to be safe. If this requirement is not met, the dietary supplement is considered to be adulterated under 21 U.S.C. 342(f) (1) (B) because there is inadequate information to provide reasonable assurance that the new dietary ingredient does not present a significant or unreasonable risk of illness or injury.

FDA has carefully considered the information in your submission and the agency has concerns about the evidence on which you rely to support your conclusion that a dietary supplement

containing "Prolivols-Olive" will reasonably be expected to be safe. Your notification did not provide a description of your manufacturing process except in very general terms. The liquid recovered after milling is said to be fermented, clarified, filtered, distilled and concentrated. No details of these processes were provided. Your notification did not provide a specific methods of analysis to confirm that the final material contains a minimum of 35% polyphenolic compounds. In addition, the relationship of the consumption of olives as a food and the material that is the subject of the notification is unclear. Therefore, how "Prolivols-Olive" is qualitatively or quantitatively similar to olives and how this relates to evaluating the safe use of your new dietary ingredient, under the recommended conditions of use, cannot be determined based on the information in your notice.

For the reasons discussed above, the information in your submission does not provide an adequate basis to conclude that "Prolivols-Olive" when used under the conditions recommended or suggested in the labeling of your product, will reasonably be expected to be safe. Therefore, your product may be adulterated under 21 U.S.C. 342(f)(1)(B) as a dietary supplement that contains a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury. Introduction of such a product into interstate commerce is prohibited under 21 U.S.C. 331(a) and (v).

Your notification will be kept confidential for 90 days after the filing date of May 11, 2006. After the 90-day date, the notification will be placed on public display at FDA's Docket Management Branch in docket number 95S-0316. Prior to that date, you may wish to identify in writing specifically what information you believe is proprietary, trade secret or otherwise confidential for FDA's consideration.

If you have any questions concerning this matter, please contact Victoria Lutwak at (301) 436-1775.

Sincerely yours,



Linda S. Pellicore, Ph.D.  
Supervisory Team Leader, Senior Toxicologist  
Division of Dietary Supplement Programs  
Office of Nutritional Products, Labeling  
and Dietary Supplements  
Center for Food Safety and Applied Nutrition



**SEPPIC**

SEPPIC, Inc.  
30 Two Bridges Road, Suite 210  
Fairfield, New Jersey 07004  
Phone : 973 882-5597 - Fax : 973 882-5178

June 7, 2006  
Amended from April 28, 2006 filing.

Office of Nutritional Products (HFS-820)  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration  
510 Paint Branch Parkway  
College Park, MD, 20740-3835

Re : notification of a new dietary ingredient

Pursuant to 21CFR, Part 190, Subpart B, Sec. 190.6 notification is hereby provided of a new ingredient.

**1. Name and complete address of distributor of the new dietary ingredient:**

SEPPIC Inc.  
30 Two Bridges Road  
Suite 210  
Fairfield, New Jersey, 07004  
USA

**2. Name of the new dietary ingredient:**

PROLIVOLS. Olive fruit extract rich in polyphenols.

**3. Description of dietary supplements that contain the new dietary ingredient**

**Level of new dietary ingredient in the dietary supplement:**

Olea Europaea L. (Carl Linneaus) fruit extract.

The product is sold by SEPPIC in a powder form. The customer can make caplets out of the powder, or add it to drinks or other foods.

100 mg of Prolivols is the recommended daily dose of dietary supplement, equivalent to 35 mg of polyphenols and particularly 5 mg of hydroxytyrosol and 0.3 mg of tyrosol.

According to the FDA (21CFR 101.12: Reference Amounts Customarily Consumed per Eating Occasion) 15 grams of olives (*Olea Europea L*) is the normal serving size. Extrapolating from the figures provided by the manufacturer 57 g of olive fruit contains 50 mg. of hydroxytyrosol. As a serving size is 15 grams, such a serving size contains 13 mg of hydroxytyrosol. Since the recommended daily dose (100 mg) of Prolivols contains 2 mg of hydroxytyrosol, it is less potent, and hence, safer than the amount customarily consumed.

Further, 57 g of olive fruit contains 7.5 mg. of tyrosol. As a serving size is 15 grams, such a serving size contains 2 mg of tyrosol. Since the recommended daily dose (100 mg) of Prolivols contains 0.3 mg tyrosol, it is less potent, and hence, safer than the amount customarily consumed.

#### **Ordinary conditions of use of the supplement:**

Recommended as an antioxidant dietary supplement.

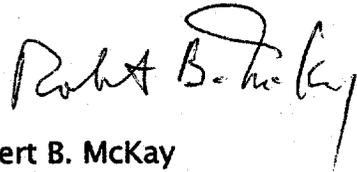
#### **History of use and evidence of safety:**

The olive (*OLEA EUROPA L.*) has been consumed by humans for over 2000 years. According to Wikipedia (online encyclopedia), and the website [Plants For a Future](#), although they are cultivated in only a few areas: Mediterranean Europe; the Middle East, and California, the *OLEA EUROPA L.* is the variety commonly consumed globally.

#### **Manufacturing process:**

The raw material used is the recovered water from the olive oil milling process. The milling process is as follows: pitted olives are washed, crushed, blended, and pressed. The liquid part is centrifuged, resulting in olive oil and water saturated with non-oily olive extracts. This is the raw material. No seeds, pits or by-products thereof are present. This liquid is fermented, clarified, filtered, distilled and concentrated. The result is spray-dried with maltodextrin. No other chemicals are added in the process. The raw material is not chemically changed during the production process. Maltodextrin is a common excipient.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. McKay". The signature is written in a cursive style with a large, looping initial "R".

