



FLORIDA GIFT FRUIT SHIPPERS ASSOCIATION

Doing together what cannot be done alone.

K. ANTHONY FOWLER — PRESIDENT ■ MIKE HOUGHTALING — VICE PRESIDENT ■ J. PETER CHAIRES — EXECUTIVE VICE PRESIDENT

January 7, 2004

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Dockets Management Branch (HFA-305)
Food and Drug Administration
Room 1061
5630 Fishers Lane
Rockville MD 20852

Re: Docket No. 02N-0209, Request for Comments on First Amendment
Issues, 67 Fed. Reg. 64,942, May 16, 2002.

Dear Sir or Madam:

Florida Gift Fruit Shippers Association (FGFSA) is pleased to offer comments on the Food and Drug Administration request for First Amendment issues. More specifically, FGFSA wishes to comment on the January 05, 2004 submission of Florida Citrus Packers in relation to comments filed by Tropicana Inc., regarding the use of the term "fresh" on pasteurized orange juice.

Florida Gift Fruit Shippers Association is a fifty-eight year old citrus trade group, whose members own and operate roadside and grove-side fresh citrus shops. Fresh citrus juice is the lifeblood of these businesses. These agricultural family businesses produce fresh juice to satisfy several consumer groups. Some customers seek fresh citrus juice for its superior flavor profile. Pasteurized NFC orange juice, while being a good product, does not have fresh squeezed flavor. Other consumers purchase fresh juice because they like the fact that fresh juice continually changes throughout the season as different citrus varieties come into season (processed juices are manufactured for consistency). Finally, many well educated consumers believe strongly that fresh citrus juice is more healthful than processed juice. The research of Dr. Carol S. Johnston, Arizona State University East, seems to support the claim that fresh juice offers a nutritional advantage over highly processed juices.

Fresh juice consumers represent a demand segment that serves as a foundation for Florida's roadside stands and citrus shops. Consumers visit the stores frequently to purchase their fresh juice. When picking up juice, they may purchase other items, but they come to the store for the juice. They come seeking all of the flavor and nutritional goodness that is known and associated with "fresh" juice. It is alarming to think that the word "fresh" might be redefined, contorted and applied to a product that bears little resemblance to the term. Using the term "fresh squeezed – pasteurized" is confusing, inaccurate and misleading. Consumers tell us that "fresh" implies that the juice is in its natural state, unaltered. Furthermore, consumers know fresh juice to have a fresh squeezed taste and all of the organoleptic qualities of fresh citrus. Fresh squeezed juice is

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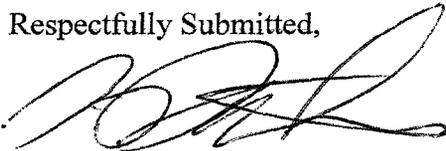
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believed to have been made within hours of sale. A processed pasteurized juice, though 100% juice, is not fresh in the sense of nutrition, health or time.

The word “fresh” is the identity around which Florida’s roadside fruit stand business is built. If this term is used to describe processed juices with extended shelf life, consumers will lose faith in what “fresh” truly means and will consequently lose faith in our products. It is imperative that “fresh” describe nothing other than what is truly fresh – unaltered, unprocessed, unheated and in its natural state.

Florida Gift Fruit Shippers Association strongly objects to the use of the term “fresh squeezed – pasteurized”. FGFSFA supports the arguments and opinions expressed in the Florida Citrus Packers written submission of January 05, 2004.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Peter Chaires', written in a cursive style.

J. Peter Chaires