

Senator Leahy
437 Russell Senate Building
United States Senate
Washington, DC 20510



May 9, 2013

Dear Senator Leahy,

We are a small business that is being unfairly competed against by the Food and Drug Administration (FDA). In December 2012, we discovered that the Food and Drug Administration (FDA) was using, without permission, our intellectual property and duplicating our products under a multi-million dollar contract with Battelle Memorial Institute. We are in the struggle of our lives to keep our small business alive.

Since the time we filed a complaint with the National Ombudsman for Small Business in March 2013, the matter has seriously escalated. In response to our complaint, the Department of Health and Human Services (HHS) and the FDA mounted a legal defense of their own wrongful actions instead of engaging in a thoughtful dialogue to fairly resolve the matter. A serious cover-up ensued. Unfortunately, the National Ombudsman for Small Business does not have the authority to investigate unfair competition by federal agencies with small businesses.

Enclosed please find a case study entitled, *Unfair Competition by the Federal Government with Small Business: The Food and Drug Administration versus FoodQuestTQ LLC*. We wanted to share this document with you because of the serious consequences a situation like this can have on the confidence of the American people in the agency that is responsible for the safety of the food Americans eat. The case study demonstrates that there are severe problems within both HHS and FDA that involve the ethics of federal employees and procurement integrity.

We want to thank-you very much for reading this letter and for your support for the entrepreneurs and small businesses across America who do so much for our country.

Most respectfully yours,

John Hnatio, EdD, PhD
Chief Science Officer