

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 3, 2013

REFERENCE: Freedom of Information Act Appeal. Case No. 2013-7493

Dear Mr. Hall:

On October 30, 2013, we received a letter from Mr. Frederick J. Sadler, Director of the Division of Freedom of Information, Department of Health and Human Services, denying our request for expedited processing of our Freedom of Information Act (FOIA) request for copies of 351 official government e-mails messages of a specifically named FDA employee.

Our request for expedited processing is based on the belief that the FDA employee's 351 official government e-mails may include defamatory and discriminatory messages to others both within the federal government and to the food industry concerning our small company.

The existence of such e-mail messages would confirm that the Food and Drug Administration pursues the practice of "blacklisting" small companies in reprisal for filing complaints with the Office of National Ombudsman for Small Business.

Thus, we believe that there is, in fact, a compelling need for public disclosure of any agency of the federal government in pursuing such practices.

In our case, the FDA has leveraged the power of the federal government to compete directly with our small business by stealing our ideas, duplicating our commercial products and then giving them away to industry free of charge.

This situation creates urgency for prompt public disclosure of FDA wrongdoing. The prompt public disclosure of FDA "blacklisting" small companies in reprisal for filing complaints with the Office of National Ombudsman for Small Business could raise the public awareness necessary to save our small company.

I am a highly educated professional who has published many articles. I ask that you please consider me as a "free-lance" journalist in making this request. I will be happy to certify my significant past record of publication and my intent to promptly publish the results of this FOIA request for public knowledge as soon as the requested information is made available to me.

Sincerely,

A handwritten signature in black ink, appearing to read 'John H. Hnatio', is written over a light grey rectangular background.

John H. Hnatio, EdD, PhD
Chief Science Officer

cc:

Mr. William Hall, FDA
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
Yellow Pages Caucus, U.S. House of Representatives