



THE ASSOCIATION FOR
**DRESSINGS
& SAUCES**

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January 13, 1998

Dockets Management Branch (HFA-305)
Food and Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

CITIZEN PETITION

The Association for Dressings and Sauces, representing the vast majority of the manufacturers of mayonnaise, salad dressing, and dressings for salads sold in the United States, submits this petition under sections 401, 403, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341, 343, 371) to request the Commissioner of Food and Drugs to initiate rule-making to (1) revise, simplify, and modernize the standards of identity for mayonnaise and salad dressing (21 C.F.R. 169.140, 169.150) and (2) repeal the standard of identity for French dressing (21 C.F.R. 169.115), on the ground that these actions would promote honesty and fair dealing in the interest of consumers.

A. Action Requested

The Association for Dressings and Sauces (the Association) proposes that 21 C.F.R. 169.115, the standard of identity for "French dressing," be repealed, and that 21 C.F.R. 169.140 and 169.150, the standards of identity for "mayonnaise" and "salad dressing," be revised to read as follows:

§ 169.140 Mayonnaise

(a) *Description.* Mayonnaise is a semi-solid oil-in-water emulsion prepared from vegetable oil, acidifying agent(s) and sufficient egg yolk to stabilize the product. It contains at least 65% oil. Any additional ingredients that are safe and suitable may be used in the product; thickeners and emulsifiers other than egg yolk are not suitable other than as provided in subsection (c).

(b) *Labeling.* The name of the food is "Mayonnaise." Each of the ingredients used in the food shall be declared on the label as required by the applicable provisions of parts 101 and 130 of this chapter.

(c) *Exceptions.* Mayonnaise products made in compliance with § 130.10 of this chapter are not subject to the mandatory ingredient requirements or suitability exclusions of subsection (a), and will be deemed in compliance with § 130.10(b) without regard to Vitamin K content.

§ 169.150 Salad Dressing

(a) *Description.* Salad Dressing is a semi-solid oil-in-water emulsion that is prepared with vegetable oil, acidifying agent(s), and safe and suitable thickeners and emulsifiers including starchy paste. It contains at least 30% oil. Any additional ingredients that are safe and suitable may be used in the product.

(b) *Labeling.* The name of the food is "Salad Dressing." Each of the ingredients used in the food shall be declared on the label as required by the applicable provisions of parts 101 and 130 of this chapter.

(c) *Exceptions.* Salad Dressings made in compliance with § 130.10 of this chapter are not subject to the mandatory ingredient requirements of subsection (a), and will be deemed in compliance with § 130.10(b) without regard to Vitamin K content.

B. Statement of Grounds

Introduction

The Association is a national trade association representing the manufacturers of mayonnaise, salad dressing, dressings for salads, and condiment sauces, and the suppliers of goods and services to the industry, including ingredient suppliers of fats and oils. Under its prior name, the Mayonnaise and Salad Dressing Institute, it participated in the original adoption of the standards for French dressing, mayonnaise and salad dressing. Representing the vast majority of the manufacturers of these products in the United States, the Association has continued to work with industry and FDA to modernize the standards in the best interest of consumers. It promoted full ingredient labeling for standardized foods well before required by the Act, and it most recently successfully urged the removal of the alternative name "mayonnaise dressing" from the standard to permit its use with nutrient content claims (57 Fed. Reg. 34246 (Aug. 4, 1992)).

Following FDA's issuance of the advance notice of proposed rulemaking concerning its reinventing government initiative on food standards, 60 Fed. Reg. 67492 (Dec. 29, 1995), the Association convened a series of meetings of interested manufacturing and supplier members to review the existing standards and determine whether there was an industry consensus with respect to whether the standards should be changed, and, if so, how. The Association also submitted general comments on the ANPR, suggesting the general benefits of maintaining core food standards and the beneficial interplay between those standards and the general standard adopted by FDA under the NLEA, 21 C.F.R. 130.10. The following proposals reflect the consensus reached within the dressings industry on how FDA should proceed in implementing the ANPR with respect to the standards of interest to this industry.

