



February 20, 2014

**Via Electronic Submission**  
**<http://www.regulations.gov>**  
**Docket No. FDA 2013-S-0610**

Division of Dockets Management  
Food and Drug Administration  
Department of Health and Human Services  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

### **CITIZEN PETITION**

The undersigned, Sabra Dipping Co., LLC, (“Sabra” or “the Company”), submits this petition under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 341) and 21 C.F.R. § 130.5(a) to request the Food and Drug Administration (“FDA” or “the Agency”) to establish a new standard of identity for hummus.

Sabra was founded in 1986 with the simple mission of bringing the healthy and delicious cuisine of the Mediterranean to people’s everyday diets—foods like hummus, eggplant dips, babaganoush spreads, and vegetarian sides. Sabra’s family of refrigerated dips and spreads begins with authentic recipes and fresh ingredients to provide smart, delicious, and convenient choices for consumers. In the United States, Sabra is currently the market leader in sales of hummus. The Company is a joint venture, fully owned in equal shares by two independent, global food companies—United States-based PepsiCo and Strauss Group, which is headquartered in Israel.

#### **A. Action Requested**

Sabra requests that FDA establish a new standard of identity for hummus in Title 21 of the Code of Federal Regulations, as follows<sup>1</sup>:

#### **PART 159 VEGETABLE OR LEGUME DIPS, SPREADS, AND RELATED PRODUCTS**

##### **Subpart A [Reserved]**

##### **Subpart B—Requirements for Specific Standardized Vegetable or Legume Dips, Spreads, and Related Products**

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<sup>1</sup> Sabra proposes that a new Part 159 be established for Vegetable or Legume Dips, Spreads, and Related Products, as no existing category of food standards appears to encompass hummus and related vegetable or legume food products. Barring the establishment of a new part, Sabra is not opposed to publication of the requested regulation in an existing category of food standards. For example, FDA may consider issuing the requested regulation under existing Part 169 for food dressings and flavorings.



§ 159.110 Hummus.

(a) *Description.* Hummus is the semisolid food prepared from mixing cooked, dehydrated, or dried chickpeas and tahini with one or more of the optional ingredients specified in paragraph (b), and may contain one or more of the other optional ingredients specified in paragraph (c) of this section. Chickpeas shall be the predominant ingredient by weight, except water. Tahini (sesame seed paste) shall comprise not less than five percent by weight of the finished product.

(b) *Optional ingredients—Hummus.* The following safe and suitable ingredients may be used in hummus:

- (1) Vegetable oils (e.g., soybean, canola, olive, sunflower, safflower, cottonseed, and corn oil);
- (2) Garlic;
- (3) Acidifying agents (e.g., lemon juice, lemon juice concentrate, citric acid, acetic acid, and vinegar);
- (4) Salt or sea salt;
- (5) Preservatives (e.g., sodium benzoate, sorbic acid (including potassium or sodium salt), sodium metabisulfite, and cultured dextrose);
- (6) Spices;
- (7) Nutritive carbohydrate sweeteners;
- (8) Natural flavorings;
- (9) Processing aids (e.g., sodium bicarbonate anti-foam agents);
- (10) Texturizers;
- (11) Buffering agents;
- (12) Chickpea flour, components or isolates; and
- (13) Water.

(c) *Other optional ingredients—Characterizing flavor ingredients.* Other food ingredients may be added to hummus to create a characterizing flavor, provided that, in total, they comprise less than 20 percent by weight





of the finished product and do not function as ingredients necessary to achieve the semisolid food texture of hummus. These ingredients may be stirred into, folded into, layered with, or used as toppings or garnish for hummus.

(d) *Nomenclature.*

(1) The name of the food is “Hummus” or an accepted variation in spelling, such as “Hommus,” “Hommos,” “Hoummos,” “Humos,” or “Houmous.”

(2) When no other optional ingredient is added to characterize flavor, as specified in paragraph (c) of this section, the name may include the descriptor(s) “Traditional,” “Classic,” or “Original.”

