

Nestlé USA



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BRAD ALFORD  
CHAIRMAN AND  
CHIEF EXECUTIVE OFFICER

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May 22, 2008

The Honorable John D. Dingell  
Chairman  
House Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Bart T. Stupak  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Re: Initial Response to May 8, 2008 Letter

Dear Chairman Dingell and Chairman Stupak:

This responds to your letter of May 8, 2008 in which you requested certain information relating to the safety of food sold in the United States.

At the outset, I want to assure you on behalf of Nestlé in the United States that we take your inquiry seriously, and that we will cooperate fully with the Committee. For Nestlé USA and its affiliated companies in the United States, consumer confidence and trust in our brands are critical to our business. We are committed to providing consumers with products of the highest quality and that comply with applicable laws and regulations.

I am responding on behalf of the following Nestlé companies that currently distribute food products in the United States:

- Nestlé USA, Inc.<sup>1</sup> and Nestlé Prepared Foods Company<sup>2</sup> and its wholly owned subsidiary Dreyer's Grand Ice Cream, Inc. ("Nestlé USA");

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<sup>1</sup> Nestlé USA, Inc. includes the following business divisions: Beverage, Confections, Baking, Nestlé Professional, Emerging Markets, and PowerBar.

<sup>2</sup> Nestlé Prepared Foods Company operates Nestlé's frozen and refrigerated businesses and includes acquisitions of Chef America, Inc. as of May 28, 2002, Dreyer's Grand Ice Cream, Inc. as of January 18, 2006, and Joseph's Pasta Company, LLC as of December 1, 2006.

- Nestlé Waters North America Inc.<sup>3</sup>, an affiliate of Nestlé USA;
- Nespresso USA, Inc., an affiliate of Nestlé USA; and
- Nestlé Nutrition USA, an affiliate of Nestlé USA that includes Jenny Craig, Inc.<sup>4</sup> and Nestlé HealthCare Nutrition, Inc. (formerly Novartis Nutrition Corporation).<sup>5</sup>

Please note that as of December 31, 2007, Nestlé HealthCare Nutrition, Inc. and Gerber Products Company, respectively, began operating Nestlé's medical nutrition and infant formula businesses in the United States. We have included information for Nestlé's medical nutrition and infant formula businesses in this response for the relevant time period because those businesses were operated by Nestlé USA from January 1, 2000 – December 31, 2007. Gerber Products Company, currently part of Nestlé Nutrition USA, also received a letter from the Committee and will be responding separately on behalf of its baby food business. Lastly, we have not included information from Nestlé Purina PetCare Company that operates Nestlé's pet food business in the United States because it is our understanding that pet food is outside the scope of the Committee's request.

This initial response provides information for the companies listed above that is responsive to Question 1 of your letter.

- 1. A list of all food recalls and food safety alerts issued by your company. For each recall or safety alert, please provide the date of the recall or alert, the product and brand affected, and the reason for the recall or alert. If the food was affected by microbial or chemical contamination, please identify the contaminant.***

Attached is a list of product recalls<sup>6</sup> from January 1, 2000 through May 8, 2008 conducted by the Nestlé companies noted above for food distributed in the United States.<sup>7</sup> Please note that for companies acquired by Nestlé since January 1, 2000, information is provided as of the date of acquisition. In addition, information relating to companies and facilities divested or closed since January 1, 2000 is not included.

As indicated in our request for an extension to respond which was agreed to by Committee senior investigative staff, we will provide information responsive to Questions 2-6 of the Committee's letter by no later than June 5, 2008 for domestic production and June 19, 2008 for international production. In advance of each of those dates, we will provide information on a rolling basis beginning May 29, 2008 for domestic production and June 12, 2008 for international production.

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<sup>3</sup> Nestlé Waters North America Inc. operates Nestlé's bottled water business.

<sup>4</sup> Jenny Craig, Inc. was acquired by Nestlé as of July 27, 2006.

<sup>5</sup> Novartis Nutrition Corporation acquired by Nestlé as of July 1, 2007.

<sup>6</sup> As defined in 21 CFR 7.3(g).

<sup>7</sup> "United States" means 50 states and District of Columbia.

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Should the Committee require clarification of information in this, or subsequent, submissions, please contact Louise Hilsen (202-756-2491) or Molly Fogarty (202-756-2489) in the Nestlé Washington office.

Sincerely,



Brad Alford  
Chairman & CEO

BA/lh

Enclosure

cc: The Honorable Joe Barton  
Ranking Member  
Committee on Energy and Commerce

The Honorable John M. Shimkus  
Ranking Member  
Subcommittee on Oversight and Investigations