



INTERNATIONAL JELLY & PRESERVE ASSOCIATION

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Founded in 1918 as
National Preservers Association

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August 23, 2000

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20857

RE: Docket No. 98N-0359; Program Priorities
in the Center for Food Safety and Applied
Nutrition

The International Jelly and Preserve Association (IJPA) appreciates the opportunity to provide input regarding FDA's Center for Food Safety and Applied Nutrition's (CFSAN) program priorities for the year 2001, as requested in the June 26 *Federal Register (FR)* notice (65 *FR* 39415). IJPA is a national trade association representing the manufacturers of jellies, jams, preserves and nonstandardized fruit spreads, and the suppliers of goods and services to the industry, including ingredient suppliers of fruit, sweeteners and pectin. A list of manufacturer members is enclosed.

We applaud the Agency for continuing to provide interested parties the opportunity to participate in the CFSAN priority-setting process. IJPA previously submitted comments on CFSAN's priorities for 1999 and 2000 in response to earlier Agency requests. (See IJPA's July 13, 1998 and August 23, 1999 comments to the docket.) We continue to agree that the implementation of the President's Food Safety Initiative (FSI) should be CFSAN's top priority, including the emphasis on imported products in addition to domestic products. As part of FSI, coordination on foodborne disease outbreaks should be a priority. Too often a food is wrongly implicated in a foodborne disease outbreak because of the lack of coordination among state and federal agencies investigating the outbreak.

The produce safety initiative also is important. The prevention of microbial contamination at the grower and packer levels will decrease the incidences of foodborne illnesses associated with fresh produce.

However, as our earlier comments stated, there are other important, on-going functions which the Agency should focus its efforts, namely the continued maintenance and administration of the food standards program, national

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uniformity, promoting international harmonization, preventing economic fraud and enforcing product labeling. We still strongly believe these areas deserve CFSAN's attention and a place on the "A" list of priorities.

It is evident from comments received on the Agency's Advance Notice of Proposed Rulemaking (ANPRM) on food standards (60 *FR* 67492; December 29, 1995) that a number of existing standards presently serve as barriers to the utilization of new technologies and required ingredients to improve existing products. As a result, petitions have been prepared and filed in several important product categories to affect needed amendments to recognize the advances in food technology and the need for flexibility.

IJPA submitted detailed comments on the ANPRM, pointing out the general benefits of maintaining core food standards and the beneficial interplay between those standards and the general standard adopted by FDA under the Nutrition Labeling and Education Act, 21 CFR 130.10. On March 31, 1997, the Association also submitted a Citizen Petition that reflected the consensus reached within the fruit spread industry on how FDA should proceed in implementing the ANPRM with respect to the standards of identity of interest to this industry. The petition requested that the standards for artificially sweetened jellies and jams be repealed because the standards were obsolete and unnecessary. IJPA's efforts to repeal obsolete standards should be supported by FDA, but almost four years later, no action has been taken by the Agency, despite the fact that the Association offered a solution to streamline the standards for these products.

The goal of the ANPRM is important. Standards need to be updated and modernized in keeping with improving technology, as the Agency itself acknowledged in the document, "2000 CFSAN Program Priorities." Item 2 on the "B" list for Strategy 2.2 – Nutrition, Health Claims and Labeling is to "develop a coordinated plan between FDA and USDA to correlate existing food standards with current technological innovations." In its recent notice regarding program priorities, the Agency specifically requested comments on the fiscal year (FY) 2000 "B" list activities that should be elevated to the "A" list for completion in FY 2001. IJPA believes the development of a coordinated plan between FDA and USDA to ensure technological innovations are reflected in existing food standards should be elevated to the "A" list.

Similarly, national uniformity among federal and state agencies should be an "A" list priority for CFSAN in FY 2001. There should be a single set of food safety regulations interpreted in the same way by both federal and state regulators. A uniform set of regulations and interpretations will eliminate the confusion that currently exists as industry strives for compliance at the local and federal levels. Legislation ("The National Uniformity for Food Act of 2000") is currently pending in

Congress that would establish federal preemption of state regulations regarding food additives and warning labels. IJPA believes national uniformity is extremely important and is participating in a coalition in support of this legislation.

The modernization and maintenance of United States (U.S.) food standards and national uniformity of regulations are also important as the U.S. participates in the Codex Alimentarius process. In order for the U.S. to be an effective player within Codex, U.S. standards must be science-based, reflective of current practices and be national in scope, which will give the U.S. a strong basis for negotiation. It is, therefore, critical that the U.S. positions on several Codex standards be thoroughly reviewed by industry to assure that current industry practices are reflected. We, therefore, encourage more timely communications between FDA and industry.

In the increasingly global marketplace, the promotion of international harmonization is imperative, and the U.S. should take a leadership role in the Codex process. It is crucial that U.S. positions be shared with other countries in a timely manner so meaningful discussions can occur during Codex committee meetings.

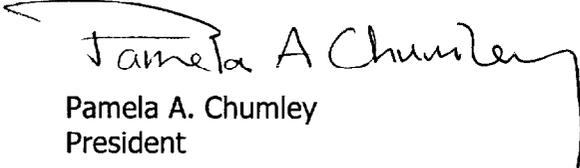
Economic fraud also should be a CFSAN priority because of its importance to both consumers and industry. FDA must continue to pursue and prosecute fraudulent activities. Individuals and companies engaged in such activities are just as likely to have little regard for the welfare and safety of the public and should not be allowed to operate. FDA's efforts in this regard should be to enforce the existing statutory provisions.

Related to economic fraud is the accurate labeling of products. IJPA has alerted the Agency to several instances of economic fraud with respect to the inaccurate labeling of jams and jellies. The standards of identity for these products requires that the total soluble solids content of finished fruit preserves, jams and jellies be not less than 65%. However, there are products available on the market that have considerably lower total soluble solids content, but they are labeled as jams and jellies. This constitutes economic fraud because such products contain more moisture (water) and less fruit and/or sweeteners, which are expensive ingredients in the production of jams and jellies. The manufacturers of these products have a significant economic advantage over compliant products on the market. It is, therefore, important for FDA to enforce the accurate labeling of products.

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In conclusion, IJPA appreciates the opportunity to provide comments on CFSAN's 2001 priorities. While we agree that the Food Safety Initiative should be CFSAN's top priority, the Agency is also responsible for other important functions as outlined in these comments. Thus, we encourage the Agency to balance its resources accordingly.

Sincerely,



Pamela A. Chumley
President

PAC/jcm

Enclosure

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ACTIVE MEMBERS

International Jelly & Preserve Association

American Spoon Foods

Clements Foods Company

T.W. Garner Food Company

M.A. Gedney Company

House of Webster, Inc.

Smucker Specialty Foods, Inc.

Knott's Berry Farm Foods

The Kroger Company

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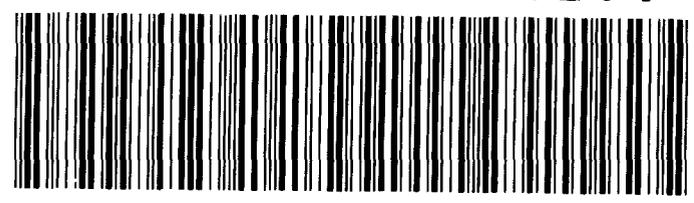
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