

November 25, 2018

Stephen Ostroff, M.D.
Deputy Commissioner for Foods and Veterinary Medicine
Food and Drug Administration
10903 New Hampshire Ave
White Oak Building 1
Silver Spring, MD 20993

Susan T. Mayne, Ph.D.
Director
Center for Food Safety and Applied Nutrition
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740

Dear Dr. Ostroff and Dr. Mayne,

The companies that are signatories to this letter sincerely appreciate FDA's collaborative efforts to find a way to move beyond the public advisory cautioning against any consumption of romaine lettuce due to an outbreak of *E. coli* O157:H7. As we have discussed over the last several days, there are romaine growing regions that could not have produced the contaminated lettuce that triggered this advisory. We share FDA's goal of finding a way to communicate to consumers which lettuce is unaffected by the outbreak. Accordingly, we are each committing to make changes to our labeling to identify the growing region(s) from which the romaine lettuce in our products was harvested and the approximate harvest date.

Specifically, we assure FDA that, effective immediately and going forward hereafter, our romaine lettuce products will bear a statement on the consumer package label or in labeling provided to a commercial customer substantially similar to the following:

- "Romaine grown in [source] and harvested after [date]."

For example, product from one region could be labeled "Romaine grown in Yuma and harvested after 11/23/18" and product from two regions could be labeled "Romaine grown in Yuma and Florida and harvested after 11/23/18." Our labeling will be as accurate as possible, but could include the use of an "and/or" declaration if there's a real potential for romaine from multiple origins to be in the product (e.g., "Romaine grown in Yuma and/or Florida and harvested after 11/23/18"). Slight variations in wording (e.g., abbreviating "Florida" to "FL") also may be used if needed due to packaging restrictions.

The "harvested after" date will be no earlier than November 23, 2018. Going forward, the date will be modified regularly to reflect the approximate date of the harvest. Some companies may elect to label with a "harvested on" date when that makes more sense for their operation (e.g., for field-packed romaine).

The labeling will be provided as follows:

- For packaged consumer food (including whole romaine heads sold in bags or sleeves), the declaration will be printed adjacent to the best by/code date on the package label or on a sticker placed in a prominent area. It will be at least the same size as the lot code.
- For foodservice products, the declaration will be made in a consistent manner to how the best by/code date information currently is provided for the product.
- For unpackaged products, this information will be provided to retailers so that they can display it at the point-of-sale (similar to their practice for country of origin labeling).

This labeling is a significant change and may not be easy to implement, but we are committing to using it immediately because we recognize its importance. We hope to continue to work collaboratively with FDA to refine the details of the execution as we all gain experience with this labeling and gain insights on consumer understanding. We are optimistic that the joint industry/agency task force being developed will be helpful in this respect.

We very much appreciate FDA's commitment, in cooperation with the Centers for Disease Control and Prevention (CDC), to educate consumers about this new labeling and to communicate which growing regions are unaffected by the current outbreak. The regions from which we currently are sourcing that are unaffected by the outbreak are Yuma, Imperial Valley, Florida, Central Mexico, and Northern Mexico. We understand FDA has identified other growing regions that also could be outside of the scope of the outbreak, which could be covered in FDA's public communications.

Our goal is that this new labeling disclosure will allow FDA, in the future, to tailor public advisories to romaine lettuce grown in specific region(s) and harvested between specific dates. We share FDA's commitment to protect consumers and believe that such tailored advisories will accomplish that public health objective.

We also want to acknowledge the strong support we have received from the United Fresh Produce Association and the Produce Marketing Association on this initiative. We appreciate their leadership in organizing the new task force.

Thank you for working with us to reach a resolution on this important issue so quickly, especially over the holiday weekend. We believe this is an excellent example of government and industry working together to protect public health.

Sincerely,



John Olivo
President
Fresh Express



Brian Church
CEO
Church Brothers/True Leaf Farms



Michael H. Solomon
President
Dole Fresh Vegetables, Inc.



Deverl Maserang
President & CEO
Earthbound Farm Organic



Tal Shoshan
CEO
FiveStar Gourmet Foods-Simply Fresh



Bruce Taylor
CEO
Taylor Farms