



# NATIONAL CONSUMERS LEAGUE

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August 31, 2000

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Mr. Joseph A. Levitt, Director  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration  
Room 6815B, Federal Building 8C  
200 C Street, SW  
Washington, DC 20204

Dear Mr. Levitt:

The National Consumers League (NCL) appreciates your continuing dedication towards a wide range of food safety, nutrition, and food-labeling issues. Under your leadership, the FDA's efforts in these areas have continued to promote public health and advance the interests of consumers.

NCL is interested in the accurate labeling of food products in general, and the proper use of the term "fresh" in particular. Over the years, we have brought the FDA's attention to improper labeling of many processed products, including Citrus Hill's "Fresh Choice" orange juice from concentrate; Ragu's "Fresh Italian" bottled pasta sauce; and Del Monte's "Fresh Cut" canned vegetables. We are pleased that the FDA took regulatory action that resulted in the discontinuation of these labeling practices, and that these three products were mentioned as part of the history of the FDA's efforts to stop misuse of the term "fresh" at the FDA public meeting on "fresh" and alternative processing technologies that was recently held in Chicago.

NCL has become aware of another instance of misuse of the term "fresh." Old California, located in Firebaugh, California, is making claims such as "fresh from the field" and using a "fresh" tomato logo in connection with its line of processed tomato products, as indicated in the enclosed Old California promotional materials. Old California's statements are in clear violation of 21 C.F.R. § 101.95, which prohibits misleading use of the term "fresh" in connection with heat-processed products. We urge the FDA to stop this misleading labeling practice in the same way that the agency took action to stop other misuses of the term "fresh."

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Mr. Joseph A. Levitt

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Action against these Old California products is necessary in order to reaffirm that the FDA is serious about enforcing its labeling regulations, and to show that it will not tolerate a slow creep back towards labeling abuse. We suggest that the FDA consider adopting an affirmative disclosure requirement, such as "from concentrate," for processed tomato products packed from concentrate. A labeling requirement of this type would provide useful information to consumers.

We appreciate your efforts to ensure accurate labeling beneficial to all consumers. Taking action against the Old California products is a logical and necessary next step on a road the FDA has traveled a number of times before.

Sincerely,

A handwritten signature in black ink, reading "Linda F. Golodner". The signature is written in a cursive style with a large initial "L".

