

SEP -3 1991

Mr. Frank I. Harvey
Larkin, Hoffman, Daly & Lindgren, Ltd.
Attorneys at Law
1500 Northwestern Financial Center
7900 Xerxes Avenue South
Bloomington, MN 55431

Dear Mr. Harvey:

This responds to your letter of July 3, 1991, and telephone conversation with Mr. Richard White on July 11, 1991, concerning the use of post-consumer recycled polyethylene terephthalate (PET) to fabricate produce trays for packaging fresh fruits and vegetables. The trays are constructed from recycled polyethylene terephthalate soda bottles obtained from recycling plants.

You confirmed in your telephone conversation that recyclable PET used to make fruit and vegetable trays is collected and processed the same way as PET used to make the fruit and vegetable baskets which FDA approved in a letter dated April 24, 1991. You further stated that the only difference between the baskets and the trays is the physical shape of the package. Because the methods of processing recyclable PET, and the conditions and intended use of the recycled PET described in your letters of October 13, and December 11, 1990, have not changed, we do not object to your use of trays fabricated from recycled PET as described in your letter of July 3, 1991, for packaging fresh fruits and vegetables held at room temperature or below. Any additional uses would require further evaluation of potential consumer exposure to any contaminants that may be in the recycled resin.

Sincerely yours,

/s/

Alan M. Rulis, Ph.D.
Director
Division of Food and Color Additives
Center for Food Safety
and Applied Nutrition