December 5, 2005

Andrew von Eschenbach, M.D., Ph.D.
Acting Commissioner
U.S. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

RE: FDA SHOULD URGE STATES TO ADOPT A POINT-OF-SALE ADVISORY ON SEAFOOD CONTAINING MERCURY

Dear Acting Commissioner von Eschenbach:

Many health-conscious Americans consume seafood regularly as part of a balanced diet. However, children born to mothers who eat mercury-laden seafood while pregnant can face the prospect of life-long neurological impairment. On behalf of the Center for Science in the Public Interest (CSPI) and its 900,000 members, we ask you to urge all states to adopt a uniform point-of-purchase advisory on seafood containing high levels of mercury.

In 2001, FDA issued an advisory for pregnant women to avoid certain fish. A revision was issued in 2004. Those advisories did not attract sufficient public attention, and many consumers remain unaware of or may have misinterpreted them.

In 2003, Commissioner McClellan, in a letter to CSPI, stated that “One of the key needs for an advisory to be successful is for it to be clear and well-communicated. There are many ways in which this can be achieved, including the use of printed materials at the point-of-purchase.”

CSPI has developed a point-of-purchase sign that we believe would be very effective in targeting high-risk consumers with a message on mercury in seafood. We recommend that the FDA use this sign, or a similar one, in conjunction with its current advisory, and urge states to require use of such a standard point-of-purchase communication in all retail fish markets.
California has already implemented a point-of-purchase advisory, and a number of supermarket chains, such as Safeway and Wild Oats, are adopting these communications voluntarily. However, the size and content of the messages vary. Therefore, FDA would be performing an important service by providing a standard public health communication that all fish retailers can use.

We look forward to working with you to implement these important public-health measures.

Sincerely,

Michael F. Jacobson, Ph.D.
Executive Director

Caroline Smith DeWaal
Director of Food Safety

Enclosure

cc: Arnold Schwartznegger, Governor of California
    Bill Lockyer, California Attorney General
    Michael Hernandez, California Dept. of Health Services
    Bob Brackett, FDA
    Don Cramer, FDA
    Philip Spiller, FDA