



United States  
Department of  
Agriculture

OCT 01 2008

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

Andrew Jaffe  
Brand Manager  
IZZE Beverage Co.  
2990 Center Green Court South  
Boulder, CO 80301

Dear Mr. Jaffe:

We have received your letter requesting an exemption of IZZE Sparkling Blackberry, IZZE Sparkling Clementine, IZZE Sparkling Pomegranate, IZZE Sparkling Grapefruit and IZZE Sparkling Apple from the "foods of minimal nutritional value" regulation as defined in 7 CFR Part 210.11 (a)(2) and Part 220.2 (i-1). Currently, IZZE Sparkling Blackberry, IZZE Sparkling Clementine, IZZE Sparkling Grapefruit and IZZE Sparkling Apple have exemptions from this regulation. It is our understanding that these flavors are being resubmitted to replace your existing exempted ingredient statements for these products.

The changes made to the ingredient statements for your previously exempted products do not affect the nutritional status of the products. Therefore, the laboratory nutritional analysis submitted for all five products contains all the data required to determine whether or not these products are foods of minimal nutritional value. In addition, you have indicated that no discrete nutrients were added to these products before the nutrition testing occurred.

Both "per serving" and "per 100 calories" nutrient analysis shows that one nutrient (Vitamin C) is greater than 5% of the Reference Daily Intake (RDI). Therefore, these products are exempt from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

The Department of Agriculture does not prohibit the sale of these products in a school food service area during meal periods. State agencies and school food authorities maintain the final right to restrict such sales. If there are any changes to the formulation that would affect the ingredient statement or Vitamin C content, these products must be resubmitted for exemption.

A memo will be sent to our regions adding the above products to the "Exemptions Under Competitive Foods Regulation" list. If there are additional questions please contact my staff at (703) 305-2609.

Sincerely,



CYNTHIA LONG  
Director  
Child Nutrition Division