(3) When one or more other optional ingredients is used to characterize flavor, as specified in paragraph (c) of this section, the name of the food shall identify or describe, in simple and direct terms before or after “Hummus” (or an acceptable variation in spelling), the basic characterizing ingredient(s) (e.g., “Roasted Red Pepper Hummus” or “Hummus with Sun Dried Tomatoes”).

(e) *Label declaration.*

(1) Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

(2) “Tahini” may be identified with an accepted variation in spelling, such as “Tahina,” “Tehena,” “Tehina,” or “Tehini.”

## **B. Statement of Grounds**

Under existing FDA regulations, a petition to establish a food standard of identity must show that the proposal, if adopted, would promote honesty and fair dealing in the interest of consumers.<sup>2</sup> FDA has since reevaluated the criteria that it will use in considering petitions related to food standards. In 2005, the Agency proposed to promulgate a rule that would “establish a set of general principles for food standards” that, if adhered to, would

better promote honesty and fair dealing in the interest of consumers and protect the public, allow for technological advances in food production, be consistent with international food standards to the extent feasible, and be

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<sup>2</sup> See 21 C.F.R. § 130.5(b). Sabra commits itself to substantiate the information in this petition by evidence in a public hearing, if such a hearing becomes necessary. See *id.* at § 130.5(c).





clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards.<sup>3</sup>

Although the proposed rule remains pending amidst other FDA priorities, Sabra nevertheless recognizes the value and importance of food standards generally, as well as the general principles proposed by FDA. Accordingly, this petition sets forth reasons to issue a regulation establishing a new food standard for hummus. A standard of identity for hummus is not only necessary to promote honesty and fair dealing in the interest of consumers and hummus manufacturers, but it also would be consistent with FDA's proposed general principles for food standards.

### **1. The Proposed Food Standard for Hummus Would Promote Honesty and Fair Dealing in the Marketplace**

Legumes—including chickpeas (also commonly known in the United States as garbanzo beans)—have long been a staple of the Middle East, where they are often boiled, mashed into a smooth consistency, and served as dip for bread. Unquestionably, the most popular and famous of these legume dishes is hummus, a centuries-old Arab dish. Hummus is a thick dip or spread made from cooked and mashed chickpeas mixed with tahini (sesame seed paste) and typically seasoned with lemon juice, garlic, and olive or sesame oil.<sup>4</sup> As the popularity of hummus has grown, additional ingredients, such as roasted red peppers or sun-dried tomatoes, have been added to provide different characterizing flavors to these basic ingredients.<sup>5</sup>

Beginning in the 1980s, regional commercial brands of hummus became commonplace in American markets.<sup>6</sup> The market for industrial hummus in the United States has since expanded from approximately \$100 million in the early 2000s to over \$315 million in 2009.<sup>7</sup> Since 2009, sales of hummus have increased 92 percent with over six million dollars in sales in 2013.<sup>8</sup> Long a staple of Middle Eastern cuisine, hummus is earning a growing following among Americans seeking healthful foods. Market data shows that while the percent of households purchasing hummus in 2009

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<sup>3</sup> FDA & Food Safety Inspection Service, Proposed Rule, *Food Standards; General Principles and Food Standards Modernization*, 70 Fed. Reg. 29,214 (May 20, 2005) [hereinafter "*Food Standards Principles*"].

<sup>4</sup> See Gil Marks, *Encyclopedia of Jewish Food* 269 (Houghton Mifflin Harcourt 2010) (describing "hummus"); Sharon Tyler Herbst & Ron Herbst, *The New Food Lover's Companion* 309 (Barron's 3rd ed. 2001) (providing comprehensive definitions of nearly 6,000 food, drink, and culinary terms, including hummus).

<sup>5</sup> Julian Mellentin, ed., *Snacking Case Study: Steady climb for gluten-free "Greek style" snack*, *New Nutrition Business* 21, 23 (Jan./Feb. 2014) ("Proliferating hummus flavors has been a huge part of [the hummus] movement.") [hereinafter "*New Nutrition Business*"].

<sup>6</sup> See *Encyclopedia of Jewish Food* at 269.

<sup>7</sup> Dafna Hirsh & Ofra Tene, "Hummus: The making of an Israeli culinary cult," 13 *J. Consumer Culture* 25, 38 (2013).

