

Mr. William Hall
Director, News Division
Mary E. Switzer Building
U.S. Department of Health and Human Services
Room 2206
330 C Street S.W. Washington, DC 20201



January 19, 2014

REFERENCE: FDA Control No. F13-9531

Dear Mr. Hall:

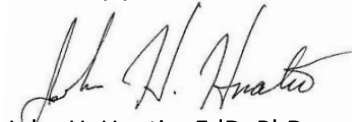
This letter is in response to the January 9, 2014, letter we received from Ms. Patricia Gee, Government Information Specialist, Executive Secretariat Staff, Office of Foods and Veterinary Medicine, Center for Food Safety and Applied Nutrition.

In the letter Ms. Gee states that the Department of Health and Human Services does not collect, maintain or require any type of sign-up for the use of the FDA computer software tools that duplicate FoodQuestTQ products that are now being given away to the food industry by the FDA free of charge. This is not the case. The attached "screenshot" taken directly from the official FDA website demonstrates that we are being systematically lied to.

As recounted in my letter to you just yesterday, this is the second time that the Center for Food Safety and Applied Nutrition (CFSAN) has attempted to deceive us. In a prior request CFSAN sent us three general e-mails that had nothing to do with our request for e-mail traffic received, written and distributed by FDA employee Ms. Leanne Jackson in which she may have spoken in a derogatory fashion about FoodQuestTQ. In response to that attempted deception by CFSAN, we provided you with validated electronic records that show Ms. Jackson, in fact, opened/transmitted and or created e-mail strings that directly relate to our request many hundreds of times!

Again, we are concerned that the FDA and the Department of Health and Human Services may be unlawfully using the FOIA as the means to shield the alleged unlawful actions involving fraud, waste and abuse in the FoodQuestTQ matter. The withholding of responsive documents under false pretenses constitutes an egregious violation of the FOIA and could rise to the criminal level of obstruction of justice in the matter of FoodQuestTQ. Because of these grave concerns, we are providing a copy of this appeal directly to Mr. Daniel Levinson, the Inspector General of the Department of Health and Humans Services.

Sincerely yours,



John H. Hnatio, EdD, PhD
Chief Science officer

cc:

Mr. Dan Levinson

Ms. Patricia Gee