

Consumer Products Safety Improvement Act Letter

January 2009

TO OUR CUSTOMERS,

In light of the passage of the Consumer Products Safety Improvement Act of 2008 (CPSIA) and its mandates regarding graduated compliance levels over the next few years, Forbidden Sweets, Inc. is providing you this letter addressing our responses to the CPSIA and what you can expect of us going forward.

Having reviewed the terms of the CPSIA and after discussions with industry organizations, **Forbidden Sweets has concluded that the CPSIA does not cover our food products.** This does not mean that we are not highly sensitive to the important goals that Congress defined in the legislation; we share those goals and will keep them in mind as we develop and market products to meet our customers' desires.

As food regulation stands today, we remain under the exclusive jurisdiction of the United States Food and Drug Administration (FDA). The CPSIA does not alter this long-standing regulatory relationship. Food safety, as distinct from consumer product safety, is the FDA's responsibility and as a food manufacturer, Forbidden Sweets is governed by the FDA's food safety authority. The CPSIA has jurisdiction over consumer products (for example, toys packaged with candy) as well as potential physical hazards (for example, sharp edges, small parts posing a choking hazard and chemical hazard – associated with the packaging of food items.)

The CPSIA specifically excludes food from the reach of its rules, as food is within the FDA's control. Thus, Forbidden Sweets concluded that its chocolate or other confectionary products are not subject to the testing and certification regulations of the CPSIA.

We sought and have received testing information from our packaging vendors (cello bags and sticks) to assure ourselves that our packaging products do not pose a lead-ingestion hazard.

We will continue to monitor developments in this important consumer regulation and we assure you that Forbidden Sweets takes our responsibility as a food manufacturer seriously and will always be in compliance with the prevailing FDA food safety requirements as well as any CPSIA regulations, which are determined to govern our chocolate items.

If you have any questions, please call us.

Roxanne Abbeduto

Vice President

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