



August 28, 2006

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

**Re: Program Priorities in the Center for Food Safety and Applied Nutrition;
Request for Comments (Docket No. 1998N-0359)**

Dear Sir or Madam:

Thank you for the opportunity to submit these comments on behalf of the National Yogurt Association (“NYA”). NYA is the national nonprofit trade association representing the manufacturers and marketers of live and active culture yogurt products as well as suppliers to the yogurt industry. NYA sponsors scientific research regarding the health benefits associated with the consumption of live and active culture yogurt and serves as an information resource for the American public about these attributes.

NYA is pleased to respond to the request for comments regarding the establishment of program priorities for the Center for Food Safety and Applied Nutrition (“CFSAN”) for fiscal year 2007.¹ NYA believes that CFSAN’s “A” List priorities for FY 2007 should include completion of a proposed rule based on data and comments received from the July 3, 2003, Advanced Notice of Proposed Rulemaking for Milk and Cream Products and Yogurt Products; Petition to Revoke Standards for Lowfat Yogurt and Nonfat Yogurt and to Amend Standards for Yogurt and Cultured Milk (hereinafter referred to as the “ANPR”). This ANPR announced the Citizen Petition filed by NYA on February 18, 2000 (Docket No. 00P-0685) and requested comments.²

NYA appreciates FDA’s continued attention to this issue, particularly given significant demands and available resources. However, completion of a proposed rule would prevent further delay in resolving the issues associated with the yogurt standards that have existed for over twenty years. NYA’s research suggests consumers expect yogurt to contain live and

¹ 71 Fed. Reg. 37083 (June 29, 2006)


² 68 Fed. Reg. 39873 (July 3, 2003)



active cultures, which science credits for potential intestinal tract benefits, help with lactose intolerance and more. With the popularity of yogurt on the rise, NYA anticipates the need to ensure new and exciting products marketed as “yogurt” live up to consumers’ expectations.

Therefore, NYA respectfully requests that CFSAN include on its “A” List priorities for FY 2007 the publication of a proposed rule based on the ANPR. If we may be of assistance or if additional information is required, please do not hesitate to contact us.

Respectfully submitted,


Leslie G. Sarasin, Esq., CAE
President
National Yogurt Association