



SEP 22 2015

Gary Ruskin
U.S. Right to Know
6026A Harwood Avenue
Oakland, California 94618

Re: Docket FDA 2015-P-1187

Dear Mr. Ruskin:

This letter is in response to your petition (2015-P-1187), filed on April 9, 2015, requesting the Food and Drug Administration issue a warning letter to both the Coca-Cola company and PepsiCo Inc. concluding that Diet Coke and Diet Pepsi are misbranded under section 403 of the Federal Food, Drug, and Cosmetic Act (the Act) for use of the term "diet" as being false and misleading. In addition, you request that the FDA investigate artificially sweetened products that represent or suggest they are "diet" products or that they promote weight loss to determine if these products' brand names or labels are misbranded under section 403 of the Act.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt because of other agency priorities and the limited availability of resources. We will complete our review of your petition and consider any actions as warranted and in the context of other program priorities within the Center.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

Patricia A. Hansen, Ph.D.
Acting Director
Office of Nutrition, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition