



Food and Drug Administration
Washington DC 20204

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Jonathan W. Emord, Esq.
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Dear Mr. Emord:

This responds to your letter of February 18, 2000, requesting the Food and Drug Administration (FDA) to confirm in writing that it will act definitively by a reasonable date certain on the four health claims that were the subject of the *Pearson* litigation.

Mr. Levitt's April 7, 2000 declaration filed with the government's brief opposing the *Pearson* plaintiffs' motion for preliminary injunction (Civil Case No. 95-1865), explains FDA's plan for action on the four *Pearson* health claims. FDA will act definitively on all four claims within 190 days of the close of the comment period for submission of scientific data related to these claims. This comment period closed April 3, 2000, and the 190 day date is October 10, 2000.

As explained in Mr. Levitt's declaration, if we find that significant scientific agreement exists for any of these four claims, we plan to invoke a provision in current law to issue an interim final rule permitting that claim to be made while the remainder of the informal rulemaking procedures are carried out. If we find that significant scientific agreement does not exist, we will notify plaintiffs of appropriate qualifying language, if any, that may be used for that claim.

Sincerely,

Christine J. Lewis, Ph.D.

Director,

Office of Nutritional Products, Labeling
and Dietary Supplements

Center for Food Safety

And Applied Nutrition

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