



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

DEC 23 2011

Mr. Christopher Ely
Applegate Farms
750 Route 202 South, Suite 300
Bridgewater, NJ 08807

Dear Mr. Ely:

The Food Safety and Inspection Service (FSIS) has received the petition dated November 3, 2011, that you submitted on behalf of Applegate Farms. The petition requests that FSIS amend the chart of approved substances in 9 CFR 424.21(6)(c) or in FSIS Directive 7120.1, "Safe and Suitable Ingredients Used in the Production of Meat, Poultry, and Egg Products," to add curing agents made from vegetables and other natural curing substances to the list of approved curing agents. The petition defines natural curing substances as "any organic matter that has been grown for human consumption, such as fruits and vegetables that naturally contain nitrates or nitrites." The petition states that if FSIS were to make the requested change, any product produced using a natural cure would no longer be subject to the labeling requirements in 9 CFR 317.17.

As noted in the petition, under 9 CFR 317.17, the labels of meat products that contain ingredients identified as natural curing substances in the petition must include the term "uncured" as part of the product name, and they are also required to state that no nitrates or nitrites were added. According to the petition, these statements may be misleading to consumers because they imply that these products do not contain nitrates or nitrites when the ingredients added to naturally cured products do, in fact, contain naturally occurring nitrates or nitrites. The petition asserts that the requested action is needed to prevent consumer confusion.

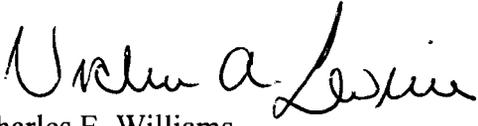
Your request is being considered as a rulemaking petition under the Administrative Procedure Act (5 U.S.C. 553(e)), USDA's administrative regulations (7 CFR 1.28), and FSIS's regulations on petitions (9 CFR part 392). Your petition has been referred to the Office of Policy and Program Development for review and has been assigned petition number 11-12. As provided in 9 CFR 392.6, your petition will be made available to the public in the FSIS docket room and will be posted on the FSIS Website at: http://www.fsis.usda.gov/regulations_&_policies/Petitions/index.asp

Mr. Ely

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You may contact Mary Porretta, Petitions Manager, Policy Issuances Division, at (202) 720-5627 if you have any questions regarding the status of your petition.

Sincerely,


for Charles E. Williams
Acting Director
Policy Issuances Division
Office of Policy and Program Development