



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration  
Rockville MD 20857

March 18, 2011

**FILE COPY**

Anthony L. Young  
Kleinfeld, Kaplan and Becker, LLP  
1140 Nineteenth Street, N.W.  
Washington, DC 20036-6601

Re: Docket Nos. FDA-2000-P-0102, FDA-2000-P-0133,  
and FDA-2006-P-0033, NPR, December 8, 2010

Dear Mr. Young:

Your petition to the Food and Drug Administration submitted on behalf of Botanical Laboratories, Inc., requesting to stay the February 18, 2011 decision to discontinue enforcement discretion as of February 21, 2012 for those dietary supplements containing free phytosterols in liquid form, pending the agency's issuance of a final rule, was received by this office on 3/18/2011. It was assigned docket number FDA-2006-P-0033/PSA, and it was filed on 3/18/2011. Please refer to this docket number in future correspondence on this subject with the Agency.

Please note that the acceptance of the petition for filing is a procedural matter in that it in no way reflects an agency decision on the substantive merits of the petition.

Sincerely,

A handwritten signature in cursive script, reading "Gloria Ortega", is positioned above the typed name.

Gloria Ortega  
Division of Dockets Management  
Office of Public Information and Library Services  
Office of Shared Services  
Office of Management