



MAY - 3 2006

Mr. Bill Van Dyke
Chairman/CEO
Phoenix Biologics, Inc.
961 Park Center Drive
Suite B
Vista, California 92081

Dear Mr. Van Dyke:

This is in response to your letter to the Food and Drug Administration (FDA) dated April 6, 2006 pursuant to 21 U.S.C. 343(r)(6) (section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (the Act)) for the product VitaCarte®.

21 CFR 101.93(a)(3) requires that the notice submitted pursuant to 21 U.S.C. 343(r)(6) of this section be signed by a responsible individual who can certify the accuracy of the information presented and contained in the notice, and that the individual certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading. Your submission does not meet this requirement in that the notice does not contain the signature of the responsible individual designated on the notification; as such, it does not certify that the firm is in compliance with the requirements of the Act and the regulation. Therefore, your firm has not complied with the notification requirement in 21 U.S.C. 343(r)(6) and must submit a notification in accordance with the requirements in 21 CFR 101.93(a). The failure to submit a valid notice as required by the Act and the agency's regulation may subject the product that is the subject of the notification to regulation under the drug provisions of the Act.

975 0163 LET 880

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Please contact us if we may be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Walker', with a stylized flourish at the end.

Susan J. Walker, M.D.
Director
Division of Dietary Supplement Programs
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

Copies:

FDA, Center for Drug Evaluation and Research, Office of Compliance, HFD-310
FDA, Office of the Associate Commissioner for Regulatory Affairs, Office of
Enforcement, HFC-200
FDA, Los Angeles District Office, Office of Compliance, HFR-PA240

Blm



Phoenix
BIO LOGICS

AIMS:
2006-3327

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SUITE B
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(800) 947-8482
(760) 727-0281
FAX
www.vitacarte.com

April 6, 2006

Office of Nutritional Products, Labeling & Dietary Supplements
Center for Food Safety and Applied Nutrition
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740

APR 10 2006

RE: Notification of a structure/function claim

Manufacturers of:



Vita Carte LifeShield
MediCarte

This letter is a notification of the structure/function claim, which has been added to our product label.

Product Name: VitaCarte®

Product Ingredients: 100% Bovine Tracheal Cartilage

Manufacturer: Phoenix Biologics, Inc.

Encapsulation: Best Formulations

Packaging: Pack Labs

Distributor: Phoenix Biologics, Inc.

Distributors for:

Geneva Health & Nutrition, LLC
Viscent, LLC
CelGen, LLC

Statement: "Dietary Supplement for Natural Immune Support**"

Statement appears on the product packaging. The FDA disclaimer also is present on the product packaging.

To my understanding, this letter has fulfilled my requirement to notify the FDA according to the publication from the FDA website entitled "A Dietary Supplement Labeling Guide"

Bill Van Dyke
Chairman/CEO
Phoenix Biologics Inc

BVD/js

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