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FDA Freedom of Information Act Appeal

5 messages

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To: FOIARquest@psc.hhs.gov

Sat, Sep 21, 2019 at 10:16 AM

This email is appealing FOIA Request Number: 2017-10123.

Subject FOIA request asked for the legal definitions of pet food ingredients. FDA response denied the request for reasons: "we are denying a copyrighted document."

FDA MOU 225-07-7001 – Memorandum of Understanding between the United States Food and Drug Administration and the Association of American Feed Control Officials – states (in part):

"Agreement

The FDA and AAFCO agree to the following:

- A. AAFCO maintains definitions of various feed ingredients, which includes the common ingredient name, description, and any appropriate limitations for its use, and publishes the currently accepted feed ingredient definitions in the AAFCO Official Publication (OP)."

Source: <https://www.fda.gov/about-fda/domestic-mous/mou-225-07-7001>

No where in this FDA and AAFCO agreement does FDA agree to feed ingredient definitions be held within "a copyrighted document". FDA and AAFCO agree for AAFCO to 'maintain definitions'. FDA and AAFCO do not agree for AAFCO to copyright protect feed ingredient definitions.

Based on the agreement within FDA MOU 225-07-7001, FDA has full authority to provide feed ingredient definitions requested in this FOIA.

Please provide requested information promptly.

Susan Thixton

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Susan Thixton
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