

~~Administratively~~  
~~Confidential~~ *AWD*  
*3/4/65*

Under these circumstances, therefore, the Food and Drug Administration cannot issue regulations setting tolerances for a chemical that causes cancer in man or animal, and shipment of foods containing any amount of such a chemical in interstate commerce is therefore illegal.

Evidence has been made available to the Department to the effect that some growers of cranberries have used aminotriazole in such a way as to leave a residue in cranberries. This is why we have taken the actions we have taken.

The Department is very desirous of working out a plan with the cranberry industry that will insure the fact that the consumer is purchasing cranberries that are not contaminated.

We are very aware of the seriousness of the situation so far as the cranberry industry is concerned and are most anxious to clear up the problem as soon as possible within the bounds of law and the requirements of the public health.



~~Administratively~~ *AWD*  
~~Confidential~~ *3/2/65*

*4:25P*  
*11/17/59*

~~Administratively~~ 3/2/65  
~~Confidential~~

I have called this conference for the purpose of considering a plan to be submitted by representatives of the cranberry industry designed to separate contaminated cranberries from those that are not contaminated.

The shipment in interstate commerce of cranberries containing residues of aminotriazole is in violation of the Federal Food, Drug, and Cosmetic Act.

Refusal on the part of the Food and Drug Administration to permit the inclusion of any quantities of aminotriazole in food is based on the Department's policy of refusing to permit the use of chemicals in food when it is established that they cause cancer in animals or man. Research has established the fact that the weed killer, aminotriazole, causes cancer in the thyroid of rats when it is contained in their diet.

The basic laws under which the Food and Drug Administration operate provide authority for the institution of such a policy. This policy, however, was actually looked at and considered by the Congress when in 1958 it included the following specific language in the Food Additive Amendment to the Food, Drug, and Cosmetic Act:

"No additive shall be deemed safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal."



~~Administratively~~ 3/2/65  
~~Confidential~~

attach # 2 to HFEW memo 9/11/59

4:25P  
11/17/59

~~Administratively~~ *Ans 3/4/65*  
~~Confidential~~

- 2 -

Because of the widespread public interest in the matter, it has been decided to make this an open public conference. Congressional delegations from the five major cranberry producing states have been invited.

(5) At the current rate of examination of samples by the Food and Drug Administration, and of course depending in part upon the outcome of Wednesday's meeting, we are hopeful that large quantities of cranberries can be freed of suspicion before Thanksgiving.



*Charles B Saunders Jr*  
Charles B. Saunders, Jr.  
Assistant to the Secretary

~~Administratively~~ *Ans 3/2/65*  
~~Confidential~~

*4:25P*  
*11/17/59*



~~Administratively~~ *and 3/3/65*  
~~Confidential~~

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON

MEMORANDUM FOR THE HON. ALBERT P. TONER

The following is the status of the investigation of the contamination of cranberries with aminotriazole as of early November 17:

(1) Four lots of cranberries out of 337 examined to date have been found contaminated. Two of these were of cranberries grown in Oregon; the other two of cranberries grown in Wisconsin.

Three hundred and twenty-four lots so far examined have been found free of contamination. Nine other lots are being rechecked.

Lots found contaminated add up to about 80,000 pounds; lots found free of contamination add up to about 3-1/2 million pounds.

Of the 324 lots which have been cleared so far, 159 were shipped from Massachusetts, 53 from Wisconsin, 44 from New Jersey, and 27 from the State of Washington. Origin of the other 41 lots has not been determined.

(2) The Food and Drug Administration is now examining lots of cranberries at the rate of over a hundred each 24 hours.

(3) The Cranberry Association has reported to us that it has voluntarily withheld from the market several million pounds of cranberries suspected of contamination with the weed killer.

Cranberries from all of the five major producing states except New Jersey are involved in the Association's action.

(4) We are meeting with representatives of the Cranberry Association (Ocean Spray Cranberries, Inc.) tomorrow, Wednesday, November 18, to hear the Association's plan for segregating contaminated berries from those that are free of contamination.



~~Administratively~~ *and 3/3/65*  
~~Confidential~~

*attach #1 to HEW memo 11/17/59*

*4:25 p  
11/17/59*

~~Administratively~~ and 3/4/65  
~~Confidential~~

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON

OFFICE OF THE SECRETARY

November 17, 1959

MEMORANDUM FOR THE HON. ALBERT P. TONER

Enclosed is a summary of the cranberry situation as of this morning. I have also enclosed, strictly for your background information, a preliminary draft of the statement the Secretary plans to make tomorrow in opening the conference with the cranberry industry. I send it along because it provides a concise statement of the Department position in the entire matter.



*Charles B Saunders Jr*

Charles B. Saunders, Jr.  
Assistant to the Secretary

2 Enclosures (in deep)  
1) memo to APT - Summary <sup>Status</sup> on Cranberries  
2) Draft of Statement of Secretary will make on 11/18.

~~Administratively~~ and 3/4/65  
~~Confidential~~

4:25 p

~~Administratively~~  
~~Confidential~~ *mes*  
*3/2/65*

THE WHITE HOUSE  
WASHINGTON

November 17, 1959

*[Handwritten signature]*

Memo to: Mr. Bryce Harlow

From: A. P. Toner *gts*

Attached, as described in the Saunders memo, are:

- (1) The first of the daily cranberry reports as agreed between General Goodpaster and Secretary Flemming, which I told you about today; and
- (2) For your confidential information, a draft (which Secretary Flemming has not yet cleared) of what he intends to release tomorrow.



Attachment

Original Memo from HEW, Saunders to APT 11/17/59 with its 2 enclosures:

- (1) Memo to APT re Summary Status on Cranberries as of early 11/17/59;
- (2) 2-page DRAFT of Secre. Flemming statement for 11/18 conference.

~~Administratively~~  
~~Confidential~~ *mes*  
*3/2/65*