



August 7, 2015

Food Safety and
Inspection Service

1400
Independence
Avenue, SW.
Washington, D.C.
20250

Mr. Robert Hibbert
K & L Gates LLP
1601 K Street, NW
Washington, DC 20006-1600

Dear Mr. Hibbert:

Bob

The Food Safety and Inspection Service (FSIS) has completed its review of the January 10, 2012, petition submitted by you on behalf of Preferred Meal Systems (establishments – Est. 1000/P 7521, Moosic, PA and Est. 6926/P6926, Berkley, IL) requesting that FSIS authorize a regulatory experiment in which the labels of the FSIS-regulated component of Preferred Meal System' products would be generically approved if all labeling materials associated with such products would otherwise qualify for generic approval except for the claim that the product is acceptable for use in USDA-monitored child nutrition programs.

On June 27, 2012, FSIS granted K & L Gates on behalf of Preferred Meal Systems a waiver of regulations in Title 9 of the Code of Federal Regulations (CFR) 317.4, 317.5, 381.132, and 381.133 pursuant under 9 CFR 303.1(h) and 381.3(b). On January 6, 2014, the final rule entitled, "Prior Label Approval System: Generic Label Approval" (78 FR 66826) became effective. The final rule amended Federal regulations to expand the circumstances in which FSIS will generically approve labels of meat and poultry products. 9 CFR sections 317.4, 317.5, 381.132, and 381.133, have been deleted and replaced by the new prior label approval and generic label approval regulations in 9 CFR 412.1 and 412.2. The new regulations provided for the generic label approval of labels that were previously only eligible for generic approval under the 2012 waiver. Because the waiver was no longer needed once the final rule became effective, FSIS revoked the waiver on January 23, 2014.

FSIS has concluded that your request involving AMS and FSIS that would permit AMS to independently review and approve labels that have Child Nutrition (CN) related claims for meals without prior approval from FSIS of the meal products is no longer needed. Therefore FSIS has closed your petition.

In accordance with our regulations, we have posted your petition to the FSIS Website. We intend to post this response as well. If you have any further questions or concerns,

Mr. Robert Hibbert

August 7, 2015

please contact Ms. Rosalyn Murphy-Jenkins at (301) 504-0878 or email her at Rosalyn.Murphy-Jenkins@fsis.usda.gov.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Engeljohn". The signature is written in dark ink and is positioned above the typed name.

Daniel L. Engeljohn, PhD
Assistant Administrator
Office of Policy and Program Development
Suite 350-E JWB
FSIS, USDA