



Sylvia A. Bergman, Ph.D.
Director, Regulatory Technical Support
Proliant Dairy, LLC.
2425 SE Oak Tree Ct
Ankeny, IA 50021

Re: GRAS Notice No. GRN 000942

Dear Dr. Bergman:

The Food and Drug Administration (FDA, we) is granting the request to cease our evaluation of GRN 000942, which we filed on August 26, 2020. We received this request on December 9, 2020.

The subject of the notice is whey permeate for use as a nutritive carbohydrate sweetener in chocolates, where standards of identity do not preclude its use, at a typical level of 2 – 8% and maximum level of 20%. The notice informs FDA of Proliant Dairy, LLC's (you, your) view that this use of whey permeate is GRAS through scientific procedures.

In an email dated November 12, 2020, we informed you that we consulted with the Office of Nutrition and Food Labeling (ONFL) during our initial review of your GRAS notice regarding the intended use of whey permeate as a nutritive carbohydrate sweetener in chocolate products. The email contained information from ONFL explaining that FDA does not consider whey permeate to be a nutritive carbohydrate sweetener. Given this information, we recommended that you request that we cease our evaluation of the notice. In a follow-up email to you dated November 19, 2020, we provided preliminary feedback from our initial review on the general quality of the notice. In an email dated December 9, 2020, you requested that we cease our evaluation of GRN 000942.

In accordance with 21 CFR 170.275(b)(3), the text of this letter responding to GRN 000942 is accessible to the public at www.fda.gov/grasnoticeinventory.

Sincerely,

Susan J.
Carlson -S

Digitally signed by Susan J.
Carlson -S
Date: 2020.12.21 17:57:57
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Susan Carlson, Ph.D.
Director
Division of Food Ingredients
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