

To: Our Clients and Friends

February 9, 2010

Food, Dietary Supplement and Cosmetic Regulatory and Policy Bulletin



Top News

FDA Rethinking Serving Sizes for Nutrition Labeling

FDA is re-evaluating serving size portions with the idea of increasing the portion sizes to more accurately reflect what Americans actually eat. When the serving size is smaller than what would typically be consumed, the nutrition information on the label can be misleading, perhaps most importantly by not giving consumers an accurate count of how many calories they are consuming. FDA says that, ultimately, the purpose of nutrition labels is to assist individuals with making healthy eating choices and a serving size that accurately reflects what an individual eats will better serve that goal.

Salmonella Montevideo Investigation Continues

In January, Daniele International recalled certain hard salami products and has expanded its recall twice, on January 31 and February 4, to include other products due to potential salmonella contamination. On February 8, FDA once again updated its statement about its investigation into the Salmonella Montevideo outbreak that is being undertaken in collaboration with USDA and the Centers for Disease Control and Prevention. FDA and the Rhode Island Department of Health have identified black pepper as the source of contamination and are investigating the supply chain. Vietnam has been names as a potential source of the contaminated black pepper responsible for the outbreak, however the Vietnam Pepper Association says that the Salmonella outbreak was probably caused by "mistakes in the process by food producers." Food Safety News has also been following the story in more detail.

New Technologies to Control E. Coli Contamination

E. Coli contamination in ground beef is at its lowest during winter months, however, researchers are looking at new technologies that could help sustain the lower E. coli contamination levels year-round. Bacteria-eating viruses, a paper-bleaching chemical, vaccines, and a special yogurt are all among the technologies being researched as potential opportunities for lowering contaminations rates.

China Recalls 170 Tons of Tainted Milk Powder

In its continuing efforts to remove from the market all of the melamine-contaminated milk, the [Chinese government is recalling 170 tons of melamine-tainted milk powder leftover from the 2008 scandal](#). The recall stems from more tainted product being discovered in Shanghai and six provinces. Although companies should have destroyed all of the tainted product, at least five are suspected of just repackaging it so that they can continue to sell it.

French Food Safety Agency Calls for Increased Research on BPA Safety

Although the French Food Safety Agency (AFSSA) has [questioned the credibility of studies reporting the potential dangers of Bisphenol A \(BPA\)](#), the agency also acknowledges that the studies should not be ignored entirely. Instead, the AFSSA thinks the studies raise red flags and has called for additional research into the safety of BPA.

Briefly Noted

[First Lady Michelle Obama officially announces campaign to fight child obesity.](#)

[The New York Times summarized federal efforts to "push junk food out of schools."](#)

[WalMart considering replacing McCormick spices with generic alternatives.](#)

[A recent report by the Grocery Manufacturers Association recommends increased collaboration to combat food fraud.](#)

Recent Recalls

[Turkey Hill Chocolate Marshmallow Ice Cream](#) due to undeclared tree nuts (almonds) (February 5, 2010).

Recent Warning Letters

FDA issued a warning letter to [Meyer Food Service LLC dba Empire Fish Co.](#) stating that the company's facility had serious violations of the seafood Hazard Analysis and Critical Control Point (HACCP) regulation.

Regulatory Notices

FSIS Publishes Notice of Revised Request for Revision of a Currently Approved Information Collection on Registration Requirements

On February 4, 2010, FSIS published a [Notice of Revised Request for Revision of a Currently Approved Information Collection on Registration Requirements](#). Parties interested in the reporting requirements for parties required to register with FSIS under the Federal Meat Inspection Act and Poultry Products Inspection Act are invited to comment on a currently approved information collection on the registration requirements promulgated by FSIS. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. More information is available in the [Federal Register notice](#).

Upcoming Meetings

House Appropriations Committee – Hearing on FDA Budget Request

On **Wednesday February 10, 2010 at 10 a.m.**, the Agriculture, Rural Development, FDA, and Related Agencies Subcommittee of the House Appropriations Committee will hold a hearing on "The FY2011 Budget Request for the Food and Drug Administration (FDA)." FDA Commissioner Margaret Hamburg will testify. The hearing will be held in Room 2362-A of the Rayburn House Office Building.

