



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
College Park, MD 20740

JAN 19 2007

Mr. Gordon Guzenski
Brand Manager
Nor-Cal Beverage Co., Inc.
2286 Stone Blvd.
W. Sacramento, California 95691

Dear Mr. Guzenski:

This is in response to your letter of December 15, 2006 to the Food and Drug Administration (FDA) 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 Go Girl Sugar Free Energy Drink - Energy Supplement.

21 U.S.C. 321(ff) defines the term "dietary supplement." As defined by the Act, a dietary supplement does not include a product represented for use as a conventional food or as a sole item of a meal or the diet (21 U.S.C. 321(ff)(2)(B)). The product identified above, notwithstanding the use of the term "energy supplement" as part of the identity statement, appears to be represented for use as a conventional food (i.e., it is identity labeled as a "energy drink"). Therefore, in that it appears to be represented for use as a conventional food (i.e., a drink or beverage), it does not appear to be a dietary supplement within the meaning of 21 U.S.C. 321(ff) and claims made for it are not subject to 21 U.S.C. 343(r)(6).

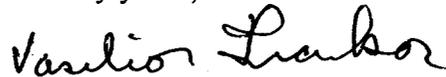
Instead, this product appears to be a conventional food that must meet the regulatory requirements that apply to conventional foods rather than those requirements that apply to dietary supplements. Briefly, it must bear nutrition labeling in accordance with 21 CFR 101.9 and claims may be made for the product in its labeling if they are claims defined by 21 U.S.C. 343(r)(1) or 21 U.S.C. 321(g)(1)(C) that may be made for conventional foods. Additionally, under the Act, any ingredient intentionally added to a conventional food must be used in accordance with a food additive regulation unless it is generally recognized as safe (GRAS) among qualified experts for its intended use in food. Use of a food ingredient that is not GRAS or an approved food additive causes a food to be adulterated under 21 U.S.C. 342(a)(2)(C) and cannot be legally marketed in the U.S. If you intend to market this product as a conventional food and you have any questions about the status of any of its ingredients, you should direct them to FDA's Office of Food Additive Safety (HFS-200), 5100 Paint Branch Parkway, College Park, MD 20740.

97S 0163 LET 923

Page 2 - Mr. Gordon Guzenski

Please contact us if you require further assistance.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Vasilios Frankos".

Vasilios H. Frankos, Ph..D.
Acting 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

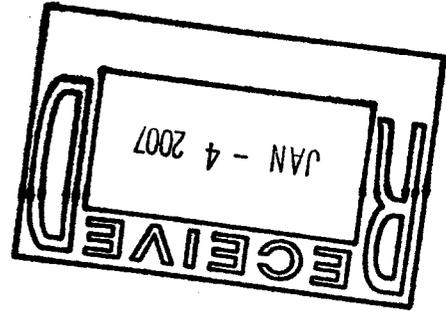
FDA, Office of the Associate Commissioner for Regulatory Affairs, Office of
Enforcement, HFC-200

FDA, San Francisco District Compliance, HFR-PA140

December 15, 2006

Certified Mail – Return Receipt Requested

Food & Drug Administration
Office of Nutritional Products
Labeling and Dietary supplements (HFS-810)
Center for food Safety and Applied Nutrition
200 “C” Street, SW
Washington DC 20204



Dear Sirs:

Notice is hereby given pursuant to the requirements of Section 403(r)(6)(21U.S.C.343 (r)(6)) of the Federal Food, Drug, and Cosmetic Act and in accordance with the requirements of 21CFR101.93 that Nor-Cal Beverage Company of 2286 Stone Blvd., W. Sacramento, California 95691, is marketing a dietary supplement bearing the following statement on the label and/or in the labeling:

Text of Claim:

Go Girl Sugar Free Energy Drink
Energy Supplement

This specially formulated drink is both refreshing and functional. It is a low calorie energy boost with essential vitamins, magnesium and taurine, which benefit the body, mind and soul.

Also contains SUPER CITRIMAX® a mild herbal appetite suppressant

Ingredients that are subject of the claim:

Taurine
Sodium Hexametaphosphate
Garcinia Cambogia
Caffeine
Glucuronolacone
Inositol

67-34

F1840



Magnesium Oxide
Niacinamide
Riboflavin
Pyridoxine Hydrochloride
Vitamin B12

Name of Supplement (including brand name):

Go Girl Sugar Free Energy Drink - Energy Supplement

We hereby certify that the information contained in the above notice is complete and accurate, and that Nor-Cal Beverage Company has substantiation that the statements are truthful and not misleading.

Sincerely,

Gordon Guzenski
Brand Manager
Nor Cal Beverage Co., Inc