

04/05/00

Rosalyn Murphy,
Labeling Review Branch, USDA

Dear Rosalyn,

Regarding your voicemail, the questions you posed about our Cordon Bleu vs. the standard in the S&L Policy Book - well, they are good ones. The temp. applications we sent you are entirely accurate. The meatblock % as a % of the finished product is, in fact, 60.3622% for these portions and includes marination and skin (<18% of the chicken part).

In the absence of marination and/or skin/fat, such a product dries out during baking, rendering the product unappealing to the palate (bake times are approximately 30 minutes). In ~1994?, marination was introduced to all of our Cordon Bleu items. While only some of our Cordon Bleu SKU's contain skin, all of them contain marination.

We postulate that there may be some ambiguity in the S&L book that has been responsible for the variable enforcement of the standard through the years. As I'm sure you have noted, the standard allows for breading Cordon Bleu up to 30%. Such a product [humor me] will stack up as follows if the standard is followed:

30% Batter Breading (maximum)
5% Ham/Canadian Style Bacon (minimum).
60% Chicken breast meat (minimum)
5% Cheese?????

A product produced like this, while meeting the technical standard, would probably disappoint the average consumer acquainted with products of this genre, that is to say, we feel that 5 % cheese is rather stingy. We have postulated that, perhaps, the meat % is only appropriate / applicable on an unbreaded basis, and possibly this is what the editor of the book was thinking when he/she came up with 60% chicken meat (60% chicken/40% filling).

Our Cordon Bleu products are very typical of those currently in the market-place. Very few of our competitors produce the product without marination. The ones that do include it use "up to 8%" as we do. The filling % in our products is about 16-22%. The filling portion is, incidentally, more expensive than the chicken portion of our product.

Concerning both the marination and the skin issue, it can be argued that many, if not most, of our products do not comply with the part of the standard you pointed out. Nonetheless, we do have a generous history of prior approvals, suggesting that LRB may have encountered problems with the standard and dismissed it through the years. It is also interesting to note that there is at least one chicken supplier, McFarland Foods (Riverbank, Calif), that markets a product labeled "ground white chicken breast meat" which contains 5-25% fat. We do not use an ingredient like this, but one must wonder about our competitors. On our label, our qualifying statements clearly state "boneless chicken breast", not "boneless skinless chicken breast." Our applications have consistently supported this. Similarly, the presence of marination has not been hidden - it is at the firstmost part of our Cordon Bleu sequences.

Our market is well established now and our product is comparable to others in the marketplace. Our competitors use very similar labeling. Our solid history/library of prior label approvals suggests that the standard above has not been enforced uniformly. For better or for worse, our products (as well as those of our competitors) have now become the expected standard.

We feel that if LRB were to begin enforcing what appears to be an obsolete standard, undue economic hardship for manufacturers will result (in terms new or uncomplimentary labeling). Worse, consumer products will be created that fall short of expectations.

We anxiously await your feedback concerning our applications for temporary approval as well as feedback concerning the regulatory status of our Chicken Breast Cordon Bleu line in general.

Sincerely,

Dorothy Clemmer,
Labeling Administrator, Regulatory Compliance