<sup>8</sup> IRI, *Creating a Sales Report for Hummus Category, Fresh Dips-Hummus, 2009-2013 for Total US Multi Outlets*; see also *New Nutrition Business* at 21 and 24 (stating that hummus has "become a significant phenomenon in the US" with "at least a \$600 million-a-year (€440 million) market in SymphonyIRI-measured outlets alone").





was approximately 16 percent, that figure has increased to over 25 percent in 2013.<sup>9</sup> Trends in sales data and market growth suggest that sales and consumption of hummus will continue to grow in coming years, as more consumers become more familiar with the product.<sup>10</sup>

The growing popularity of hummus in the United States has led to the introduction of dips and spreads that are not based on the traditional ingredients of chickpeas and tahini but nevertheless are labeled as “hummus.” For example, some products labeled as “hummus” are made entirely from legumes other than chickpeas.<sup>11</sup> (A list of products purporting to be “hummus,” but made from legumes other than chickpeas, is attached hereto as Exhibit A.) Because these products substitute the traditional chickpea with other legumes—such as black beans, lentils, white beans, or edamame (soy beans)—the marketing of these products as “hummus” undermines honesty and fair dealing in the marketplace. The marketing of a “hummus” product made from legumes other than chickpeas is akin to the marketing of guacamole made with fruit other than avocados. In addition, some products marketed as “hummus” do not include tahini as an ingredient, or they include other ingredients, such as yogurt or vegetables, in amounts that destroy the basic nature and essential characteristics of hummus. (A list of such products is attached hereto as Exhibit B.) As FDA has recognized, when “foods are fabricated with other ingredients or modified in ways that are unfamiliar to consumers, . . . the nature of the foods may become less obvious, and there may be need for regulation to ensure that consumers are not misled or deceived.”<sup>12</sup>

The proposed standard of identity for hummus would promote honesty and fair dealing in the marketplace by creating uniformity among all products marketed as hummus, consistent with the traditional, common understanding of hummus as primarily a chickpea- and tahini-based product. As proposed, hummus must be derived predominantly from chickpeas and contain at least five percent tahini by weight. Optional ingredients would be permitted, but any ingredient(s) added to provide a characterizing flavor must be limited to less than 20 percent by weight of the finished product, and they may not function as an ingredient necessary to achieve the semisolid food texture of hummus.

Establishing a food standard for hummus would provide “assurance to consumers of product uniformity,” with the resulting expectation and belief by

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<sup>9</sup> See IRI, *Creating a Penetration Report for Hummus Category, Fresh Dips-Hummus, 2009-2013 for Total US Multi Outlets*; see also *New Nutrition Business* at 25 (reporting American household penetration of 21-27%, “which is one main reason for brand confidence in further growth”).

<sup>10</sup> See, e.g., *New Nutrition Business* at 21 (“Sales of hummus increased by 16% for the 52 weeks ended August 2013 and by 11%, 11%, and 24% in each of the previous three calendar years at US supermarkets”).

<sup>11</sup> See Megan Murphy, *As party food or entrée, hummus catching on*, *The Commercial Appeal* (Memphis), Aug. 15, 2011, at M1 (“As [hummus] popularity has grown in the United States . . . [e]ven the traditional chickpea is substituted with other legumes . . .”).

<sup>12</sup> FDA, *Advanced Notice of Proposed Rulemaking, Food Standards of Identity, Quality and Fill of Container; Common or Usual Name Regulations; Request for Comments on Existing Regulations*, 60 Fed. Reg. 67,492, 67,498 (Dec. 29, 1995) [hereinafter “*Food Standards ANPR*”].





consumers that all products labeled as hummus will possess “the same characteristics irrespective of where they are purchased, or by whom they are manufactured or distributed.”<sup>13</sup> This will aid consumer recognition of the product and promote honesty and fair dealing in the interest of consumers by eliminating the potential for economic fraud and deception through the substitution or addition of ingredients that destroy the basic nature and essential characteristics of hummus. By establishing minimum criteria for hummus—a product that is becoming increasingly popular in the United States—FDA can help build consumer confidence in the food supply. The proposed food standard will ensure that hummus products are named and labeled appropriately, allowing consumers to make purchase decisions simply on the name of the product alone.

