



Office of the General Counsel
Food and Drug Division
Rockville, MD 20857

October 28, 1991

John P. Messina, Esq.
135 S. LaSalle Street, Suite 1960
Chicago, IL 60603

Dear Mr. Messina:

I am responding to your recent letter to Commissioner Kessler regarding the Chicago orange juice matter. I too am concerned that this investigation proceed apace. I have directed my staff to work closely with the United States Attorney for the Northern District of Illinois to that end.

For your information, the present investigation grew out of the successful prosecution in Chicago of the Bodine's cases. Those cases were referred to the Department of Justice by the FDA in 1986 and concluded in 1990 with felony and misdemeanor convictions of three persons. The present investigation was not formally referred to the Department of Justice by the FDA but rather was initiated directly by the United States Attorney as a continuation of the Bodine's matter.

The FDA and my office have expended considerable resources on the investigation and would like to see it concluded as soon as possible. However, since the investigation is being handled by the United States Attorney, that office must ultimately decide the priority of this matter relative to other pressing cases. As I stated, we are actively working with the Office of the United States Attorney and will encourage that office to conclude the investigation as soon as feasible.

Thank you for your interest in this important matter. Thank you also for the outstanding cooperation you have shown in the investigation to date.

Sincerely yours,

Margaret Jane Porter
Chief Counsel
Food and Drug Administration

cc: Fred L. Foreman
United States Attorney for the
Northern District of Illinois