LINDA F. GOLODNER

President

BK:dm  
Enclosures



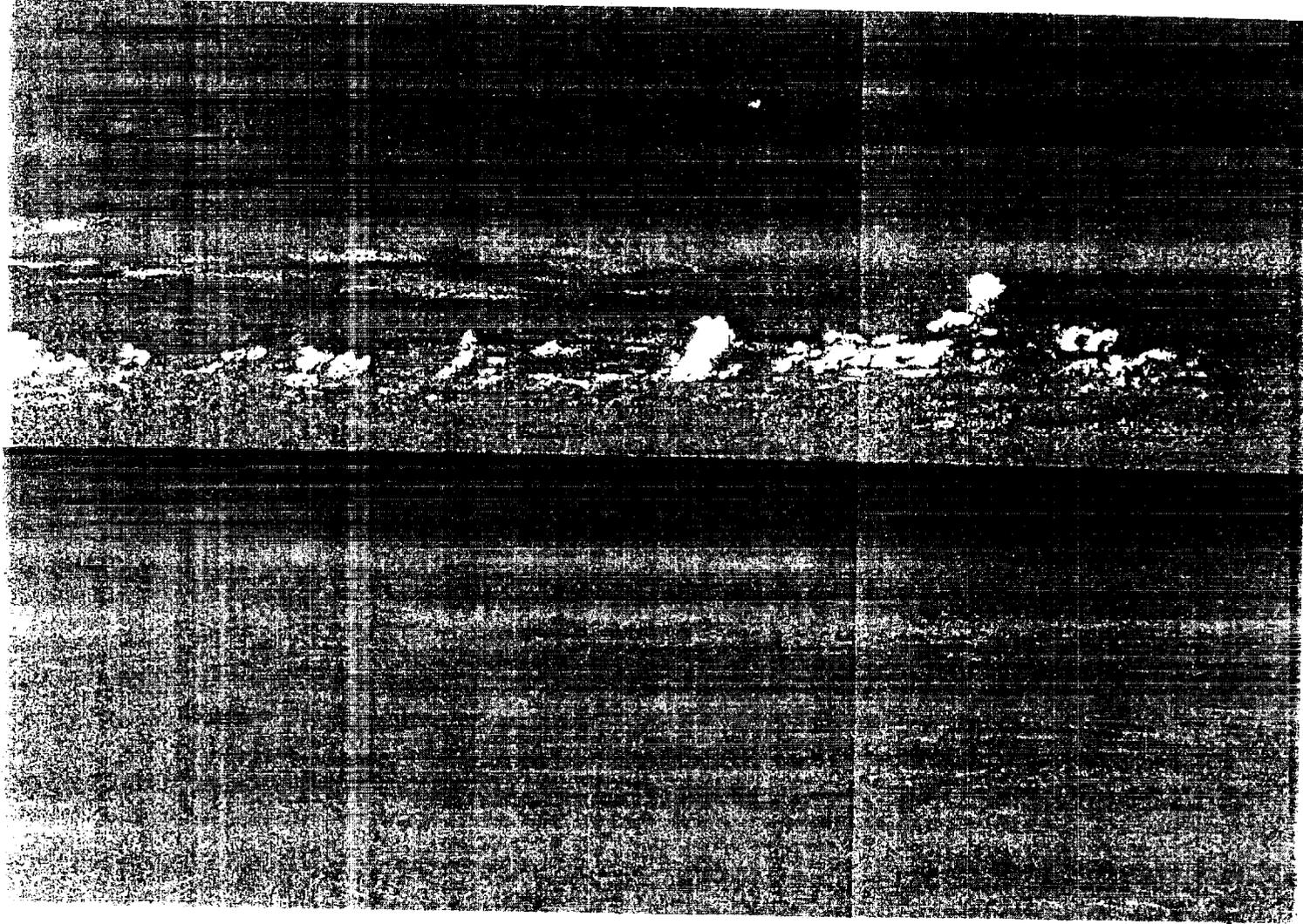


**Old California**

Petaluma, California

*Not Jones*

Corporate Offices, P.O. Box 30, Vancouver, Washington 98666  
Toll Free 800.543.4356 Phone 360.696.4356 Fax 360.696.3413 [www.oldcaliforniatomatoes.com](http://www.oldcaliforniatomatoes.com)



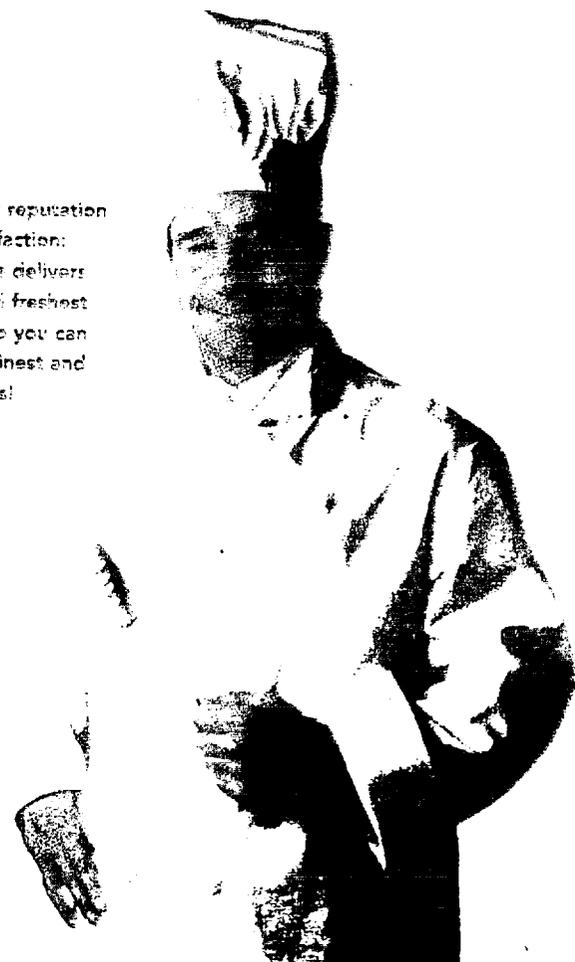
product offering, to simplicity of ordering, to on-time delivery, you can count on *Old California* to provide the quality you want—when you want it.