The proposed food standard will also promote honesty and fair dealing in the marketplace among hummus manufacturers by creating a level playing field. Such a standard would provide clear and necessary direction to manufacturers of legume-based products and ensure that all hummus products are bound by a certain degree of uniformity. FDA has long recognized that food standards are necessary to ensure that all manufacturers operate in a spirit of fairness and to promote consistency in the products consumers are purchasing.<sup>14</sup> The proposed standard is geared primarily toward ensuring that products that are *not* derived predominantly from chickpeas or that do *not* contain tahini are not labeled as “hummus,” but instead are labeled according to their common or usual name, per existing FDA regulations (e.g., “black bean dip” instead of “black bean hummus”).<sup>15</sup>

## **2. The Proposed Food Standard for Hummus Would Preserve the Basic Nature and Essential Characteristics of the Food**

The basic nature of a food is “directly related to consumer expectations and beliefs about the food,” while the essential characteristics of a food are “are those that define or distinguish a food or describe [its] distinctive properties.”<sup>16</sup> The proposed standard of identity for hummus preserves the basic nature of hummus, as such food has been understood for centuries around the world and in the United States today. It also maintains the essential characteristics of hummus by defining the food by its ingredients and composition, which are critical to its identity.

Although chickpeas are an ancient food, with domesticated samples found in Bronze Age sites in Israel and Jordan,<sup>17</sup> the earliest known recipes for hummus dishes

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<sup>13</sup> *Id.* at 67,499; see also *Food Standards Principles*, 70 Fed. Reg. at 29,221 (stating that food standards are “beneficial because they provide assurance to consumers of product uniformity with respect to certain significant characteristics of standardized foods, resulting in the expectation and belief of consumers that all products bearing a particular name will possess the same essential characteristics, irrespective of where they are purchased, or by whom they are manufactured or distributed”).

<sup>14</sup> See *Food Standards ANPR*, 60 Fed. Reg. at 67,499.

<sup>15</sup> See 21 C.F.R. § 101.3. (prescribing requirements for the identity labeling of food in packaged form).

<sup>16</sup> *Food Standards Principles*, 70 Fed. Reg. at 29,221.

<sup>17</sup> See Ken Albala, *Beans: A History* 82 (Berg 2007).





are recorded in cookbooks published in Cairo in the 13th century.<sup>18</sup> These early recipes established the basic ingredients of hummus as cooked, mashed chickpeas and tahini. Over time, hummus was adopted as culinary fare throughout the Middle East and beyond, maintaining its primary ingredients of chickpeas and tahini. More recently, various ingredients have been added to the dish, such as red bell pepper, roasted garlic, spinach, and sun-dried tomatoes to provide new flavors.<sup>19</sup>

Over time, and despite the addition of new ingredients, the basic nature of hummus has remained unchanged. It is defined by its primary ingredients of chickpeas and tahini—these are the essential characteristics of the food. These distinctive properties “contribute to the basic nature of the food” and also “reflect relevant consumer expectations” for hummus products.<sup>20</sup> Indeed, in Arabic, “hummus” is the word for “chickpea.”<sup>21</sup> By definition, “hummus” made from legumes or vegetables other than chickpeas is not hummus.<sup>22</sup>

In addition, the proposed food standard preserves the basic nature and essential characteristics of hummus by ensuring appropriate nomenclature for the product. Traditionally, when tahini was added to chickpeas, the dish was called “hummus bi tahina” or “hummus bi tahini”—in Arabic, this means “chickpeas with tahini” or “chickpeas with sesame seed paste.” The name has since evolved into the more common, informal, and shorter version: “hummus.”<sup>23</sup> Thus, In Arabic and Hebrew alike, “hummus” commonly denotes both the chickpea itself and the dip that is made from it.<sup>24</sup> There are a variety of spellings of hummus in English, including *hummus*, *hommos*, *houmpos*, *homous*, *houmos*, *houmus*, and other combinations of the vowels.<sup>25</sup> There are also a variety of spellings of tahini in English, such as *tahina*, *tehena*, *tehina*, and *tehini*. The proposed food standard accounts not only for the composition of hummus, but for appropriate nomenclature as well, in the various forms and spellings of hummus and tahini.

