

Mr. William Hall  
Director News Division  
Office of the Assistant Secretary for Public Affairs  
U.S. Department of Health and Human Services  
7700 Wisconsin Avenue, Suite 920  
Bethesda, Maryland 20814



November 20, 2013

REFERENCE: Freedom of Information Act Appeal F13-7493

Dear Mr. Hall:

We have received a letter dated November 15, 2013, from the FOI Officer [signature illegible], Executive Operations Staff, Center for Food Safety and Nutrition in response to our Freedom of Information Act (FOIA) request for copies of 351 official government e-mail messages of a specifically named FDA employee.

The purpose of this letter is to dispute the FDA finding that there exist no additional records responsive to our request. Please find attached validated copies of electronic records confirming that the specified FDA employee opened and/or forwarded and/or commented on the subject May 18, 2013, FoodQuestTQ information memorandum to the food industry entitled: "Use of Projectioneering LLC and FoodQuestTQ LLC Intellectual Property by the FDA without Permission," over four hundred (400) times.

Our original request included **all** electronic e-mail records related to the 351 times and dates that the specified FDA employee opened, forwarded or commented on the subject FoodQuestTQ information memorandum to the food industry dated May 18, 2013. This includes all related e-mail strings resulting from any communications by the employee as well as any "cc's" and "bcc's" for any e-mails that are responsive to our original request.

Our goal in filing this appeal is for the government to directly access the specifically named FDA employee's official government e-mail account in order to determine what derogatory information concerning FoodQuestTQ that she may have communicated to other employees in the FDA, the Department of Health and Human Services (HHS), other government agencies and the food industry.

The responsive documents to our request are easily accessed via the FDA computer server and the e-mail archives of the specifically named employee at her official FDA government e-mail account of: [Leeanne.Jackson@fda.hhs.gov](mailto:Leeanne.Jackson@fda.hhs.gov).

We will be filing additional requests for FDA electronic e-mail records and other information based on the review of the information resulting from this initial Freedom of Information Act request. Thank-you very much for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Hnatio".

John H. Hnatio, EdD, PhD  
Chief Science Officer

CC:

Dr. Margaret Hamburg, Commissioner, FDA  
Ms. Kathleen Sibelius, Secretary, HHS  
Mr. Brian Castro, NOSB  
Mr. Walter M. Shaub, Director, OGE  
Ms. Sylvia Mathews Burwell, Director, OMB  
Mr. Kevin Mack, Congressional Staff Member  
Ms. Leanne Jackson, FDA  
Yellow Pages Caucus, U.S. House of Representatives