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OCT 22 2002

C. Gordon Brown, Ph.D.  
Vice President – Research and  
Quality Systems  
Carbolite® Foods, Inc.  
1325 Newton Avenue  
Evansville, Indiana 47715

Dear Mr. Brown,

This is to acknowledge that on October 7, 2002, the Food and Drug Administration received your petition for an implied claim in a brand name. The subject of this petition is the brand name “Carbolite®”. The petition was filed pursuant to section 403(r)(4)(A)(iii) of the Federal Food, Drug, and Cosmetic Act (the act) and 21 CFR 101.69(o). The agency is reviewing this petition and has assigned it docket number 02P-0462.

The act directs the Food and Drug Administration, by delegation from the Secretary, to grant or deny a petition that is accepted for review within 100 days of the date that it was submitted. We have determined this date to be January 15, 2003. The act also provides that the petition will be considered granted if we do not act on it within the 100-day period, i.e., on or by January 15, 2003. As required by the act, the agency soon will publish in the FEDERAL REGISTER a notice announcing the petition’s availability to the public and seek comment on the petition. We will allow 30 days for comment.

Sincerely,

Constance Burner Henry  
Division of Nutrition Science and Policy  
Office of Nutritional Products, Labeling  
and Dietary Supplements  
Center for Food Safety  
and Applied Nutrition

cc:  
Sarah E. Taylor, J.D., R.D., M.P.H.  
Covington and Burling

02P-0462

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