In sum, establishing a standard of identity for hummus would preserve the basic nature and essential characteristics of hummus as a food comprised primarily of chickpeas with tahini. Preserving the basic nature and essential characteristics of hummus would promote “honesty and fair dealing in the interest of consumers and

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<sup>18</sup> See *Encyclopedia of Jewish Food* at 270.

<sup>19</sup> See *id.*; see also, e.g., *New Nutrition Business* at 23 (discussing the introduction of new hummus flavors by various manufacturers).

<sup>20</sup> *Food Standards Principles*, 70 Fed. Reg. at 29,221.

<sup>21</sup> Maan Z. Madina, *Arabic-English Dictionary of the Modern Literary Language* (Pocket Books 1973).

<sup>22</sup> See Saki Knafo, *Sabra's Quest To Push Hummus Mainstream Is About Much More Than Chickpeas*, Huffington Post, June 27, 2013, at 1 [hereinafter “*Sabra's Quest*”], available at [http://www.huffingtonpost.com/2013/06/10/sabra-hummus\\_n\\_3391688.html](http://www.huffingtonpost.com/2013/06/10/sabra-hummus_n_3391688.html).

<sup>23</sup> See *Encyclopedia of Jewish Food* at 269; *Sabra's Quest* at 1.

<sup>24</sup> See Philologos, *On Language: Chickpeas*, The Jewish Daily Forward, Oct. 21, 2005, available at <http://forward.com/articles/2119/chickpeas/>.

<sup>25</sup> See Pam Peters, *The Cambridge Guide to Australian English Usage* 370 (Cambridge University Press 2007); Richard Tapper, Sami Zubaida & Claudia Rhoden, *A Taste of Thyme: Culinary Cultures of the Middle East* 35 (Tauris Parke 2000).





protect the public by ensuring that consumer expectations of the economic and nutritional value of a food are met.”<sup>26</sup>

### 3. The Proposed Food Standard for Hummus Would Improve the Nutritional Quality of the Food Supply

In addition to ensuring the economic value of a food, FDA has recognized that food standards may also “serve to ensure the nutritional quality of a food by imposing [compositional] requirements.”<sup>27</sup> Although chickpeas are a nutritious food in their own right, the proposed standard of identity helps promote more healthful eating practices by ensuring appropriate protein quality is achieved in hummus. As such, the food standard is an effective vehicle to further improve the overall nutritional quality of the food supply in the United States.

Chickpeas are one of the most popular vegetarian foods the world over.<sup>28</sup> Like other legumes, chickpeas provide a valuable source of folate, iron, and manganese. They are also a significant source of protein, complex carbohydrates, and dietary fiber, while being low in fat.<sup>29</sup>

When cooked, the protein quality of chickpeas changes. Using the Protein Digestibility Corrected Amino Acid Score (“PDCAAS”) method, the PDCAAS value of raw chickpeas is approximately 0.88. When cooked, the PDCAAS value of chickpeas decreases to approximately 0.52 due to a destruction of the essential amino acid, lysine<sup>30</sup>; however, products containing a combination of plant protein sources can achieve improved protein quality due to their complimentary amino acid profiles.<sup>31</sup> Thus, combining chickpeas with other plant-based protein sources can create a more complete protein—which is accomplished in hummus by combining chickpeas with tahini. As a result of this combination, the PDCAAS value for hummus is increased to approximately 0.74.<sup>32</sup> The minimum level of tahini in this proposed food standard would be sufficient to provide an improvement in the protein quality of hummus over chickpeas alone. In addition, the minimum level is proposed so as not to pose a significant obstacle to compliance or innovation.

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<sup>26</sup> *Food Standards Principles*, 70 Fed. Reg. at 29,222.

<sup>27</sup> *Id.*

<sup>28</sup> See USA Dry Pea & Lentil Council, *Pulse Processing Technical Manual 17* (2010), available at <http://www.pea-lentil.com/technical-manual>.

<sup>29</sup> See *id.* at 18; see also USDA National Nutrient Database for Standard Reference, Basic Report, Chickpeas (garbanzo beans, bengal gram) mature seeds, cooked, boiled, without salt (last modified Dec. 7, 2011), available at <http://ndb.nal.usda.gov/>.