Robert B. McKay  
SENIOR VICE PRESIDENT  
SEPPIC, Inc.  
30 Two Bridges Rd.  
Suite 210  
Fairfield, NJ 07004

Enclosure :  
Technical data sheet of Prolivols  
Specifications of Prolivols  
Certificate of analysis of Prolivols



# **PROLIVOLS™**

***Natural olive fruit extract***

- **Olives and the Mediterranean Diet**
- **Polyphenols from olive fruit**
- **For health foods and nutraceuticals**



## 1 - DESCRIPTION

**PROLIVOLS™** is an extract from "margins", the water soluble part of olives, obtained from the pulp of olives during the olives oil process. The extract is obtained by a physical process, no solvents nor additives are used.

Aspect	Fine powder
Colour	Brown
Carrier	maltodextrin

## 2 - ANALYSIS

### 2.1 - Polyphenols

Characteristics	Results	Methods
Total polyphenolic compounds	/	OD 280 nm (Eq. catechin)
Hydroxytyrosol		HPLC
Tyrosol		HPLC

### 2.2 - Nutritional facts

Characteristics	Results
Protein (N x 6.25)	10.76 %
Fat	0.13 %
Carbohydrate + polyphenols	81.18 %
Minerals	1.55 %
Fibres	3.2 %
Calories	369 kcal/100g or 1568 kJ/100g

**References of analytical methods : standard methods**

Recommended daily dosage                      100 mg/day

### 2.3 - Microbiological specifications

Characteristics	Results
Total germs	Max. 1000 CFU/g
Yeast & Mould	Max. 100 CFU/g



### 3 - PHYSICAL DATA

Loss on drying

Solubility



### 4 - PACKAGING AND STORAGE

Packaging	20 kg net cartons
Storage	Store in a cool, dry and dark place
Shelflife	18 months
Transport - labelling	Product not under the transport regulations

### 5 - USES

**PROLIVOLS™** is used as a source of polyphenols for health food (biscuits, bakery products, dietetic products) and nutraceuticals.

***Product manufactured by Société Française de Distilleries (FRANCE),  
and exclusively distributed by SEPPIC worldwide.***



### **Nota**

The analytical specifications warranted are only those mentioned on the certificate of analysis supplied with each delivery of the product.

Except as set forth above, SEPPIC\* makes no warranties, whether express, implied or statutory, as to the product which is the subject of this document. Without limiting the generality of the foregoing, SEPPIC\* makes no warranty of merchantability of the product or of the fitness of the product for any particular purpose. Buyer assumes all risk and liability resulting from the use or sale of the product, whether singly or in combination with other goods. The information set forth herein is furnished free of charge and is based on technical data that SEPPIC\* believes to be reliable. It is intended for use by persons having technical skill and at their own discretion and risk. Since conditions of use are outside SEPPIC\*'s control, SEPPIC\* makes no warranties, express or implied, and assumes no liability in connection with any use of this information. Nothing herein is to be taken as a license to operate under or a recommendation to infringe any patents.

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and, depending on the country :

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**[www.seppic.com](http://www.seppic.com)**

**Subsidiary of the AIR LIQUIDE group**

P/2141/GB/07/May 2006



Date : November 2000  
Update : October 2004

## SPECIFICATIONS

Product : EXTRAMEL® microgranules

Product code : 11024H

Description : Melon pulp extract coated with vegetal fat matter

Characteristics	Standards
Aspect	Non soluble microgranules
Colour	Cream
Odour	Characteristic
Dry matter	Min. 95 %
Proteins	Max. 2 %
Melon pulp extract	20 %
Hydrogenated fat matter of vegetal origin	80 %
Superoxide dismutase activity	14 UI <sup>m</sup> / mg
Conservator	None
Total germs	Max. 10 000 CFU / g
Yeast & Mould	Max. 100 CFU / g
Enterobacteria	Max. 100 CFU / g
Escherichia coli	Absence / g
Salmonella	Absence / g
Pseudomonas aeruginosa	Absence / g
Staphylococcus aureus	Absence / g

(1) SOD activity is measured according to the Oberley and Spitz method 1985 based on the activity of SOD to inhibit the reduction of NBT by O<sub>2</sub><sup>-</sup> generated by a xanthine/xanthine oxidase system ( $\Delta DO_{500}$  initial = 0,025 ).  
One unit of SOD gives 50 % inhibition of the reduction of NBT.

Packaging                      500g in opaque plastic flacons  
Storage                         To store in a dark and dry place  
Shelflife                        24 months

*Product manufactured by BIONOV (France)*

# Société Française de Distilleries

B.P. 47 - 07150 VALLON PONT D'ARC

☎ (+33) 04.75.88.02.18 ; 📠 (+33) 04.75.37.18.19

e-mail : [contact@france-distilleries.com](mailto:contact@france-distilleries.com)

**PROLIVOLS®**

## CERTIFICATE OF ANALYSIS

Ref: **PROLIVOLS®**

Batch : **L03097**

DESCRIPTION	SPECIFICATION	RESULTS
Appearance	Fine powder	conform
Colour	Brown	conform
CPT eq. catéchine	> 35%	48%
Density	> 0.40	0.47
Loss on drying	< 7 %	2.18%
Hydroxytyrosol	> 2%	2.2%
Tyrosol	> 0.3%	0.5%
Heavy metals :		
- Cadmium	< 1ppm	Not detected
- Mercury	< 1ppm	0.015
- Lead	< 5ppm	1.30
- Arsenic	< 3 ppm	not detected
Pesticides	Not detected	Not detected
Microbial count :		
- total germs	< 1000 ufc/g	20
- yeast & mooulds	< 100 ufc/g	10
- total coliforms	absence	absence

Fait à Vallon Pont d'Arc, le 07 juillet 2003

Signé par : Carine Vouillon

Département : R&D/Production

