



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

JUL 21 2010

William C. Hargis, Jr.
CEO, 4u2u Brands
20 North 20th Street, Suite A
Richmond, Virginia 23223

Dear Mr. Hargis:

We have received your petition indicating a change in the ingredient listing for 4u2u Brands Fruit 66 carbonated juice beverages in Fruit Punch, Kiwi Strawberry, Orange Tangerine and Apple Berry. These products are currently exempted from the "foods of minimal nutritional value" as defined in 7 CFR Part 210.11 (a) (2) and Part 220.2 (i-1).

The changes made to the ingredient statements, as compared to your previously exempted products, do not affect the nutritional status of the products. The laboratory nutritional analysis submitted contains all the data required to determine whether or not these products are foods of minimal nutritional value. You have also indicated that no discrete nutrients were added to these products before the nutrition analysis occurred.

Both "per serving" and "per 100 calories" nutrient analyses show that, 4u2u Brands Fruit 66 carbonated juice beverages in Fruit Punch, Kiwi Strawberry, Orange Tangerine and Apple Berry, one nutrient (Vitamin C) is greater than five-percent of the Reference Daily Intake. Therefore, these products are exempt from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)]. The exemption from the "soda water" category simply allows the product to be sold in competition to the reimbursable meal in the food service area during meal periods. The exempted products may not contribute towards a reimbursable school meal.

The ingredient statement on these 4u2u Brands Fruit 66 carbonated juice beverages must match exactly the following ingredient statement as submitted with the petition for exemption:

Fruit 66 Fruit Punch Sparkling Fruit Juice:

Pure juice from grape, apple, orange, acerola and lemon juice concentrates, sparkling water, natural flavors, natural color, Vitamin C, Calcium, Vitamin D.

Fruit 66 Kiwi Strawberry Sparkling Fruit Juice:

Pure juice from grape, apple, kiwi, strawberry, acerola and lemon juice concentrates, sparkling water, natural flavors, natural color, Vitamin C, Calcium, Vitamin D.

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Fruit 66 Orange Tangerine Sparkling Fruit Juice:

Pure juice from grape, apple, orange, acerola and lemon juice concentrates, sparkling water, natural flavors, natural color, Vitamin C, Calcium, Vitamin D.

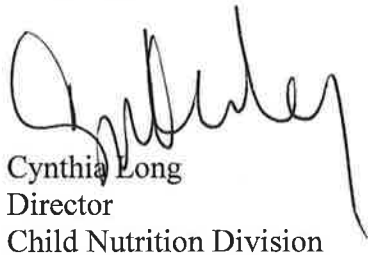
Fruit 66 Apple Berry Sparkling Fruit Juice:

Pure juice from grape, apple, strawberry, blueberry, blackberry, acerola and lemon juice concentrates, sparkling water, natural flavors, natural color, Vitamin C, Calcium, Vitamin D.

The Department of Agriculture does not prohibit the sale of the above products in a school food service area during meal periods. However, State agencies and school food authorities maintain the final right to restrict such sales. If there are any changes to the formulation that would affect the ingredient statement or Vitamin C content, this product must be resubmitted for reevaluation and exemption.

A memo will be sent to our regions updating the above 4u2u Brands products on the "Exemptions Under Competitive Foods Regulation" list. If there are additional questions, please contact my staff at (703) 305-2609.

Sincerely,



Cynthia Long
Director
Child Nutrition Division