<sup>30</sup> Pulse Canada, *Protein Quality of Cooked Pulses (PDCAAS Method)* (undated), available at [http://www.pulsecanada.com/uploads/ff/28/ff280f2f10206d5a53a241ef6e2e2d25/USA\\_PC\\_protein\\_fact\\_sheet\\_p6.pdf](http://www.pulsecanada.com/uploads/ff/28/ff280f2f10206d5a53a241ef6e2e2d25/USA_PC_protein_fact_sheet_p6.pdf).

<sup>31</sup> See *id.*

<sup>32</sup> Covance Laboratories, Certificate of Analysis, Sabra Classic Hummus, Report No. 616403-0 at 2 (Aug. 16, 2012) (providing results of analysis of hummus, including fatty acids, protein, amino acids, and PDCAAS value).





#### 4. The Proposed Food Standard for Hummus Would Be Consistent with International Food Standards for Hummus

Consistent with FDA regulations and the Agency's proposed general principles for food standards, a standard of identity in the United States should be harmonized with international food standards to the extent feasible.<sup>33</sup> As proposed, the standard of identity for hummus would achieve consistency with existing international standards, thereby enhancing international uniformity and marketability.

Although a number of countries do not appear to have an established food standard for hummus,<sup>34</sup> such food standards have been adopted in many Middle Eastern countries, the European Union ("EU"), and by the Codex Alimentarius ("Codex").

In Israel, "hummus salad" is defined as a "paste product" made from "chickpeas, sesame seed tahini, water and [certain optional] additions" including foodstuffs such as eggs, sugars, salt, vinegar, honey, spices, vegetable oil, and food additives such as stabilizing and emulsifying agents and preservatives.<sup>35</sup> The Israeli standard requires the use of tahini at a minimum level of 14 percent.<sup>36</sup>

In Iraq, the standard for "Canned Humus with Tehena" is defined, in relevant part, as "the product that is prepared from dried, pure, washed, soaked, boiled, and mashed chick peas with added tehena (sesame sauce) with or without salt or nutritional additives."<sup>37</sup> The standard requires raw material ingredients of dry chickpeas and tehena, while salt, lemon juice, spices, condiments, and garlic may be added as optional ingredients.<sup>38</sup>

In Jordan, "hummus" is defined, in relevant part, as the food product "prepared from pure, washed, boiled, and mashed dry chickpeas, to which tehena is added, along with, or without, food-grade salt, and the other optional additives."<sup>39</sup> Similarly, in Lebanon, "hummus" is defined as the food product "prepared from drenched, boiled, and mashed chickpeas, to which tehena is added, along with, or without, lemon juice or

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<sup>33</sup> See 21 C.F.R. § 130.6; *Food Standards Principles*, 70 Fed. Reg. at 29,235.

<sup>34</sup> Our efforts to identify international standards of identity for hummus focused primarily on regions with historical and/or cultural use and consumption of hummus, including countries in the Middle East and Europe. The following countries do not appear to have any standard or definition of hummus by law or other guideline: Belgium, Cyprus, Egypt, France, Germany, Greece, Italy, Turkey, and the United Kingdom countries.

<sup>35</sup> See The Israeli Standards Institution, Israeli Standard-IS 1254, *Salads made from Vegetable materials, preserved by low-temperature storage, with or without addition of preservatives* § 1.3.2 (May 2002).

<sup>36</sup> See *id.* § 3.2.

<sup>37</sup> See Ministry of Planning, Central Organization for Standardization and Quality Control, Republic of Iraq, Standard No. 1540 (First Update), *Canned Humus with Tehena* § 2.1.

<sup>38</sup> *Id.* § 3.

<sup>39</sup> See Jordanian Institute of Standards and Metrology, Jordanian Standard No. 465/2003, *Cereals and pulses—Canned chickpeas with tehena* § 3-1 (2003; effective Apr. 15, 2004) (hereinafter "Jordanian Standard").





citrus, food-grade salt, and other optional additives.<sup>40</sup> Both the Jordanian and Lebanese standards require that tehena comprise at least 8% by weight of the product.<sup>41</sup> Finally, in Palestine, “hummus” is defined for customs and trade purposes as cooked, mashed or pureed chickpeas blended with tahini, olive oil, lemon juice, salt, and garlic.