To learn more, call us or visit our website. You'll find out exactly what it takes to be fresh from the field... it takes *Old California*.

**OLD CALIFORNIA HAS WHAT IT TAKES  
TO BE YOUR SUPPLIER.**

- Fresh from the field taste
- Easier handling and dispensing
- More efficient storage and shipping
- Exceptional service and support

We stake our reputation on your satisfaction: *Old California* delivers the finest and freshest ingredients so you can prepare the finest and freshest meals!



...together they grow the finest,

**freshest tomatoes**

on **earth**

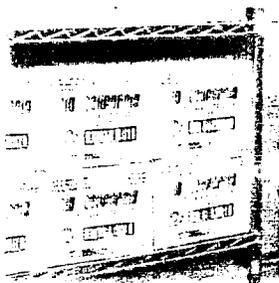
**FRESH FROM THE FIELD**

...and it's **quality** to become **Old California**

IT TAKES OLD CALIFORNIA TO BRING SERVICE  
AND CUSTOMER SUPPORT TO A WHOLE NEW LEVEL.



*Old California can custom blend sauces to your exact specifications. Quality consistency is guaranteed. Freshness is assured.*



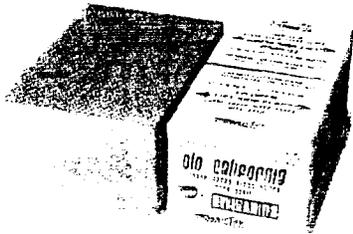
*Old California products save space and freight expense... and we get them to you when you need them.*

Even a quality product can miss the mark if it's not backed up by great service. That's why we're committed to being the best supplier of tomato products in the business.

*Old California* has what it takes to create a program that's just the way you want it. We can custom blend your special sauce; custom label your cases; and we've established a nationwide broker and distribution network to make sure the freshest tomato products are always available.

We know that you depend on us to deliver the finest and freshest ingredients. From a full

# WE'VE TAKEN EVERYTHING WE KNOW ABOUT FRESHNESS AND PACKAGED IT FOR YOUR CONVENIENCE.



Each Old California case uses .87 cubic feet of space, contains 6 pouches, and weighs about 41lbs net\*. A traditional case, based on a similar volume of product, consumes 1.1 cubic feet: a difference of 20%! That's savings you can count on right away!

Old California's pouch pack offers freshness with convenience. It's safe and easy to open. Dispensing is as easy as pouring. Disposal of the environmentally friendly pouch is simple and space-saving.

When it comes to storage, the compact Old California pouch pack uses far less area. In fact, an Old California case saves 20% over other cases. Pouch pack cases weigh less, too — all of which contributes to handling and freight savings — and better, more efficient warehousing.

Best of all, our full product line means you'll always have what it takes to offer the freshest ingredients to your customers.

When you serve fresh Old California products, you know your customers will be back for more!



Clip, zip, pour. Dispensing Old California's pouch is simple, safe, and helps eliminate waste.



**Case cube:** 0.87 feet  
**Case pack:** 6 pouches  
**Pallet pattern:** 10 tie x 6 high

**Chopped Tomatoes in Purse**

- UPC - 44437-14554
- Product Code - 14554/TCJH
- Net Weight (Pouch) - 10.2oz
- Net Weight (Case) - 38.25lb
- Gross Case Weight - 40.375lb

**Ground Unpeeled Tomatoes in Heavy Purse**

- UPC - 44437-14754
- Product Code - 14754/TGJH
- Net Weight (Pouch) - 10.2oz
- Net Weight (Case) - 38.25lb
- Gross Case Weight - 40.375lb

