



APR 16 2021

Daniel Fabricant, Ph.D.
President & CEO
Natural Products Association
440 1st St. NW, Suite 520
Washington, D.C. 20001

Re: Docket Number FDA-2020-P-2134

Dear Dr. Fabricant:

This letter is in response to your citizen petition (FDA-2020-P-2134) received on October 26, 2020, in which you requested that the Food and Drug Administration:

- Revise the Nutrition Facts regulations to address the discrepancy between 21 CFR 101.36(b)(2) and 21 CFR 101.9 pertaining to providing caloric values for branched chain amino acids (BCAAs) on supplement labels.
- While the Agency works to make this revision, that an enforcement discretion policy be issued to allow for dietary supplement labels to include BCAAs without specifying caloric values for those ingredients.

In accordance with Title 21 of the *Code of Federal Regulations*, section CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt because of other agency priorities and the limited availability of resources. When we complete our review of your petition, we will notify you of our decision.

Please let us know if you have any questions.

Sincerely,

Claudine Kavanaugh, Ph.D, MPH, RD
Director
Office of Nutrition
and Food Labeling
Center for Food Safety
and Applied Nutrition