

VIA ELECTRONIC FILING

May 23, 2024

Division of Dockets Management
U.S. Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. FDA-2022-P-1668 – Citizen Petition Supplemental Materials

To Whom It May Concern:

The Florida Citrus Processors Association and Florida Citrus Mutual submit these supplemental materials to our above referenced citizen petition. We appreciate this opportunity to share updated information on the Brix average from the most recent orange season and to submit findings from a recent study demonstrating consumer acceptance of pasteurized orange juice (POJ) with a lower Brix content of 10.0°. As the average Brix level for seasonal orange crops continues to remain at lower levels, we urge FDA to take swift action to promulgate regulations amending the standard of identity for POJ to reduce the minimum Brix level.

We have enclosed updated Brix data from the Florida Department of Agriculture & Consumer Services.¹ When we submitted our citizen petition in July 2022, the average Brix for the 2021-22 season was 10.0°. As detailed in the updated data, the average Brix continued to fall in the 2022-23 season, with an average Brix of 9.7° due to tree stress caused by weather and disease pressures.² Average Brix data from the 2023-24 season is not yet available, but we anticipate similar Brix levels to the 2022-23 season. Experts do not expect the average Brix level to return to previous averages without relief from citrus greening.

We have also enclosed an industry-supported consumer taste study, which was conducted in November 2023.³ The study sample consisted of consumers from Georgia who consume not-from-concentrate orange juice (i.e., POJ) on a weekly basis. In other words, these are consumers familiar with POJ. The study, using a double-trial triangle test design, tested if there was a discernable difference between POJ with 10.5° Brix and 10.0° Brix. As detailed further in the enclosed materials, 90% of the study participants did not correctly identify the different samples, leading to the conclusion that the 10.0° Brix POJ sample was not discernibly different in taste from the 10.5° Brix POJ sample. These findings strongly suggest that 10.0° Brix POJ would

¹ Florida Department of Agriculture and Consumer Services, Brix Data for 2022-2023 Citrus Season (Appendix 1); Florida Orange Brix Data Chart (2006-2023 Seasons) (Appendix 2).

² See, e.g., USDA, Citrus Greening (Apr. 24, 2024) (“Citrus greening, also called Huanglongbing (HLB), is a bacterial infection of citrus plants. It is one of the most serious citrus diseases in the world. Once infected, most trees die within a few years. There is no cure.”), <https://www.aphis.usda.gov/plant-pests-diseases/citrus-diseases/citrus-greening>; see also Associated Press, USDA: Florida Orange Crop Down 36% After Twin Hurricanes (Dec. 9, 2022), <https://apnews.com/article/business-florida-agriculture-us-department-of-climate-and-environment-4531a1946a76c40cd145dde28cc15735>.

³ Orange Juice Brix Reduction Study (Nov. 2023) (Appendix 3).

be consistent with consumer expectations for POJ, as the vast majority of consumers would not find the lower Brix POJ to taste less sweet or have less of an orange flavor.

These supplemental materials highlight the sustained trend of lower average seasonal Brix levels and support the proposed 10.0° minimum Brix level as consistent with consumer expectations for POJ. We continue to believe that urgent and targeted FDA action is required on the POJ standard.

* * *

The Florida Citrus Processors Association and Florida Citrus Mutual appreciate FDA's consideration of our citizen petition and supplemental materials. We look forward to continued engagement with the agency on the POJ standard of identity and welcome any follow-up inquiries from FDA. Please contact Nathan Brown at Akin Gump Strauss Hauer & Feld (nabrown@akingump.com or 202-887-4245) with any questions or requests for additional information.

Respectfully Submitted,

**FLORIDA CITRUS PROCESSORS
ASSOCIATION INC.**

FLORIDA CITRUS MUTUAL INC.

cc: Claudine Kavanaugh, Director, Office of Nutrition and Food Labeling

LIST OF APPENDICES

Supplemental Appendix 1	Florida Department of Agriculture and Consumer Services, Brix Data for 2022-2023 Season
Supplemental Appendix 2	Florida Orange Brix Data Chart (2006-2023 Seasons)
Supplemental Appendix 3	Orange Juice Brix Reduction Study (Nov. 2023)