



June 28, 2004

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

NATIONAL
FOOD
PROCESSORS
ASSOCIATION

Request for Extension of Comment Period

[Docket Nos. 1994P-0390 and 1995P-0241] Food Labeling: Nutrient Content Claims, General Principles; Health Claims, General Requirements and Other Specific Requirements for Individual Health Claims; Reopening of the Comment Period 69 Federal Register 24541, May 4, 2004.

Dear Sir or Madam:

The National Food Processors Association (NFPA) submits the following comments on the docket referenced above.

1350 I Street, NW
Suite 300
Washington, DC 20005
202-639-5900

The National Food Processors Association (NFPA) is the voice of the \$500 billion food processing industry on scientific and public policy issues involving food safety, food security, nutrition, technical and regulatory matters and consumer affairs. NFPA's three scientific centers and international office (Bangkok, Thailand), its scientists and professional staff represent food industry interests on government and regulatory affairs and provide research, technical assistance, education, communications and crisis management support for the Association's U.S. and international members. NFPA members produce processed and packaged fruit, vegetable, and grain products, meat, poultry, and seafood products, snacks, drinks and juices, or provide supplies and services to food manufacturers.

WASHINGTON, DC
DUBLIN, CA
SEATTLE, WA

NFPA submitted one of the petitions (Docket No. 1994P-0390) that has resulted in the rulemaking for which FDA is now seeking new comments. While NFPA has long advocated for the prompt completion of this rulemaking, at the present time NFPA believes that more time is needed to consider the specific requirements of the proposal in the light of the intervening years between the last submission of comments and the reopening of the comment period. Consequently, NFPA requests an extension of 60 days, to September 3, 2004, for the comment period on this rule.

95P-0241

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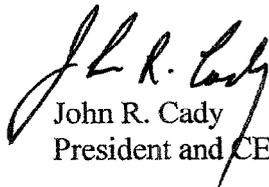
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The specific elements of the 1995 proposed rule were last considered in comments in April 1997, seven years ago. In the intervening time, several of the representatives of NFPA member companies that were responsible for consideration of the technical aspects of the proposed rule have left their companies, to be replaced by staff that are less familiar with the 1995 proposed rule, subsequent comments, and the antecedent petition. In addition, the character of several NFPA member companies has changed, through mergers, acquisitions, and de-accessions, such that companies now may espouse somewhat different views from the perspectives articulated to NFPA in 1994 through 1997.

While NFPA members support the fundamental premise of the rulemaking, based in reform of claims policies supported by First Amendment considerations, the reopening of the comment period requires a review of the technical elements of the proposed rule, in order to formulate comments responsive to the questions that FDA has posed. The 1995 proposal was complex, and NFPA members have expressed the view that they require more time to refresh their memories of the elements of the proposed rule, and reassess its significance in the light of their current businesses.

For the reasons expressed above, NFPA requests a 60-day extension of the comment period on this rulemaking, until September 3, 2004.

Sincerely,


John R. Cady
President and CEO