

company's telephone number is 612-338-7844; its telefax number is 612-338-8005.

A feature article, "The Numbers Game," in the *Chicago Tribune's Sunday* magazine Feb. 21, 1988, cited work at Woodson-Tenent Laboratories Inc. to show how calories are counted in frozen entrées. Photographs of and comments by three

AOCS members—Lars Reimann, Linda Littlejohn and Doug Bark, all at Woodson-Tenent—were part of the article.

A new company, Supercritical Processing Inc., has been formed to commercialize supercritical fluid extraction. The company has purchased the assets of the supercritical processing venture of Air Products and

Chemicals Ltd. Founders of the company are Zvi H. Weinman, president, and Raymond J. Robey, vice president. The firm is based in Allentown, Pennsylvania.

AOCS member Nagin Patel has been named chief operating officer at Alberta Terminals Canola Crushers Ltd. in Sexsmith, Alberta, Canada.

From Washington

EPA requires hexane testing

The U.S. Environmental Protection Agency (EPA) has ruled that commercial hexane manufacturers and processors must test the chemical for its subchronic toxicity, oncogenicity, reproductive toxicity, developmental toxicity, mutagenicity, neurotoxicity, and inhalation and dermal pharmacokinetics.

Earlier, EPA had proposed that more acute toxicity research be carried out, but the agency concluded that additional studies were unnecessary after reviewing information provided by industry groups, according to the final rule published in the *Federal Register* on Feb. 5, 1988. The agency also dropped an earlier proposal that would have required manufacturers and processors to run similar tests on methylcyclopentane (MCP), the second largest constituent in commercial hexane after *n*-hexane.

The regulations, which went into effect March 21, 1988, require manufacturers and processors to test the effects of hexane on health "if the exposure giving rise to the potential risks occurs during distribution in commerce, use or disposal of the chemical." EPA defined commercial hexane as hexane containing at least 40 liquid volume percent *n*-hexane and at least 5 liquid volume percent MCP. However, for test purposes, MCP content must be at least 10 liquid volume percent.

"EPA believes that the test sub-

stance will represent a worst-case exposure to MCP and C₆ isomers other than *n*-hexane and provide a complement to existing data on *n*-hexane," the *Federal Register* rule noted.

Manufacturers subject to the new rules are required to submit either a letter of intent to perform testing or an exemption application no more than 30 days after the regulations go into effect. Under Toxic Substances Control Act (TSCA) provisions to prevent duplicate tests, EPA can allow two or more manufacturers to designate someone to conduct the research for them. Processors only are required to submit the letter or application if manufacturers fail to submit a letter or sponsor the required tests.

According to the ruling, anyone violating the testing rules would be subject to criminal and civil liabilities under TSCA. Civil and criminal penalties could result in fines up to \$25,000 for each violation. "Knowing and willful violations" also could result in imprisonment for up to one year. Among those who could be subject to penalties are "persons who submit materially misleading or false information." Failure to submit the letter of intent or the exemption request could result in civil penalties, according to the rule.

EPA estimated testing costs for the study would range from \$2.2 million to \$2.9 million. Figures from 1985 indicate that approximately 83,000 workers have actual exposure to hexane solvents. Details: *Federal Register*, Feb. 5, 1988, pp. 3382-3395.

Patent Office hears appeal

Lawyers for Harold N. Barham and Harold N. Barham Jr. have appealed a U.S. Patent Office decision to reject the Barhams' patent for the use of soybean oil in dust suppression. The U.S. Patent Office's rejection of Patent 4,208,433, "Method for the Adsorption of Solids by Whole Seeds," was the result of an American Soybean Association (ASA) request that the patent be reexamined.

ASA had claimed that for a patent to be valid, an invention must be novel, nonobvious and useful. The Patent Office determined that the use was not novel and that there was a history of prior art (meaning that oil had been used for dust suppression), according to David Erickson, ASA's director of technical services. When contacted, the patent examiner would not explain the reason for the rejection.

"Although the examiner essentially has taken the position that the invention was obvious, our position still is that its use was non-obvious," according to George Matava of Sheridan, Ross and McIntosh, the Denver, Colorado, patent firm representing the Barhams. "One way to establish that the invention was nonobvious is to present commercial success evidence."

Matava explained this meant that if companies weren't using oil to suppress dust on a commercial scale before the patent's issue, then the use of oil was nonobvious. "Everyone in hindsight can say the (dust

suppression) use was obvious, but if it had been obvious, people would have used it," Matava said. ASA, however, claims that fats and oils have been used for a long time as dust suppressants.

