



SEP 26 2003

Food and Drug Administration
College Park, MD

Cary Frye
Vice President, Regulatory Affairs
International Ice Cream Association
International Dairy Foods Association
1250 H Street, N.W.
Suite 900
Washington, DC 20005

6412 '03 SEP 29 P1:37

Re: Docket No. 03P-0132/CP 1

Dear Ms. Frye:

This letter is in response to your citizen petition, dated April 2, 2003, requesting the Food and Drug Administration (FDA) to amend various sections and delete others sections of Title 21 Code of Federal Regulations (CFR) part 135, the standards of identity for Frozen Desserts.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt. We are currently at the height of rulemaking in response to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Because of this and other agency priorities and the limited availability of resources, we have not been able to respond to your petition.

We note that FDA is currently working with the Food Safety and Inspection Service of the United States Department of Agriculture to propose a set of general principles by which existing federal food standards of identity may be revised or eliminated, or new ones established. We encourage you and the food manufacturers you represent to provide comments on these general principles when the proposed rule is published in the Federal Register. As we continue to develop our policy on the modernization of food standards, we will consider how to appropriately address your petition within FDA's overall strategy to reinvent food standards.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

for Christine L. Taylor, Ph.D.
Director
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

03P-0132

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