**Ground Peeled Tomatoes in Heavy Purse**

- UPC - 44437-14854
- Product Code - 14854/TGPH
- Net Weight (Pouch) - 10.2oz
- Net Weight (Case) - 38.25lb
- Gross Case Weight - 40.375lb

**Extra Heavy Concentrated Chopped Tomatoes**

- UPC - 44437-34104
- Product Code - 34104/CTH
- Net Weight (Pouch) - 10.6oz
- Net Weight (Case) - 39.75lb
- Gross Case Weight - 41.875lb

**Super Heavy Concentrated Chopped Tomatoes**

- UPC - 44437-34154
- Product Code - 34154/CTHH
- Net Weight (Pouch) - 10.7oz
- Net Weight (Case) - 40.125lb
- Gross Case Weight - 42.25lb

**Super Heavy Pizza Sauce w/ Basil**

- UPC - 44437-34454
- Product Code - 34454/PSBHH
- Net Weight (Pouch) - 10.7oz
- Net Weight (Case) - 40.125lb
- Gross Case Weight - 42.25lb

**Extra Heavy Pizza Sauce**

- UPC - 44437-34474
- Product Code - 34474/PSOS
- Net Weight (Pouch) - 10.7oz
- Net Weight (Case) - 40.125lb
- Gross Case Weight - 42.25lb

**75% Tomato Paste**

- UPC - 44437-44254
- Product Code - 44254/PT6
- Net Weight (Pouch) - 11.1oz
- Net Weight (Case) - 41.825lb
- Gross Case Weight - 43.75lb

**Fancy 1.34 Tomato Purse**

- UPC - 44437-54254
- Product Code - 54254/HT6
- Net Weight (Pouch) - 10.6oz
- Net Weight (Case) - 39.75lb
- Gross Case Weight - 41.875lb

**Fancy Tomato Sauce**

- UPC - 44437-74104
- Product Code - 74104/TS
- Net Weight (Pouch) - 10.6oz
- Net Weight (Case) - 39.75lb
- Gross Case Weight - 41.875lb

