

December 11, 2019

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The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy
Committee on Oversight and Reform
United States House of Representatives
Washington, D.C. 20515-6216

Confidential/Includes Confidential Business Information

Re: Response to Letter Dated November 6, 2019

Dear Chairman Krishnamoorthi:

I write in response to the Subcommittee's November 6, 2019 letter addressed to Adam Ciongoli requesting that Campbell Soup Company ("Campbell") provide certain documents and information as part of the Subcommittee's investigation into the occurrence of certain materials in baby foods. Campbell, through its Plum Organics brand, is committed to its mission of serving babies the very best food from the first bite. Accordingly, Campbell supports the Subcommittee's efforts to ensure that the foods we feed our babies are safe and nourishing.

Campbell provides responses to the Subcommittee's requests below and in the documents accompanying this letter. This response and the documents Campbell is producing today contain confidential business information and are marked as such. Campbell requests that the Committee treat these materials accordingly.

Background

Founded in 1869, Campbell Soup Company is headquartered in Camden, New Jersey. Campbell makes a range of high-quality soups, simple meals, beverages, and snacks. Campbell has distributed Plum Organics baby foods since it acquired the brand in 2013. As the Subcommittee is aware, the U.S. Food and Drug Administration ("FDA") does not regulate or provide guidelines concerning heavy metals in baby foods other than certain cereals and juices, as well as baby formula. Heavy metals occur naturally in the environment, including in soil and water. These naturally occurring substances will, accordingly, often be present in foods to some extent, whether grown in the backyard or procured from a farmers' market or supermarket.

In October 2017, a group called the Clean Label Project made claims about the presence of heavy metals in many brands of baby food, including Plum Organics. Although the report

was neither peer reviewed nor supported by publicly available data, Campbell took its findings seriously and responded by doing its own testing.

Given the lack of specific FDA guidance on baby food, Campbell used standards from California's Proposition 65, the European Union, and the World Health Organization—along with general guidance from the FDA on lead not specific to baby foods—to develop a testing protocol for evaluating whether heavy metals in Plum Organics' products exceeded levels that independent authorities had determined to be acceptable. For instance, Campbell adopted the Proposition 65 "safe harbor" daily intake level for arsenic—that is, the level under which the substance is deemed to pose no significant risk and thus is free from regulation—of 10 micrograms per day. Standards were similarly derived from the previously identified sources for other heavy metals. Campbell tested each of the Plum Organics foods featured in the Clean Label Project report and confirmed that none of the products exceeded the levels discussed above.

Nevertheless, when a group called Healthy Babies Bright Futures released a report earlier this year that again made claims about a handful of Plum Organics' products, Campbell undertook another round of testing. The results were consistent with the previous rounds: Each product was well within levels deemed acceptable by independent authorities.

Request No. 1

Campbell is committed to the safety of Plum Organics' products. That is why it takes a multi-level approach to ensuring the safety of its supply chain. With specific respect to heavy metals, Campbell has also conducted finished-product and ingredient testing.

Campbell co-manufactures its Plum Organics baby food products. That means that Campbell contracts with suppliers, some of which contract with many baby food companies, to manufacture and package Plum Organics' products. In the case of dry foods, suppliers procure ingredients themselves; with respect to Plum's wide range of pouch products, Campbell specifically directs the co-manufacturers as to which sources they must use for their ingredients.

In either case, Campbell requires that the co-manufacturers of Plum Organics' products adhere to strict standards for ingredients. For instance, under Campbell's Supply Base Requirements and Expectation Manual—standards to which suppliers and co-manufacturers agree and against which they are periodically audited—co-manufacturers must obtain heavy metals warranties from suppliers for their ingredients and certain packaging materials. Campbell's Supply Base Requirements and Expectations ¶ 26[B].

Campbell itself also tests Plum Organics' products for heavy metals. Indeed, Campbell has conducted testing on every Plum Organics product on the market to ensure none exceed

acceptable levels of arsenic, lead, cadmium, or mercury.¹ This testing has occurred in waves, most recently in September 2019, when Campbell reexamined the Plum Organics foods featured in the Healthy Babies Bright Futures report. Moreover, currently, all new products added to the Plum Organics line are subjected to finished-product testing. In addition, Campbell follows a policy of testing new ingredients before introducing them to the supply chain for Plum Organics' baby food pouches. That screening includes testing for heavy metals.

Request No. 2

A spreadsheet with information regarding Campbell testing of its Plum Organics products accompanies this letter.

Requests Nos. 3, 4, and 5

To date, no Plum Organics foods have been found to be above exposure limits set by available domestic and international regulatory bodies, which, as noted above, Campbell used as reference points in the absence of relevant FDA guidance. Campbell has thus never needed to recall a baby food product due to the presence of heavy metals.

Request No. 6

Request No. 6 asks about FDA guidance concerning rice cereal and certain kinds of juice. Plum Organics does not sell either rice cereal or juice.

Request No. 7

A reasonable search has produced no additional relevant documents beyond those that gave rise to this inquiry and related public materials.

Request No. 8

Plum Organics does not manufacture rice cereal or juice and thus does not take a position on the FDA's consideration of guidelines for those products. Campbell does support the FDA developing clear and specific guidance for baby food manufacturers on appropriate levels of heavy metals, based on scientific consensus. We look forward to working with the Subcommittee and the FDA on these issues.

¹ The only product that Campbell has not tested is baby formula, which Campbell has discontinued, effective January 2020. Such additional testing was unnecessary because the baby formula co-manufacturer thoroughly tests its products pursuant to applicable regulations. *See, e.g.*, 21 C.F.R. § 106.40. Campbell has enclosed a letter from the co-manufacturer, PBM Nutritionals, certifying its compliance with all relevant regulations. *See* Certification from PBM Nutritionals Regarding Infant Formula Regulatory Compliance (Dec. 2, 2019).

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Thank you for your partnership in ensuring that babies get the food they need to support healthy growth in their early years. Campbell looks forward to continuing to engage with the Subcommittee. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Perrelli". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas J. Perrelli