



ADEPT SOLUTIONS
Specialty Ingredients & Technical Services
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Attention Of: F.S.I.S. Docket Clerk
Docket #95-051P
United State Department Of Agriculture,
Food Safety and Inspection Service
Room 102
Cotton Annex
300 12th Street, SW
Washington, D.C., 20250, USA
Sent Via Certified Mail - Return Receipt Requested

95-051P
95-051P-1
Russ Bianchi

Dear F.S. I. S & F. D.A:

Per your announcement for a proposed joint rule to establish a set of general principles for evaluating whether to revise, eliminate, or create new standards of identity for food or ingredients of food, to ensure food standards for consumers and such food's basic nature, we are writing to inform you of several false, deceptive, misleading, non-compliant with CFR and criminally fraudulent label attempts to confuse or harm consumers, in the current US market place.

We have provided, attached, with this letter, documentation on these violations and ask the FDA, USDA and FSIS to take immediate and decisive action to STOP these false, deceptive, misleading, non-compliant with CFR and criminally fraudulent label attempts that are confusing or harming consumers, in the current US market ~~place~~.

Example #1: 'Agave nectar and/or syrup' being mislabeled, to hide the basic nature ~~that~~ it is chemically refined hydrolyzed HIGH FRUCTOSE inulin syrup, from non GRAS botanical sources, that are claimed to be blue agave, or other species varieties of agave, but in point of fact there is little or any hard evidence to back this up, since blue agave is currently in a 12 year world wide shortage; for even traditional mescal and tequila distilling, and all manufacturers in Mexico originally claimed it to be from 'blue agave' (which include Nektli, Ildea and Colibree, as well as Glory Bee Foods in Eugene, Oregon, no longer do – so what is the supposed safe source?).

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A criminal investigation, by the Office of Criminal Investigations of the FDA, based in San Clemente, CA, several years ago, lead to the eventual bankruptcy of a larger west coast industrial sweetener distributor of 'agave', Western Commerce, for false representations on this sweetener ingredient. Producers, sellers, promoters and distributors of 'agave', primarily in the natural health food industry and nutritional supplementation industry (trying to avoid FDA and USDA label scrutiny) are back promoting the falsely labeled product, with the clear intent of deceiving American consumers of it's all natural and healthy benefit, when in point of fact it is refined fructose from an unknown, potentially metabolically dangerous source in humans (see data attached).

The FDA Undersecretary, in May of 2000, for labeling enforcement, advised an expert in the US Food Chemical Codex (see attached letter) that 'agave' labeling was indeed deceptive and false.

Example #2: Conjunctive with the false labeling of 'agave', a current trend is occurring in the US food and beverage industry to label hydrolyzed high fructose inulin, from any source, merely as 'inulin' or 'chicory root extract and/or syrup' to again hide the basic nature of the sweetener from a refined fructose source.

Example #3: Per the same letter cited from the FDA in example #1, a very large sector of main stream food and beverage industry, as well as the natural health food industry and the nutritional supplement industry are mislabeling 'sugar' or 'organic sugar' as "evaporated cane or beet juice and/or nectar". Clearly, this is yet another intentional attempt to confuse and deceive American consumers that some how the product is not 'sugar' from cane or beet, or not sugar, and not metabolized as sugar, when in point of fact it is 'sugar'.

Example #4: 'Glucose-Fructose' is the latest false and deceptive label on Gatorade® brand produced and owned by Pepsico®. This labeling change occurred just prior to Gatorade®'s parent company, Quaker Oats, being sold to Pepsico®. This ingredient descriptor change was done to avoid the FACT that the product was being sweetened with 'High Fructose Corn Syrup' and/or 'Corn Syrup', the two compliant ingredient descriptors, per CFR.

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Example #5: The false labeling of 'fructose' to hide the fact that the manufacturer is using 'High Fructose Corn Syrup' or 'iso-glucose', the EU approve term for High Fructose Corn Syrup.

Example #6: Maltodextrin being falsely labeled as "glucose polymers" in direct violation of the CFR. Again, the intent here by producers and marketers is to confuse or deceive the American consumer.

Example #7: The continued marketing of 'maltitol' as all natural and GRAS, when it was denied a GRAS petition in 1994 from Towa Chemical of Japan, by the FDA for causing malignant tumors in animal ingestion studies at low to moderate dosage levels in a significant percentage of the ingesting laboratory animals.

We trust and expect the FDA and USDA and FSIS to take immediate and decisive action to prevent the current practices listed above, to better ensure American consumer safety.

Most respectfully submitted,



Russ Bianchi
CEO & Managing Director
ADEPT SOLUTIONS, INC.