



AIM PACKAGING, INC.

Erie Industrial Park, P.O. Box 278, Port Clinton, Ohio 43452 Phone: 419/635-2144

September 6, 1977

The Honorable Donald Kennedy
Commissioner of Food and Drugs
Food and Drug Administration
Parklawn Building, Room 14-81
5600 Fishers Lane
Rockville, Maryland 20857

Dear Dr. Kennedy:

Eight years ago I founded a company that produces plastic bottles, primarily of PVC, and I feel like I have been through a wringer. I am writing to you, hoping against all odds that my comments will be weighed as a part of your decision concerning the acrylonitrile beverage container matter because obviously, an FDA position taken in that instance can be presumed to apply to other packaging materials.

I have read the arguments on both sides of this issue... the administrative judge's decision, the exceptions to the administrative judge's decision, and now the exceptions to the exceptions and it is really quite disturbing.

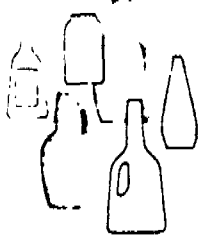
This is not prosecution of an issue of great importance to mankind -- this is persecution of an improved product. If the situation were reversed, the FDA could not possibly approve a glass or metal package from a standpoint of the Delaney Clause, safety of the package use, the impact statements required, etc.

You know and many of the people within your agency know that nothing could pass the tests required of this bottle in question. Indeed, probably a few things in the basic food supply, additives and packaging notwithstanding, could pass the test if required. (Please see the attached article entitled, "Low-Fiber, High-Fat Diets Tied to Cancer" from the Detroit Free Press, Friday, September 2, 1977).

The actions and inactions of the FDA enforcing and not enforcing the Delaney Amendment amount to a little more than the exertion of power to select which package it likes! Your agency has nearly killed my business over the last five years and we must have relief from this harassment.

For fairness' sake, Dr. Kennedy, if what is wanted is a new law to replace the "Delaney Clause," then have the courage and the integrity to ask for it. The Ashley Bill, H. R. 6979 introduced by Congressman Thomas Ludlow Ashley, would give more than is needed to protect the public health...if that remains the objective of the FDA.

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The Honorable Donald Kennedy

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I am giving President Carter and Secretary Califano a copy of this letter, with the hope they will respond and assist. It certainly would be consistent with the promises to reduce the publics' and businesses' burden of stifling bureaucracy. We are drowning in regulations or interpretation of regulations that do no one any good and do great violence to some of us in particular.

I fervently hope you will see the screwed up logic and twisting of facts by the administrative judge, Daniel Davidson, in this matter of acrylonitrile bottles for Coca-Cola and either rule in favor of Monsanto or admit the Delaney Clause is an anachronism that should be changed and that you would support such change.

Thank you for considering the above.

Sincerely yours,

AIM PACKAGING, INC.

Frank M. Harris,
President

cc: President Jimmy Carter
Secretary Joseph Califano
Senator John Glenn
Congressman Delbert L. Latta
Congressman Thomas L. Ashley
Congressman Paul G. Rogers

Enclosures

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cc: J. Heckman

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