



THE ASSOCIATION FOR
**DRESSINGS
& SAUCES**

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August 15, 2005

Food and Drug Administration
Division of Dockets Management
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Fax: 301/827-6870

RE: Food Standards; General Principles and Food Standards
Modernization
[Docket No. 1995N-0294]

Dear Sir or Madam:

The Association for Dressings and Sauces (ADS) is the international trade association representing manufacturers of salad dressings, mayonnaise and condiment sauces and the suppliers to the industry. ADS submits the following comments on the May 20, 2005 *Federal Register* notice (70 FR 29214) issued jointly by the Food and Drug Administration (FDA) and the United States Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) related to the establishment of a set of general principles for food standards.

ADS supports the continued need for food standards and agrees in essence with the 13 general principles for establishing new food standards and for revising or eliminating existing food standards outlined in the proposed rule. We agree with the fundamental goals of the proposed general principles to promote: (1) honesty and fair dealing in the interest of consumers and protecting the public, (2) clear and straightforward requirements for food manufacturers and flexibility in food technology and (3) simplicity, brevity and consistency in food standards.

ADS also supports the option chosen by the FDA and USDA to modernize the food standards. Under the proposed option, external groups, such as consumer, industry and commodity groups would use the general principles to draft new or revised standards, or to propose eliminating existing food standards. FDA and USDA would make the final decision whether to establish, revise or eliminate certain standards of identity. ADS believes it is important for industry and commodity groups to have the opportunity to provide information and data related to food

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standards. These groups have the expertise and knowledge regarding current food manufacturing practices, technologies and marketing trends and are able to provide guidance related to food standards.

FDA and USDA indicated that one major advantage of the option noted above "is that it would require the use of fewer of our agencies' resources than would be required if we were to review and propose amendments to the food standards without the benefits of petitions." The proposal does not address the current resources allocated to food standards reform and enforcement by both Agencies. Although a new set of principles is being proposed, FDA and USDA will continue to have priorities that compete with food standards. In recent years, issues pertaining to the safety and security of the food supply have been a primary priority of the FDA. We applaud the Agency's efforts in this area; however, we believe that the allocation of resources should be balanced so all areas under the purview of FDA receive adequate attention. The proposed principles will not have any effect on the food standards program if sufficient resources are not devoted to this program. It is imperative that the proper resources are allocated to the food standards process so petitions are reviewed in a timely manner and acted upon, as appropriate. Such timely review will also ensure new products are more quickly available to consumers.

In addition, the proposal maintains subpart (a) of FDA's current food standard procedure, 21 CFR part 130.5. As such, petitions to establish, revise or eliminate a food standard must comply with the procedures contained in 21 CFR part 10. Part 10 governs the procedure for establishing a food standard, and defines the general practices and procedures for petitions, hearings and other administrative proceedings and activities conducted by the FDA. Under the current process, review of petitions can take a considerable amount of time, and the proposed rule does not address whether the petition review process will be accelerated. Also, the proposed rule does not specify a timeframe by which the FDA or USDA must act on a petition or complete rulemaking related to a food standard. We urge the Agency to establish a reasonable timeframe to promulgate rulemaking related to a petition. ADS recommends publication of a proposed rule within 120 days of receipt of an acceptable petition and publication of a final rule within 180 days of publication of the proposal.

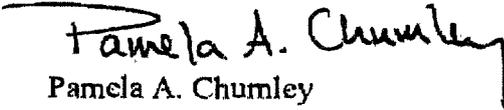
Food standards of identity regulations have been established for several products manufactured by members of ADS, including French dressing (21 CFR 169.115), mayonnaise (21 CFR 169.140) and salad dressing (21 CFR 169.150). On January 13, 1998, ADS submitted a Citizen Petition to request the Commissioner of Food and Drugs to initiate a rulemaking to (1) repeal the standard of identity for French dressing, and (2) revise, simplify and modernize the standards of identity for mayonnaise and salad dressing. ADS believes that the current process for establishing, revising and eliminating food standards should be revised as it has been almost eight years since ADS submitted its petition and no action has been taken by the Agency despite the fact that the Association provided the necessary information to move forward. ADS continues to discuss with FDA personnel other means of expediting the petition, but no FDA

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action has been forthcoming. ADS questions how FDA plans to address previously submitted petitions since the proposed rule does not provide guidance. Would all previously submitted petitions that were not acted upon by the Agency need to be rewritten to incorporate the general principles? We believe it is important for FDA to address this issue as our petition and those of others are still pending. ADS is requesting that FDA act on the outstanding petitions promptly and not require resubmission of these petitions in accordance with the new provisions. In addition, we believe the Agency should provide annual updates on standards petitions so that petitioners are aware of the status and can advise their constituents, accordingly. A process to modernize the food standards of identity, which is efficient for FDA and the food industry, is vital.

In conclusion, ADS appreciates the opportunity to provide comments on the food standards proposed rule.

Sincerely,



Pamela A. Chumley
Executive Director