**Fancy Chili Sauce**

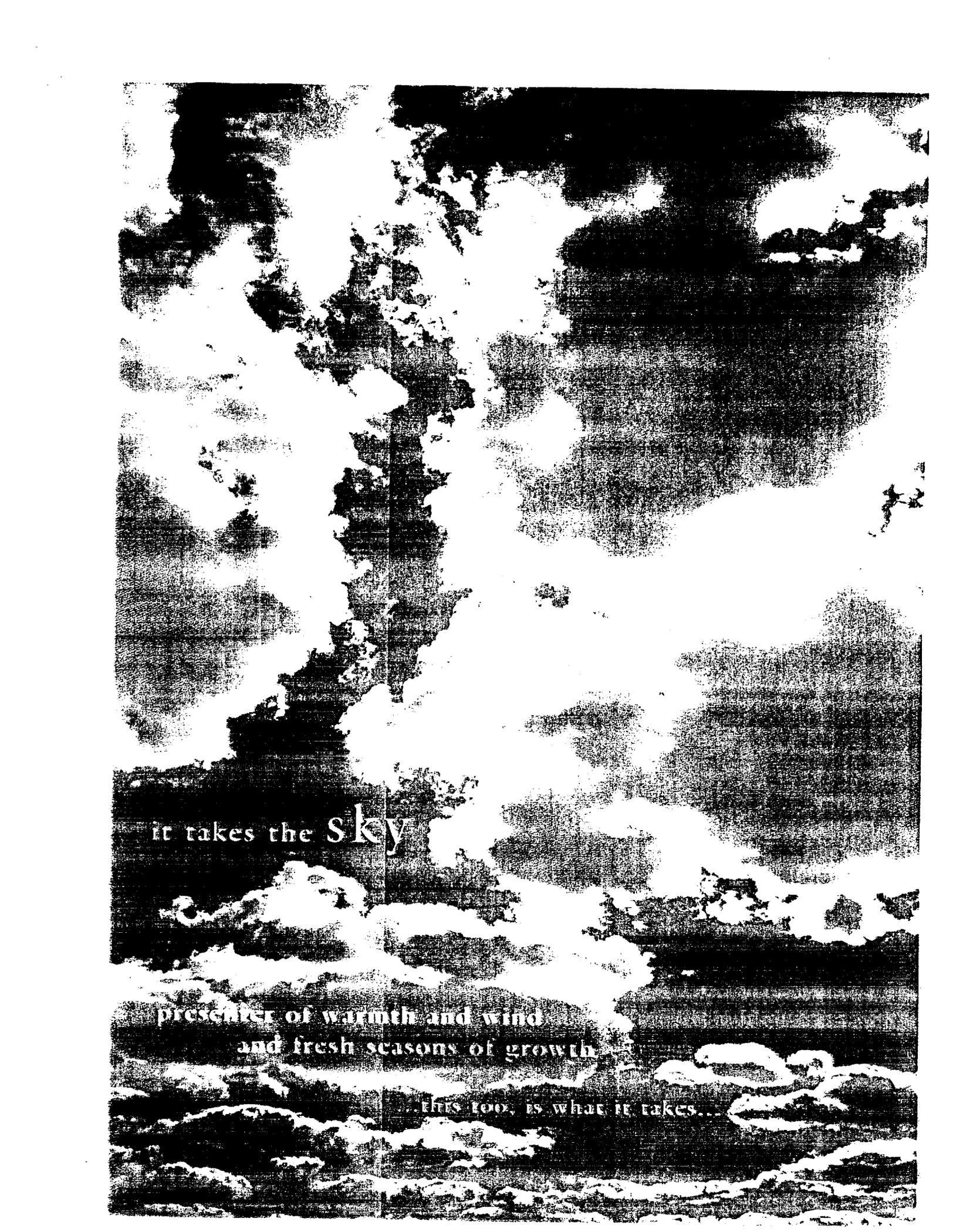
- UPC - 44437-74714
- Product Code - 74714/CS
- Net Weight (Pouch) - 11.7oz
- Net Weight (Case) - 44lb
- Gross Case Weight - 46.125lb

**Premium Pasta Sauce**

- UPC - 44437-74914
- Product Code - 74914/SSPPP
- Net Weight (Pouch) - 10.6oz
- Net Weight (Case) - 39.75lb
- Gross Case Weight - 41.875lb

**Fancy Sauce**

- UPC - 44437-64104
- Product Code - 64104/HKA
- Net Weight (Pouch) - 11.7oz
- Net Weight (Case) - 43.875lb
- Gross Case Weight - 46lb



it takes the Sky

presenter of warmth and wind  
and fresh seasons of growth

...this too, is what it takes...

# WE TAKE THE BEST TOMATOES IN THE WORLD, AND CAPTURE THEIR FLAVOR WITH A UNIQUE PROCESS... FRESH FROM THE FIELD.

The cool, clear water... the perfect warmth of the sun... the rich soil... In no other place in the world do the elements unite to create such tomatoes. Rich in texture and ripe with color, California tomatoes are renowned for exceptional flavor, enhancing dishes from the very best of kitchens.

