



Blue Diamond Growers

September 8, 2003

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Christine L. Taylor, Ph.D.
Director
Division of Nutritional Products, Labeling
And Dietary Supplements
Center for Food Safety and Applied Nutrition
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20749

Dear Dr. Taylor,

We intend this letter to provide feedback to the agency's comments to The International Tree Nut Council-NREF of July 14, 2003.

Blue Diamond Growers is a nonprofit farmer-owned marketing cooperative. It markets almonds for its members. The almonds are grown exclusively in California and are the largest tree crop in the state. Almonds are the number one agricultural export from California. Almonds rank in the top three consumer food items exported from the United States. Blue Diamond Growers exports for the majority of the almonds growers in the State of California. Production continues to expand in order to supply the world. Over 75% of the world supply of almonds is produced in California.

Blue Diamond Growers is the world's largest processor and marketer of almonds. The farmer-owned cooperative was founded in 1910 and is headquartered in Sacramento, California. Blue Diamond processes and markets approximately 24 percent of the world's supply of almonds. The company obtains its supply of almonds from its member/owners and sells them to retail chains, and to food processing, confectionery and food service companies in nearly 100 nations around the globe. Approximately 3,700 independent California almond growers own the company. They represent two-thirds of the California almond industry. Blue Diamond also markets hazelnuts, macadamias and pistachios.

Blue Diamond Growers is excited about the qualified health claim and appreciate this opportunity to make American consumers more aware of the health benefits of our products.

We have several comments regarding your letter of July 14th.

2002P-0505

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Blue Diamond Growers

Mixed Nuts

Blue Diamond Growers agrees with the comments of the International tree Nut Council in requesting that FDA clarify that whole or chopped nut mixes that contain nut types cited in the petition that exceed the saturated fat disqualifying level (i.e. Brazil nuts, macadamia nuts, cashew nuts and some varieties of pine nuts), will qualify for the health claim provided they meet the definition of whole or chopped nuts and otherwise do not exceed the disqualifying level for saturated fat. Many mixed nut products currently in the marketplace contain such nuts, but do not exceed the saturated fat disqualifier level. We believe the scientific information summarized in the international Tree nut Council petition supports the appropriateness of such products to bear the claim.

Concerning Nut Containing products

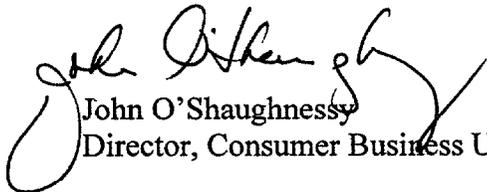
It is also requested that FAD consider slightly altering its criteria with respect to enforcement discretion for nut-containing products. The current criteria require that such products contain at least 11 grams of nuts and meet the definition of a "low cholesterol" food in 21 C.F.R. 101.62(d)(2) and a "low-saturated fat" food in 21 C.F.R. 101.62(c)(2). We believe that the latter condition is unnecessary. Eleven grams of nuts that do not exceed the saturated fat disqualifier level contain 0.42 – 0.85 grams of saturated fat. Blue Diamond Growers believes application of the definition for "low cholesterol" is sufficient to ensure that such products would not contribute excessive amounts of saturated fat because this definition limits both cholesterol and saturated fat.

Media reports on other nuts with disqualifying saturated fat levels

Finally, Blue Diamond joins INC NREF in its concern that media reports not characterize the nuts not included in the claim as possible contributors to CHD. Such nuts were included in the observational studies that show nut consumers in the upper quintile had a 30-50% lower incidence of CHD than those in the lowest quintile, and one of these nuts (macadamias) have been shown to lower T-C and LDL-C in two controlled clinical trails (curb *et.al.*, 2000, Garg *et.al.*, 2003) despite the fact that it exceeds the saturated fat disqualifier level.

Thank you

Sincerely,


John O'Shaughnessy
Director, Consumer Business Unit