



13 December 2023

(23-8546)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**NOTIFICATION**

1.	<b>Notifying Member:</b> <u>UNITED STATES OF AMERICA</u> <b>If applicable, name of local government involved:</b>
2.	<b>Agency responsible:</b> Food and Drug Administration (FDA)
3.	<b>Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Food preparations, n.e.s. (HS code(s): 2106); Food technology (ICS code(s): 67)
4.	<b>Regions or countries likely to be affected, to the extent relevant or practicable:</b> <input checked="" type="checkbox"/> <b>All trading partners</b> <input type="checkbox"/> <b>Specific regions or countries:</b>
5.	<b>Title of the notified document:</b> Kerry Ingredients and Flavours Ltd.; Filing of Food Additive Petition; Notification of Petition. <b>Language(s):</b> English. <b>Number of pages:</b> 2 <a href="https://www.govinfo.gov/content/pkg/FR-2023-10-13/pdf/2023-22613.pdf">https://www.govinfo.gov/content/pkg/FR-2023-10-13/pdf/2023-22613.pdf</a> <a href="https://members.wto.org/crnattachments/2023/SPS/USA/23_14518_00_e.pdf">https://members.wto.org/crnattachments/2023/SPS/USA/23_14518_00_e.pdf</a>
6.	<b>Description of content:</b> The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Kerry Ingredients and Flavours Ltd., proposing that the food additive regulations be amended to provide for the safe use of vitamin D3 as a nutrient supplement in powdered drink mixes added to water or carbonated water, excluding drinks or drink mixes that are specially formulated or processed for infants.
7.	<b>Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.
8.	<b>Is there a relevant international standard? If so, identify the standard:</b> <input type="checkbox"/> <b>Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</b> <input type="checkbox"/> <b>World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</b> <input type="checkbox"/> <b>International Plant Protection Convention (e.g. ISPM number):</b> <input checked="" type="checkbox"/> <b>None</b> <b>Does this proposed regulation conform to the relevant international standard?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If no, describe, whenever possible, how and why it deviates from the international standard:</b>
9.	<b>Other relevant documents and language(s) in which these are available:</b>

10.	<b>Proposed date of adoption (dd/mm/yy):</b> Not applicable. <b>Proposed date of publication (dd/mm/yy):</b> Not applicable.
11.	<b>Proposed date of entry into force: [ ] Six months from date of publication, and/or (dd/mm/yy):</b> Not applicable. <b>[X] Trade facilitating measure</b>
12.	<b>Final date for comments: [ ] Sixty days from the date of circulation of the notification and/or (dd/mm/yy):</b> Not applicable.  <b>Agency or authority designated to handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</b>  For access to the docket to read background documents or comments received, go to <a href="https://www.regulations.gov">https://www.regulations.gov</a> and insert the docket number found in brackets in the heading of this document into the "Search" box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.  FOR FURTHER INFORMATION CONTACT: Lane A. Highbarger, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1204.
13.	<b>Text(s) available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</b>  Text can be found in the Federal Register, Vol. 88, No. 197, Page 70918 or on the internet at: <a href="https://www.govinfo.gov/content/pkg/FR-2023-10-13/pdf/2023-22613.pdf">https://www.govinfo.gov/content/pkg/FR-2023-10-13/pdf/2023-22613.pdf</a>