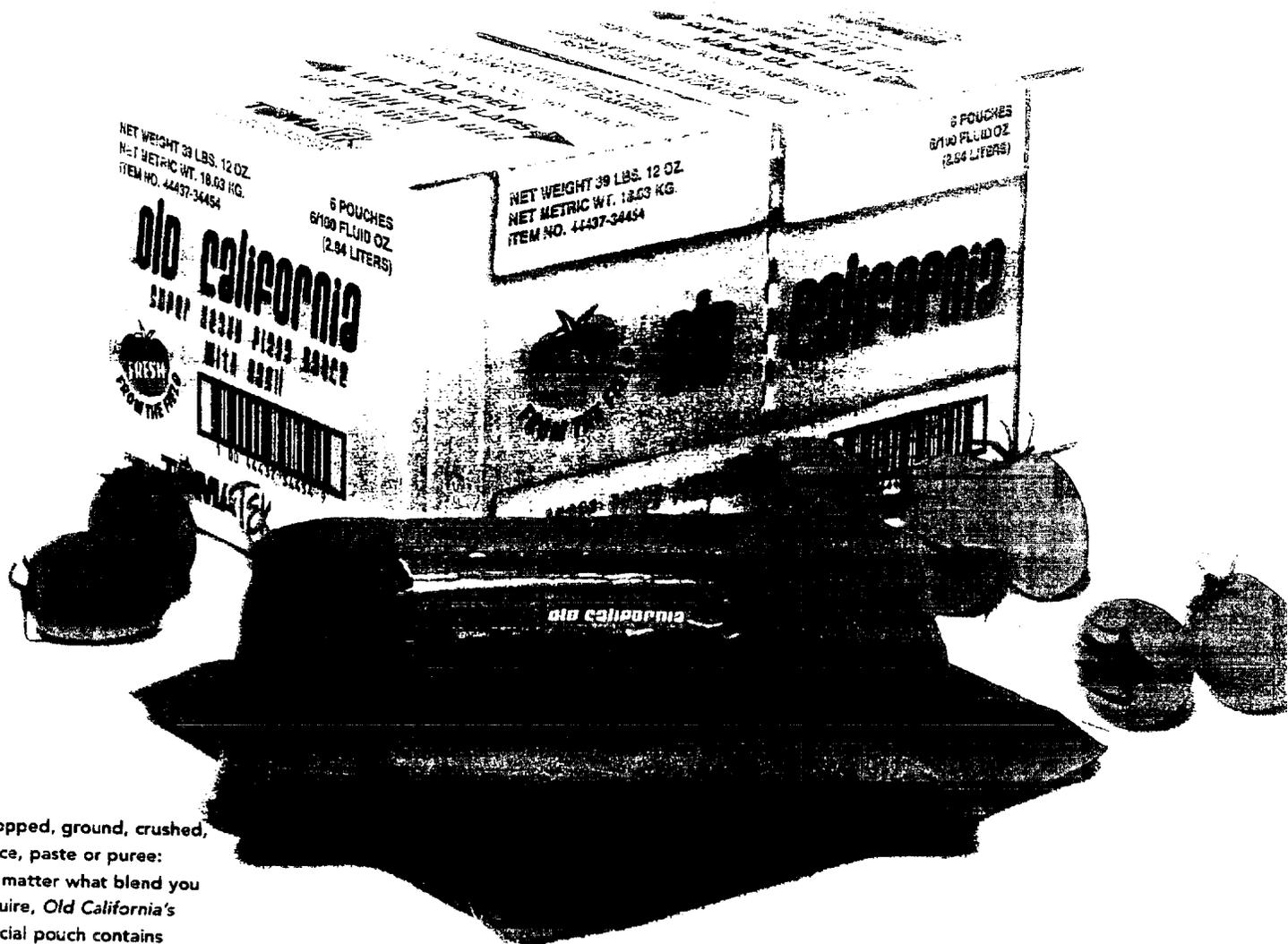
Now, *Old California* has captured the very essence of fresh, ripe San Joaquin Valley tomatoes in a clear plastic pouch pack that is easier to handle, dispense and shelf.



