

MARS

Incorporated

6885 Elm Street
McLean, VA 22101-3883
T+1 703 831 4900
F+1 703 448 9678

Via Hand Delivery

U.S. House of Representatives
Committee on Energy and Commerce
Attention: John D. Dingell, Chairman and
Bart Stupak, Chairman, Subcommittee on Oversight and Investigations
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

Re: Committee on Energy and Commerce Investigation of Nation's Food Supply

Dear Chairman Dingell and Chairman Stupak:

On behalf of Mars, Incorporated (Mars), I am responding to your letter of May 8, 2008 to Mr. Paul Michaels.

The safety and quality of the food products it produces and distributes are of paramount importance to Mars. The Company's facilities employ good manufacturing practices (GMP), and all adhere to hazard analysis critical control point (HACCP) principles. To verify that all such systems and controls are operating properly, appropriate testing is performed.

We respond to your questions in the same order as set forth in your letter. The responses below relate to products manufactured, processed, handled, or distributed for human consumption in the United States by the Company from January 1, 2000, to the present. We respectfully request that you not publicly disclose information contained in this response or its attachments. If disclosure of any information is contemplated, we respectfully request that you notify the undersigned prior to such disclosure.

Question #1: Food Recalls and Food Safety Alerts.

Except as follows, the Company has not issued any recalls or safety food alerts on or after January 1, 2000.

In March 2006, the Company conducted a recall of an Uncle Ben's® food service sauce product. A co-manufacturer mistakenly used labels from a different Uncle Ben's® sauce product on this product and, as a result, the ingredient list was incorrect and failed to declare an allergen, wheat. The shipping cartons were properly marked, but the individual product jugs were not. The products were only offered for sale in shipping cartons, the jugs were not individually offered for sale. The product was marketed for food service use only. All customers were notified of the issue. The FDA was not notified of the mislabeling because the product at issue was marketed for food service use only, all customers were notified of the

John D. Dingell, Chairman
Bart Stupak, Chairman
May 29, 2008
Page 2

labeling issue, the shipping cartons for the products were properly marked, and the label mix-up was apparent to customers.

In addition, in August 2004, Mars voluntarily withdrew from the U.S. market the following salt-based Mexican seasoning products sold under the Lucas® brand: Limon, Limon con Chile, Acidito and Superlucas. This withdrawal followed discussions with the California Department of Health Services, Food and Drug Branch, regarding the presence of lead in such products. The Company also ceased shipping these products into the U.S., notified FDA of the withdrawal and related activity and, in late 2004, ceased all production of these products. These products were salt-based seasonings, not confections, and therefore the Company believes that they were not subject to the FDA confectionery compliance guideline in effect at that time. In addition, based on data available to the Company, it believes that those products were safe for consumption as intended.

In conducting the voluntary withdrawal, the Company made substantial efforts to retrieve the products at the distributor and retail level. Following the withdrawal, and notwithstanding having stopped production in 2004, regulators in California, Illinois, Chicago, Milwaukee, Washington, D.C., and Las Vegas, through 2007, found small amounts of old product that exceeded the FDA guidance limits for lead in candy. In each instance, once notified, the Company took action in the marketplace to retrieve remaining product.

Question #2: Internal Microbiological Testing.

We identify in Attachment No. 1 the instances on or after January 1, 2000, when internal product microbiological testing was found to be positive for *E. coli* O157:H7, *Salmonella*, *Cyclospora cayetanensis*, *Cryptosporidium*, hepatitis A, *Clostridium botulinum*, or *Listeria monocytogenes* in excess of the highest limit acceptable to the FDA or any State regulatory authority. (There are no acceptable FDA or state limits for these micro-organisms.) In all cases, product was placed on hold while testing was performed and subsequently destroyed while in the Company's control.

Question #3: Internal Chemical Contaminant Testing.

Except as provided in response to Question 4 below, there were no instances on or after January 1, 2000 of product found positive for the presence of a chemical contaminant at levels in excess of the highest limits acceptable to FDA or any State regulatory authority.

John D. Dingell, Chairman
Bart Stupak, Chairman
May 29, 2008
Page 3

Question #4: Imported Products.

Attachment 2 lists instances where internal or outside laboratory testing for products imported into the United States for processing or handling by the Company were found to be positive for either a microbiological or chemical contaminant (as identified by Questions 2 and 3) in excess of FDA or state regulatory limits.

Question # 5: FDA Notifications.

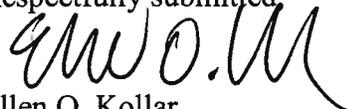
Please see response to Question 1 and Attachments 1 and 2.

Question #6: FDA or State Denial of Entry to Company Facilities or to Testing Records.

Mars is not aware of any instance where FDA or any state food regulatory authority or agency has been denied access to a Mars facility. It is Company policy to cooperate with investigations in compliance with the Federal Food, Drug, and Cosmetic Act and similar state laws. However, per Mars policy, government inspectors may be asked to put requests for records in writing so that they may be reviewed by appropriate Company personnel. On occasion, the Company may also ask that requests for records or other information be more specific or be clarified. To the best of its knowledge, Mars has not denied access to either chemical or microbiological testing records when requested by FDA or state food regulatory authorities.

We trust that we have adequately responded to your questions. Should you require any further information, please contact me.

Respectfully submitted,



Ellen O. Kollar
General Counsel, North America
Mars, Incorporated

cc: Congressman Joe Barton
Congressman John Shimkus