

Nutriom Response to FSIS Announcement

FOR IMMEDIATE RELEASE

March 27, 2014

Nutriom LLC is a small, family-owned and operated company, founded by an immigrant who came to this country more than 30 years ago looking for opportunity. Nutriom has developed a new technology for dehydrating eggs using its unique, patent-pending drying technology. Nutriom produces a dehydrated egg ("Egg Crystals™") that when mixed with water and cooked, functions and tastes just like fresh eggs. It is 100% all-natural, pure egg with no added chemicals or preservatives.

Nutriom has been operating its facility in Lacey, WA since 2003 under continuous, full-time inspection by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). In February of this year we conducted a voluntary recall of some of our products in response to a request from FSIS. The request was based upon irregularities in recordkeeping that were the responsibility of an individual no longer employed by the company. There were no suggestions of any food safety problems associated with the product, but we decided to fully cooperate with the agency.

On March 26, FSIS requested that we expand the recall. Today, we notified FSIS that we are conducting a partial recall expansion of six production lots. Although products from these lots were tested at an FSIS approved laboratory and found to be safe, we have determined that a technical, non-food safety related error, occurred. Based upon our research, we concluded that there is no scientific or legal basis for us to further expand the recall beyond these six lots. We presented FSIS with substantial supporting information on our production practices, including a series of laboratory test results from both private and federal government laboratories confirming microbiological safety. For reasons that remain unclear to us, these arguments were rejected by FSIS.

It is important to emphasize that Nutriom has never encountered even a suggestion of any injury or illnesses associated with consumption of its products. FSIS inspectors had a continuous presence during production since the company's founding. Nutriom believes it would be doing a disservice to its customers to recall and destroy wholesome egg products under these circumstances.

Sincerely,
Hernan G. Etcheto
Nutriom, LLC, Founder and CEO

Media Contact: rod@nutriom.com

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March 27, 2014

Dr. Daniel L. Engeljohn
Assistant Administrator, Office of Field Operations (OFO)
U.S. Department of Agriculture, Food Safety and Inspection Service
1400 Independence Avenue, SW
Washington, DC 20250

Re: Nutriom Inc., Compliance with Requirements of Egg Products Inspection Act

Dear Dr. Engeljohn:

This follows our recent discussion with your recall committee on behalf of our client, Nutriom, Inc., and our review of FSIS' March 26 Public Health Alert regarding our client's product.

As you can see from the attached press release, Nutriom is initiating a voluntary recall on the following lots of egg product:


- H0613-B (OvaEasy Plain Whole Egg 3,884-lb super sack)
- H0613-B 2683, 2693 (OvaEasy Plain Whole Egg 1.75-lb packs)
- H1413-A 3228, 3229, 3230, 3231 (OvaEasy UGRA, Reduced Cholesterol 1.17-lb packs)
- I01413-A (OvaEasy Plain Whole Egg 1,031-lb super sack)
- I01413-A (OvaEasy Plain Whole Egg 958-lb super sack)
- I0413-A 2883 (OvaEasy Plain Whole Egg 4.5-oz cans)
- J0113-A 3281, 3282, 3283, 3284 (OvaEasy UGRA, Reduced Cholesterol 1.17-lb packs)
- K0513-A 3337, 3338, 3339, 3340 (OvaEasy UGRA, Reduced Cholesterol 1.17-lb packs)
- K1213-A 3193 (Vitovo Low Fat 571-gram packs)

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This is based upon our review of your written materials supplied to us on March 25, which include, among other things, your rejection of our client's appeal, filed pursuant to 9 C.F.R. § 590.320 on February 20. We continue to believe that the process advocated by the company would have been a reasonable and appropriate exercise of the agency's discretion by allowing a robust sampling program that would further document the product's microbiological safety. Your adherence to this position is particularly unfortunate given the fact that all of our own independent sampling activity demonstrates this fact. Nevertheless, since the agency is not open to confirming this reality with official sampling, the company is voluntarily recalling the product.

With regard to all other such product referenced in your March 26 announcement, Nutriom remains convinced, based upon its careful review of all available information, that all such product is safe and wholesome, and was inspected and passed in compliance with all applicable requirements under the Egg Products Inspection Act. As such, we continue to believe that any communication suggesting that any such product is unsafe or could rationally be associated with a public health concern is false and misleading. In support of this position we remain ready, willing, and able to work with you and all other appropriate representatives of FSIS to further document the safety and compliance of the product to the satisfaction of FSIS and the public as a whole, and would appreciate any and all of your efforts to facilitate just such a process.

Sincerely,



Robert G. Hibbert
Counsel to Nutriom, Inc.

Attachments