



JAN 28 2003

Mr. Peter McRostie  
General Manager  
Recipet/Typack  
Camino Santa Margarita 01501  
CP 785 0499  
San Bernardo, Santiago  
CHILE

Dear Mr. McRostie:

This responds to your inquiry of December 2, 2002, on behalf of Recipet and Typack, requesting a letter of "non-objection" for the use of post-consumer recycled (PCR) polyethylene terephthalate (PET) to fabricate containers (i.e., clamshells, trays and baskets) used to hold fresh fruit and vegetables. The packaged fruit and vegetables will be held at room temperature and below for a period ranging from a few days to several weeks. The source of the PCR-PET will be limited to reusable PET soda and juice bottles which have been collected through bottle deposit systems and those obtained from curbside collection programs. Your submission describes the collection, washing, extrusion and thermoforming procedures used to produce the PCR-PET. Your submission also indicates that the PCR-PET will not be blended with virgin PET nor will any adjuvants be added during the production of the finished recycled resin.

We have completed our review and have concluded that there is little or no likelihood that components of the PCR-PET will migrate to the fruits and vegetables at other than insignificant levels. In addition, because the fruits and vegetables will typically be washed before being consumed, we believe little or no components of the PCR-PET packaging will remain on the fruits and vegetables at the time of consumption.

Based on the information you have provided regarding your recycling process, we have concluded that PCR-PET, processed in the manner described in your December 2, 2003 submission, is of a purity suitable for the manufacture of containers used to hold fresh fruit and vegetables at room temperature and below and will not be required to be the

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subject of a food additive listing regulation, an effective food-contact substance notification or a threshold of regulation exemption.

Although we have concluded that your PCR-PET is suitable for the intended use, you should be aware that we are developing a formal policy on the use of post-consumer recycled plastics in contact with food. Thus, the decision set forth in this letter may need to be modified due to future deliberations on this manner.

If you have any further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

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

Julius Smith  
Consumer Safety Officer  
Division of Food Contact Substance  
Notification Review, HFS-275  
Center for Food Safety  
and Applied Nutrition