In the EU, the European Food Safety Authority (“EFSA”) has developed a definition for hummus in the FoodEx, a unique identification and classification system for food products that seeks to facilitate the evaluation of food from various databases. Although FoodEx definitions are not binding, the adopted standard for hummus reveals the general understanding of hummus in the greater EU community: “Hummus is a Levantine Arab dip or spread made from cooked, mashed chickpeas, blended with tahini, olive oil, lemon juice, salt and garlic.”<sup>42</sup> Similarly, under EU customs law, which is fully harmonized by EU law, the category of hummus for purposes of classifying and fixing tariffs on imported products, is defined, in relevant part, as follows: “Preparation (hummus), consisting of chickpea puree (81% by weight), water, oil, sesame, spices, citric acid, salt and preservatives.”<sup>43</sup>

The Codex provides a standard for canned hummus with tehena, which was adopted by the Food and Agriculture Organization of the United Nations (“FAO”) and the World Health Organization (“WHO”) Coordinating Committee for the Near East. Under the Codex standard, hummus is defined, in relevant part, as the product “prepared from pure, dry, washed, boiled and mashed chickpeas with tehena added with or without salt . . . .”<sup>44</sup> The “basic ingredients” required for hummus under the Codex standard are “chickpeas and tehena,” with optional ingredients of salt, lemon juice, condiments, and spices. The minimum amount of tehena required under this standard is eight percent.<sup>45</sup>

The proposed food standard for hummus would be consistent with core elements of similar existing and known international food standards. First and foremost, hummus consists primarily of chickpeas and tahini, which serve as the basic ingredients, and may include other optional ingredients to a lesser extent. At least one international food standard requires the level of chickpeas to be greater than 80 percent, consistent with the proposed standard in the United States of 80 percent where the product contains other ingredients that contribute to a characterizing flavor. The level of tahini required in hummus varies among international standards. The minimum level of five percent by weight for the proposed standard in the United States, while lower than some of the international standards, was selected based on an evaluation of the PDCAAS value and chickpea-based hummus products available in the United States today. Specifically, this level was identified to ensure that the protein value of hummus would be sufficient,

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<sup>40</sup> See Lebanese Standards Institutions, Lebanese Standard No. 184:1999, *Canned chickpeas with tehena* § 2-1 [hereinafter “*Lebanese Standard*”].

<sup>41</sup> See *Jordanian Standard* at § 4-7 and *Lebanese Standard* at § 3-1.

<sup>42</sup> EFSA, FoodEx2 Browser, *Hummus* [A03VN], available at <http://www.efsa.europa.eu/en/datex/datexfoodclass.htm>.

<sup>43</sup> EU Regulation 627/2003, Class 2005 90 80 (Apr. 4, 2003).

<sup>44</sup> Codex Stan. 257R-2007, *Regional Standard for Canned Hummus with Tehena*.

<sup>45</sup> *Id.*





and that hummus would contain a minimum amount of tahini while avoiding the creation of a market barrier through a higher percentage.

#### **5. The Proposed Food Standard for Hummus Would Maintain Flexibility for Hummus Products**

Among FDA's proposed general principles for food standards was a concern that food standards maintain flexibility for manufacturers with regard to product ingredients, manufacturing methods and technology, and compliance. To ensure such flexibility and avoid unnecessary regulatory burdens, the proposed standard of identity for hummus purposefully avoids being too detailed or limiting. This would allow manufacturers to take advantage of product changes, such as ingredients, composition, and manufacturing technologies, while maintaining the core elements of hummus. Such minimal compositional requirements for hummus are necessary to ensure product integrity and satisfy consumer expectations, while leaving ample opportunity for innovation.

#### **C. Environmental Impact**

This petition is subject to a categorical exclusion under 21 C.F.R. § 25.32(a).

#### **D. Economic Impact**

Information will be provided to the extent requested by the Commissioner.

#### **E. Certification**

The undersigned certifies that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Respectfully submitted,  
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Enclosures