The law firm made its appeal in January and was to file its brief with the Patent Office's Board of Appeals in March. Matava estimated it could take six months for the three-member panel to make its decision, but added, "We're confident the board will overturn the examiner's decision." If the appeal fails, Matava said an appeal would be made to the Federal Circuit Court of Appeals.

According to Matava, the Barham patent is still "deemed valid at this point."

Meanwhile, ASA stands ready to aid the Patent Office if it should ask for help, Erickson said, adding, "Now, the fight is between the Barhams' patent attorneys and the Patent Office." ASA has said that a successful challenge to the patent would open new markets for soybean oil as a dust suppressant.

Soviet vs. U.S. food intake

In 1981, the average Soviet citizen ate 51 pounds of fats and oils, while his counterpart in the U.S. ate 61 pounds. That's up from 1965 when per capita consumption in the Soviet Union was 39 pounds and U.S. per capita intake was 51 pounds.

According to data in a recent study conducted jointly by the Central Intelligence Agency (CIA) and the U.S. Department of Agriculture's (USDA) Human Nutrition Information Service, use of fats and oils increased by 31% in the Soviet Union and by 20% in the U.S. between 1965 and 1981.

The CIA-USDA study said both animal and vegetable fat intake rose in the Soviet Union during the 16 years of the study, but in the U.S., vegetable oil consumption increased and animal fat intake declined. In the U.S., animal fat intake fell to 13 pounds per capita in 1981, down from 18 pounds in 1965. Vegetable fat intake

reached 48 pounds per person, up 15 pounds from 1965. Soviets consumed an average of 30 pounds of vegetable oil and 21 pounds of animal fat in 1981.

Although protein supplied 12% of the food energy in both the U.S. and Soviet Union diets in 1981, fat and carbohydrate figures differed. Food energy supplied by fat reached 28% in the Soviet Union, well below the 42% in the U.S. supply. Carbohydrates supplied 60% of the food energy in the Soviet Union but only 46% in the U.S.

USDA sponsors quality meeting

The U.S. Department of Agriculture (USDA) will sponsor an agricultural products quality conference in St. Louis, Missouri, June 28-29. Assistant Secretary of Agriculture for Marketing and Inspection Services Kenneth A. Gilles, head of the conference, said the meeting would be a working conference "where agricultural leaders can have the opportunity to discuss their ideas on how to strengthen the competitive quality of American agriculture."

"Agricultural Products Quality and Competitiveness: Now and for the Future" will focus on maintaining a quality advantage for American agriculture in the highly competitive domestic and international marketplace, Gilles said. Leaders from farm organizations, farm market development organizations, agribusiness, wholesalers, retailers, trade associations and the agricultural higher education community have been invited to participate.

Menhaden oil under review

The Food and Drug Administration (FDA) has asked the Mitre Corp. to conduct a literature search and an analysis of key studies that identify the health effects of menhaden oil.

FDA will not take action on a petition for generally recognized as

safe (GRAS) status for menhaden oil until it receives the final report from the Mitre Corp., slated for early 1989, according to G.L. McCowin, director of the division of Food and Color Additives in FDA's Center for Food Safety and Applied Nutrition.

Food Chemical News reported that McCowin, in a letter to Roy Martin of the National Fish Meal and Oil Association (NFMOA), said FDA had completed a preliminary review of NFMOA's petition for GRAS status for menhaden oil. Although McCowin said the agency soon might recommend a final action on the portion of the petition dealing with partially hydrogenated menhaden oil, FDA still wants more information about omega-3 fatty acids present in the oil.

Because omega-3 fatty acids may affect functions or organs dependent on prostaglandins, McCowin said, "Information on the effects of menhaden oil on these functions will be required to complete the safety evaluation of this substance." If the Mitre Corp.'s review does not resolve FDA's questions about menhaden oil, FDA may require chronic feeding studies, McCowin said. FDA is concerned about menhaden oil because it is being encapsulated and marketed as a product with health benefits. Details: *Food Chemical News*, Feb. 8, 1988, p. 33.

USDA raises peanut support

The U.S. Department of Agriculture (USDA) has set the national average support level for 1988 crop quota peanuts at \$615.27 per short ton, up \$7.80 per short ton from the 1987 level.

The national average support level for 1988 crop additional peanuts will be \$149.75 per short ton, unchanged from 1987.

The 1988 crop additional peanuts owned or controlled by USDA's Commodity Credit Corporation will be sold for export edible use at no less than \$400 per short ton, the same minimum price as for the 1987 crop.