Specific Recommendations

1. French Dressing Standard. We recommend the repeal of this standard. Since its original adoption, there has been an incredible proliferation of nonstandardized pourable dressings for salads. This has been both with respect to flavors (Italian, Ranch, cheese, fruit, peppercorn, varied vinegars, and other flavoring concepts), and composition (including a wide range of reduced fat, "light" and fat-free dressings). The French dressing standard does not serve as a benchmark for all these products, due to the wide variation in composition to meet specific consumer interests. As a result, the French dressing standard has been marginalized, and simply restricts innovation, leading to the use of alternative nomenclature to identify the product rather than considering amending the standard. Thus, this standard no longer serves honesty and fair dealing in the interest of consumers, because it no longer serves as a core product around which variations predicated on section 130.10 can cluster.

2. Mayonnaise. Our recommendation here is that the standard be modernized, but keep the core consumer-recognized attribute of being an oil and water emulsion maintained by egg yolk. The proposed revision retains the minimum oil level (recognizing that the vast majority of consumer products exceed that minimum) and the requirement that egg products alone provide the emulsification.

However, in other respects, we do not believe that, with full ingredient labeling as well as nutrition information, there is any further need to restrict the acidifying agents or otherwise limit the functional ingredients that can be used to make mayonnaise. As in other product categories, there will be some manufacturers who will make wholly traditional product, while others will develop modified formulas that they believe will appeal to consumer tastes or interests. All of these can properly be accommodated within the mayonnaise standard.

Other variations that fall outside the basic standard should be able to come within the general standard, section 130.10. To facilitate the use of this standard, and recognizing some technological limitations in formulating reduced fat products, we propose that the compositional limitations -- minimum fat levels and solely the use of egg as an emulsifier/thickener -- not apply. In addition, because we do not believe that condiment products are key nutritional sources, we also propose that Vitamin K not be considered in assuring nutritional comparability under section 130.10(b). With the elimination of these restrictions, the use of the general standard will provide for full flexibility in the use of nutrient content terms in developing mayonnaise products that are useful for consumers.

3. Salad Dressing. At its inception, salad dressing was treated simply as a variant on mayonnaise. Trade Correspondence (TC) 67, Feb. 15, 1940 ([1938-49] Kleinfeld & Dunn, Fed. Food, Drug & Cosm. Act Judic. & Admin. Record 597-98 (1949); see also TC-307, Aug. 20, 1940 (*id.* at 689)). As a result, the standard establishes minimum oil and egg yolk content, and limits the additional stabilizing ingredient to a specifically prepared "starchy paste." In the intervening years, however, salad dressing has become recognized as having an organoleptic identity that is not dependent on mayonnaise, and indeed is quite distinct from that product. Moreover, that identity is largely tied to the use of starchy paste as an emulsifier, rather than ingredients characteristic of mayonnaise, and is based on its functionality as an emulsified semisolid dressing.

The Association's recommendation for a standard for salad dressing recognizes that it is the food form, rather than characterizing ingredients other than the minimum oil level and the starchy paste that provides the identity to salad dressing. Thus our proposal does not provide the same compositional limitations as mayonnaise (other than a minimum oil level) or a required composition to the "starchy paste" used in the food. We believe that the compositional flexibility in this standard will serve the consumer interest in obtaining "salad dressing" with varying functional characteristics. However, section 130.10 will still be used in developing alternative salad dressing products. When it is used, however, we propose that Vitamin K not be a limiting factor in nutritional comparability.

In summary, the Association's proposals would eliminate an obsolete standard, and would simplify and modernize the basic mayonnaise and salad dressing standards in a manner that could serve the consumer into the next century with minimal if any modification and thus reduce administrative burden on either FDA or the industry. We urge that FDA publish our proposals for comment and adoption.

C. Environmental Impact

This petition is subject to a categorical exclusion under 21 C.F.R. 25.24(b)(1).

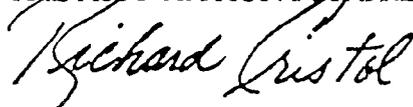
D. Economic Impact

Information will be provided to the extent requested by the Commissioner.

E. Certification

The undersigned certifies that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Respectfully submitted,
THE ASSOCIATION FOR DRESSINGS AND SAUCES



Richard E. Cristol
President