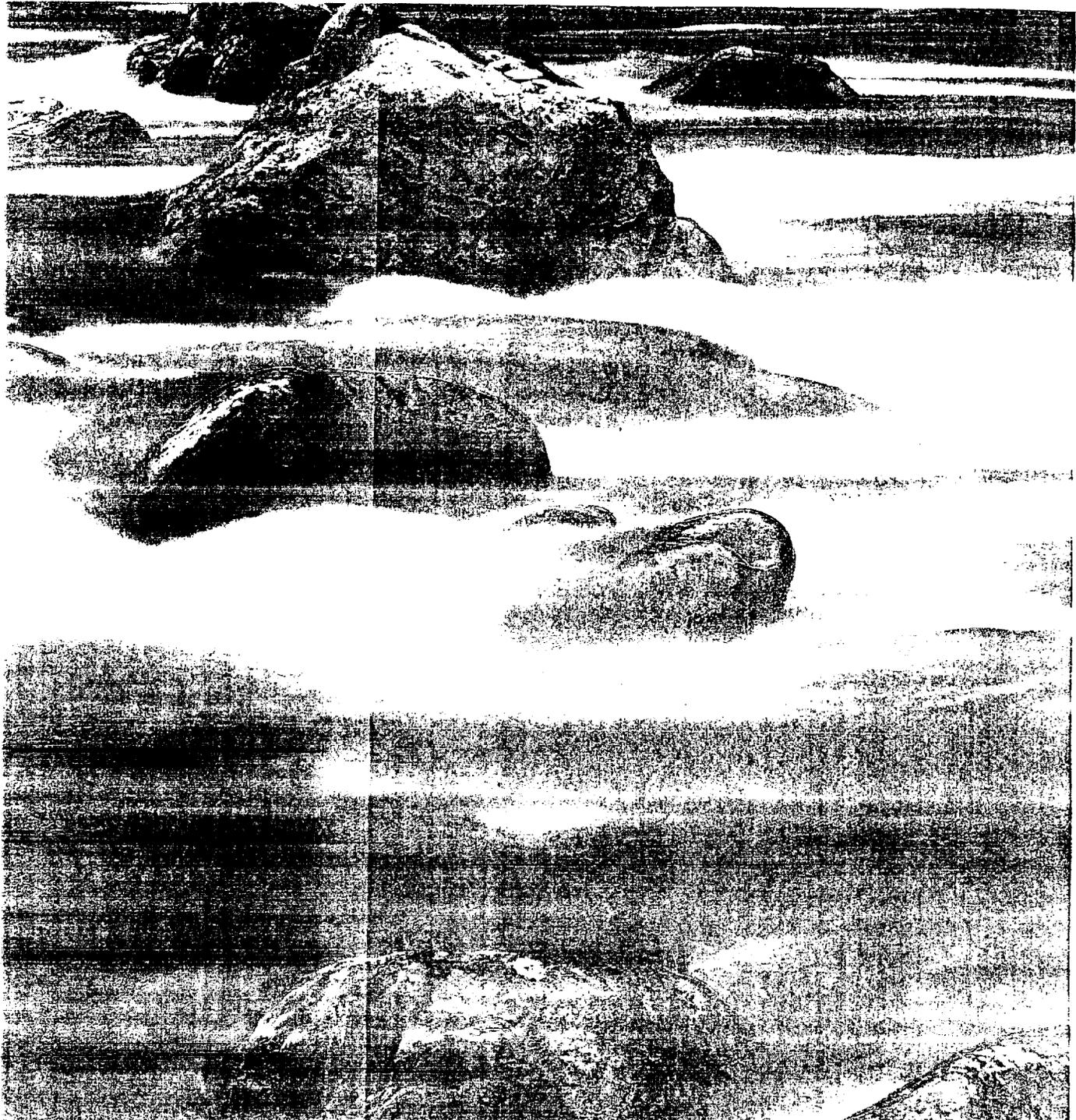
California's  
San Joaquin Valley

Our processing is done with freshly picked, specially selected fruit, so you're guaranteed a product that has better color, taste and texture retention. No longer do you have to use ingredients that have been reprocessed — often reheated once or twice before you ever open the case.

*Old California* tomato products in the convenient pouch pack are just the way you and your customers want them...  
*Fresh From the Field.*



Chopped, ground, crushed,  
sauce, paste or puree:  
No matter what blend you  
require, *Old California's*  
special pouch contains  
freshness you can see.



it takes **Water** to bring life

vibrant

clear

this is what it takes.



THIS IS WHAT IT TAKES TO BE  
FRESH FROM THE FIELD

old californian 

NET WEIGHT 38 LBS. 4 OZ.  
NET METRIC WT. 17.35 KG  
ITEM NO. 44437-14854

6 POUCHES  
6/100 FLUID OZ.  
(2.84 LITERS)

# old california

peeled ground pear tomatoes  
in heavy puree



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PACKED BY **TOMATEK**®

FIREBAUGH, CA 93622-0008