



*A Broader Perspective*

# Bulletin

To: Our Clients and Friends

November 13, 2009

## Food, Dietary Supplement and Cosmetic Regulatory and Policy Bulletin



### *Top News*

#### **Louisiana Lawmakers Fight Back on Oyster Ban**

Senators Landrieu and Vitter and other Louisiana Congressmen are threatening the FDA with budget cuts unless the agency back off its plan to ban Gulf Coast oysters that harvested during warmer months unless they are treated to kill bacteria. FDA has since issued a press release responding to the concerns raised by the members of Congress.

#### **FDA, DOJ Take Action Against Seafood Processing Company and Executives for Failing to Correct Repeated Violations for Insanitary Conditions**

The U.S. Department of Justice, on behalf of the FDA, has filed a complaint for permanent injunction against seafood processor Haifa Smoked Fish and two of its top officers for violations of the Federal Food, Drug and Cosmetic Act. If the court grants the injunction requested by the government, the company would stop the manufacture, distribution, and sale of its products, unless and until it has implemented measures to correct insanitary conditions and control the pathogenic bacterium *Listeria monocytogenes* (L. mono.) at the Haifa Smoked Fish facility.

#### **FDA Investigating Safety of Caffeinated Alcoholic Beverages**

Today, the FDA announced that it is looking into the safety and legality of caffeinated alcoholic beverages.

#### **Tainted Beef Traced to Facility That Stopped Testing Ingredients**

The New York Times reports that the E. Coli outbreak that left two dead and an estimated 500 people sick has been traced to a large producer of ground beef that stopped testing its ingredients years ago under pressure from beef suppliers.

## **EPA Sponsored BPA Study Finds No Adverse Effect on Rat Reproduction or Behavior**

In a study that was sponsored by the U.S. Environmental Protection Agency and published in the November issue of *Toxicological Sciences Journal*, scientists found that [Bisphenol A \(BPA\) had no adverse effects on the reproductive function or behavior of rats.](#)

## **Pork Industry Feeling the Pinch of So-Called “Swine Flu”**

H1N1 was initially called “swine flu” because it had genes from flu viruses found in swine. However, the initial naming of the virus created a public perception that pork products might be dangerous, even though the disease cannot be contracted by consuming pork. [USA Today](#) reports that the H1N1 virus has further depressed the pork industry as a result.

## **WHO Reports that Unsafe Food Causes More Deaths Than Originally Thought**

[Reuters](#) reports that new World Health Organization (WHO) data show that food-borne illness is responsible for many more deaths than originally thought. The research shows that unsafe food is responsible for an estimated 1.2 million deaths of individuals older than 5 each year in Africa and Southeast Asia. WHO’s original estimates were a third of this number for people worldwide.

## **FDA Approves Biofuels Crop as Supplement in Animal Feed**

The FDA has [approved camelina, an oilseed crop that can be used to make biodiesel, for use as a supplement in cattle feed.](#) Secondary uses of the crop may help to make the crop more profitable while its producers attempt to grow the market for camelina as a substitute for jet fuel or diesel.

## **Consumer Advocates Concerned About Outbreak Data Release and Traceability**

*Inside Health Policy* (*subscription required*) reports that two important food safety issues are drawing much attention and concern from consumer advocates and stakeholders. Consumer advocates believe that the [joint effort between USDA and FDA to improve tracing systems for contaminated food will be too much for the two agencies to tackle together](#) and will slow progress on the issue. Additionally, [industry and consumer advocates are heatedly debating the appropriate timing of publicizing outbreak information](#) with industry wanting more time to ensure accuracy and consumer groups pressing for information earlier to help prevent illness.

## **Silver-Coated Crates Help Prevent Poultry Cross-Contamination**

[Food Production Daily](#) reports that crates that are coated with a new silver antimicrobial substance had less bacteria and could help prevent cross-contamination of *Campylobacter* bacteria, the most common cause of food poisoning in humans, during transport of poultry.

## **FSIS Updates New Technology Information Table**

The USDA Food Safety Inspection Service (FSIS) has updated its [New Technology Information Table](#) to include a low voltage electrochemical process that disinfects recycled cold brine and recycled chilled water streams by generating free chlorine that destroys bacteria and other pathogens and is applied on raw and ready-to-eat products.

## USDA News & Announcements

The USDA made several announcements this week: [USDA intends to purchase \\$82.6 million worth of pork, cherry, plum and apple products](#) for federal food nutrition assistance programs to assist industries during depressed market conditions. Secretary Tom Vilsack announced that [70 U.S. trade organizations received more than \\$234 million in 2009 to help promote American food and agricultural products overseas](#). USDA and the U.S. Department of Energy announced the projects that were selected to receive more than [\\$24 million in grants to research and develop technologies to produce biofuels, bioenergy and high-value biobased products](#). Finally, the USDA published information on [how to prepare a safe Thanksgiving dinner](#).

## FSIS Announces New Leadership Within its Policy Division

This week, the USDA Food Safety Inspection Service (FSIS) Office of Policy and Program Development announced four new division directors: Rosalyn Murphy-Jenkins in the Labeling and Program Delivery Division; Soumaya Tohamy in the Policy Analysis Division; Laura McKee in the Policy Development Division; and William Shaw in the Policy Operations Division.

## Recent Recalls

[GMP Herbal Products' Weight Loss Supplement Pai You Guo](#) due to undeclared ingredients (November 12, 2009).

[ConAgra Foods Blue Bonnet Spread \(limited\)](#) due to mispackaging/undeclared allergen (November 13, 2009).

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## *Regulatory Notices*

### FSIS Extends Comment Period for Proposed Rule on Interstate Shipment

USDA Food Safety and Inspection Service (FSIS) is extending the comment period for an additional 30 days for its [proposed rule to allow interstate shipment of meat and poultry products produced in selected state-inspected establishments](#).

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## *Upcoming Meetings*

### USDA Announces Workshops to Explore Competition and Regulatory Issues

The Department of Justice and USDA announced this week the dates and locations of [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.

### FDA and FSIS Announce Public Meeting on Product Tracing Systems

The [FDA and USDA Food Safety and Inspection Service \(FSIS\) have announced a public meeting](#) on December 9 and 10, 2009 from 9 a.m. to 5 p.m. regarding product tracing systems for food intended for humans and animals, specifically, mechanisms to enhance product tracing systems for food. The notice, including more information about the meeting, how to register, and how to make a request for oral presentation during time allotted for public comment, is available at <http://edocket.access.gpo.gov/2009/pdf/E9-26479.pdf>.

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## ***More Information***

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

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