USDA Opens Registration for USDA Agricultural Outlook Forum 2010

The 2010 USDA Agriculture Outlook Forum will be held **February 18-19, 2010** in Arlington, Virginia. Since 1923, USDA has hosted the Agricultural Outlook Forum to promote an "intelligent balance of production, marketing and consumption of farm products for the greatest good of the entire Nation." Each year, members from farm organizations, food and fiber firms, academia, foreign governments and news media gather for discussions of the coming year in agriculture. This year's theme, "Sustainable Agriculture: The Key to Health and Prosperity," will focus on topics including organics, conservation, climate change and food safety and defense.

FSIS will host a breakout session at the Forum, called "Strengthening America's Food Safety System." Panelists will include FSIS Administrator Al Almanza, as well as industry and consumer group leaders. The FSIS session will take place on Friday, **February 19**, from 10:00 a.m. to 11:30 a.m.

For more information or to register for the Forum, visit www.usda.gov/oce/forum. The last day to register is February 16.

USDA to Host Web Outreach Seminar on Sanitary Dressing Procedures

FSIS will host a Web outreach seminar on sanitary dressing procedures on **February 18, 2010**. Participants will gain insight on FSIS sanitary dressing procedures and how they are critical to reducing *E. coli* O157:H7 to undetectable levels. The discussion will also provide a better understanding of validated HACCP plans and interventions. To learn more, go to http://www.fsis.usda.gov/News_&_Events/Regulatory_Web_Seminars/index.asp.

Meeting of the Science Board to FDA

On **February 22, 2010**, the Science Board will hear about and discuss an interim report from its subcommittee reviewing research at the Center for Food Safety and Applied Nutrition (CFSAN). The Science Board will also hear about and discuss plans to establish another subcommittee to review research programs at the Center for Drug Evaluation and Research (CDER). The Science Board will then hear and discuss updates on science programs at the Office of Regulatory Affairs (ORA) and the National Center for Toxicological Research (NCTR). The meeting will be held in Bethesda, MD. The notice was published in the [January 27 Federal Register](#) and additional information is available in the [Meeting Announcement](#) is posted on the FDA web site.

U.K. Food Standards Agency to hold 10th Anniversary Conference

The U.K. Food Standards Agency (FSA) recently published its [strategy for 2010 - 2015](#). On **February 24, 2010**, FSA presents [FSA10: Ensuring safe food and healthy eating for all](#) in London. FSA invites consumers and stakeholders from the U.K. to participate and help shape the agency's work in the context of its strategic plan for the next five years. The conference will also be broadcast live from the FSA web site. Additional information is available at <http://www.glasgows.co.uk/fsa10/>.

FDA Risk Communication Advisory Meeting

On **February 25 and 26, 2010**, the FDA Risk Communication Advisory Committee will meet discuss strategies and lessons from a selection of the FDA's previously issued communications, emphasizing communications challenges. For more specific agenda information, please visit the following Web site and scroll down to the appropriate advisory committee link <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>, or call the FDA Advisory Committee Information Line at 1-800-741-8138 (or 301-443-0572 in the Washington, DC area), code 8732112560. Additional information is available in the [Federal Register Notice](#) of the meeting.

USDA to Host 2010 Food Safety Education Conference

USDA and [NSF International](#) are hosting the 2010 Food Safety Education Conference, *Advancements in Food Safety: Trends, Tools and Technologies*, **March 23-26, 2010**, at the Hyatt Regency in Atlanta. Food safety educators and other professionals worldwide will have the opportunity to discover the latest advancements in food safety education. To register and get more information, visit <http://www.fsis.usda.gov/Atlanta2010>.

USDA Workshops to Explore Competition and Regulatory Issues

Between **March 12 and December 8, 2010**, the Department of Justice and USDA will hold [five joint public workshops that will explore competition and regulatory issues in the agriculture industry](#). The workshops target issues of concern to farmers and the poultry, dairy, livestock industries. The final workshop will focus on price margins.

More Information

Archived issues of the Bryan Cave Food, Dietary Supplement, and Cosmetic Regulatory and Policy Bulletin are available at www.bryancave.com on the [FDA Practice Bulletins web page](#).

If you have any questions regarding any of these issues, please contact:

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