



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration  
College Park, MD 20740

November 3, 2006

John W. Kidder  
Monterey Mushrooms Inc.  
260 Westgate Drive  
Watsonville, California 95076

Re: Docket No. 2006P-0096/CP1

Dear Mr. Kidder:

This letter is in response to the citizen petition you submitted, dated May 4, 2006, which among other things, requests FDA recognition that proprietary and patent pending technology for packaging fresh mushrooms described in the petition is outside of the scope of previous FDA rulings on the use of PVC wrapped tills for packaging fresh mushrooms.

The purpose of this response is to advise you, in accordance with 21 CFR 10.30(e), that we have not been able to reach a decision on your petition within 180 days of the filing of the petition because of the limited availability of resources and other agency priorities.

Sincerely yours,

Nega Beru, Ph.D.  
Director  
Office of Plant and Dairy Foods

2006P-0096

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