

MAY 6 2002

Melvin S. Drozen
Keller and Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Re: Docket No. 02N-0178

Dear Mr. Drozen:

This is in response to your application on behalf of the Del Monte Corporation to the Food and Drug Administration (FDA) for a temporary permit to market test, in interstate commerce, canned tomato products that will deviate from the United States standard of identity for canned tomatoes (21 CFR 155.190) in that a liquid carbohydrate sweetener, either corn syrup or high fructose corn syrup, is used as an optional ingredient in lieu of dry nutritive carbohydrate sweeteners. The liquid carbohydrate sweetener, corn syrup or high fructose corn syrup, is used in a quantity reasonably necessary to compensate for the tartness resulting from added organic acids, except that such addition of the liquid sweetener, in no case, may result in a finished canned tomato product with a tomato soluble solids content of less than 5.0 percent by weight as defined in 21 CFR 155.3(e) (which accounts for any added salt) and accounting for the soluble solids of the liquid sweetener. The feasibility of this tomato soluble solids requirement will be assessed during the temporary marketing of the test products. Additionally, this temporary marketing permit provides for use of the term "chunky" in lieu of the styles (i.e., whole, sliced, diced, and wedges) required by the standard. The test products meet all the requirements of the standard with the exception of the use of a liquid sweetener and the use of the alternative term "chunky" in lieu of style declarations required by the standard. In all other respects, the test product will conform to the standard for canned tomatoes.

For the purposes of this permit, the names of the test products will be Del Monte Brand "Stewed Tomatoes, Original Recipe," "Chunky Tomatoes, Pasta Style," "Diced Tomatoes, basil, garlic & oregano," "Diced Tomatoes, garlic & onion," "Diced Tomatoes, green pepper & onion," "Tomato Wedges," "Zesty Chunky Tomatoes, Chili Style," "Stewed Tomatoes, Cajun Recipe with pepper, garlic, and Cajun spices," "Stewed Tomatoes, Italian Recipe with basil, garlic & oregano," "Stewed Tomatoes, Mexican Recipe with garlic, cumin, and jalapeños," and "Stewed Tomatoes, no salt added." The information panel of the labels will bear nutrition labeling in accordance with 21 CFR 101.9.

Relying on the representations made in your application, we are hereby granting your request to make interstate shipments for test marketing purposes of a total of 5.6 million cases of the above mentioned canned tomato products. The total weight of the test products will be 5.0

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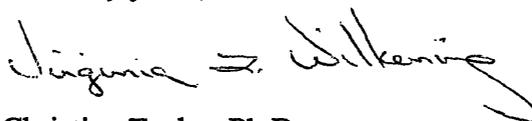
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million pounds (2.3 million kilograms). Finished labels must be submitted to the Director, Division of Standards and Labeling Regulations, Office of Nutritional Products, Labeling, and Dietary Supplements, before the products are shipped in interstate commerce. The test products will be manufactured by Del Monte Corporation at 10652 Jackson Avenue, Hanford, CA 93230. The products will be distributed by Del Monte Corporation throughout the United States. Each of the ingredients used in the food must be declared on the labels as required by the applicable sections of 21 CFR part 101.

This permit will be effective for 15 months, beginning on the date the test products are introduced into interstate commerce, but not later than 90 days after notice of issuance of the permit is published in the Federal Register. You will notify FDA, in writing, of the date the 15-month period will begin, as soon as it is determined.

While this permit is in effect, FDA will refrain from recommending regulatory action against shipments of canned tomato products covered by this permit on the grounds that the food fails to comply with 21 CFR 155.190.

Sincerely yours,



for Christine Taylor, Ph.D.

Director

Office of Nutritional Products, Labeling
and Dietary Supplements

Center for Food Safety
and Applied Nutrition