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CH-8810 Horgen
Switzerland

Horgen, April 13, 2010

Resinex Germany GmbH
Attn. Ms. Susanne Gramatzki
Gernsheimer Str. 1
DE - 64673 Zwingenberg

Dear Ms. Gramatzki,

This is to inform you that the composition of our polyethylene material:

HDPE KT 10000 UE

as supplied from our factory complies with the requirements for use in contact with food of:

EU EU Commission Directive 2002/72/EC, Annex II, Section A+B
 and Annex III (6.8.2002) + EU-OJ (13.2.2003), incl. subsequent
 amendments like the EU-Directives:
 - 2004/1/EC (6.1.2004)
 - 2004/19/EC (1.3.2004)
 - 2005/79/EC (18.11.2005)
 - 2007/19/EC (2.4.2007)
 - 2008/39/EC (6.3.2008)
 and
 - EU Commission Regulation (EC) No 975/2009 (19.10.2009)

(applies to all EU-Member States)

(The EU Commission Directive 90/128/EEC and its
amendments, EU-Directive 92/39/EEC, 93/9/EEC, 95/3/EC,
96/11/EC, 1999/91/EC, 2001/62/EC and 2002/17/EC, are
repealed)

Austria "Verordnung Nr. 775 (Kunststoffverordnung, KVO), Anlage 1,
 Abschnitt A" (23.9.1994) incl. subsequent amendments
 like "KVO Nr. 452/2006"

Belgium	"Arrêté royal – 3.7.2005, Annexe, Chapitre I, Listes 1-6" incl. subsequent amendments like "Arrêté royal – 5.7.2006", "Arrêté royal – 18.9.2008" and "Arrêté royal – 8.3.2009"
Bulgaria	"Ordinance No 1 of 7 January 2002 relating to plastic materials and articles, intended to come into contact with foodstuffs" (State Gazette No 13 of 05.02.2002, amendments SG No 55 of 25.06.2004, SG No 70 of 26.08.2005, SG No 59 of 21.07.2006, SG No 2 of 09.01.2007 and SG No 52 of 29.06.2007)
Cyprus	"Ε.Ε.Παρ. ΙΙΙ (Ι), Αρ. 3850, 30.4.2004, Κ.Δ.Π. 450/2004" incl. subsequent amendments like "Ε.Ε.Παρ. ΙΙΙ (Ι), Αρ. 4161, 29.12.2006, Κ.Δ.Π.483/2006"
Czech Republic	"Vyhláška Ministerstva zdravotnictví č. 38/2001 Sb ze dne 19.01.2001, o hygienických požadavcích na výrobky určené pro styk s potravinami a pokrmý" (01.02.2001) incl. subsequent amendments like "Vyhláška č.186/2003 Sb ze dne 09.06.2003" (24.06.2003), "Vyhláška č.207/2006 Sb ze dne 05.05.2006" (18.05.2006), "Vyhláška č.551/2006 Sb" (20.12.2006), "Vyhláška č.271/2008 Sb ze dne 28.07.2008" (08.08.2008), "Vyhláška č.386/2008 Sb ze dne 08.10.2008" (23.10.2008) and "Vyhláška č. 127/2009 Sb" (15.05.2009)
Denmark	"Fødevarestyrelsens Bekendtgørelse nr. 298 (Bilag 2A + 3A + 3B) om materialer og genstande bestemt til kontakt med fødevarer" (28.4.2008)
Finland	"Decree No. 953/2002" (12.11.2002) incl. subsequent amendments like "Decree No 141/2005" (24.2.2005) and "Decree No 181/2005" (10.3.2005)
France	"Arrêté du 2 janvier 2003, Journal Officiel de la République Française, n° 24" (29.1.2003) incl. subsequent amendments like "Arrêté du 19 octobre 2006, Journal Officiel de la République Française" (10.11.2006)
Germany	a) "Bedarfsgegenständeverordnung vom 23. Dezember 1997" incl. subsequent amendments like "Verordnung zur Änderung der Bedarfsgegenständeverordnung vom 30. April 2008, Anlage 3" b) "BfR (earlier BgVV), Empfehlung III, Stand vom 1.6.2007" (Note: Monomers and additives listed in the "Bedarfsgegenständeverordnung", as amended, are no longer listed in the "Empfehlung III".)
Great Britain	The compositional requirements of "The Plastic Materials and Articles in Contact with Food (England) Regulations 2009 No. 205 (S.I. 2009 No. 205 / 5.2.2009)

Greece	"Codex Alimentarius, AXΣ n° 458/2003" incl. subsequent amendments like "AXΣ n° 330/2005"
Hungary	"Codex Alimentarius Hungaricus 1-2-2002/72" (2003) incl. subsequent amendments like "Codex Alimentarius Hungaricus 1-2-2002/72" (2004) – [Consolidated]
Ireland	S.I. No. 139 of 2006 incl. subsequent amendments like S.I. No. 566 of 2006 and S.I. No. 80 of 2007
Italy	a) "Decreto Ministeriale (D.M.) - 21.3.1973, Allegato II, Sezione 1, Parte A+B" incl. subsequent amendments like "D.M. n. 174 (24.9.2008)" b) "Decreto n. 174 – 6.4.2004, Art. 5.2.c. + Allegato IIIa"
Lithuania	"Sveikatos apsaugos ministro 2003 m. gruodžio 24 d. isakymas Nr. V-771" Dėl Lietuvos higienos normos HN 16:2003 "Medžiagos ir gaminiai, besiliečiantys su maistu" patvirtinimo (Žin., 2004, Nr. 45-1486; klaidų atitaisymas Nr. 56)
Luxembourg	"Règlement grand-ducal du 11 juin 1991" incl. subsequent amendments like "Règlement grand-ducal du 27 janvier 2001"
Netherlands	"Verpakkingen en Gebruiksartikelen Besluit (Warenwet), Hoofdstuk I.2" (16.10.2003) incl. subsequent amendments like "Staatscourant nr. 114" (15.6.2006)
Norway	"Forskrift om materialer og gjenstander i kontakt med næringsmidler, Vedlegg I, Del 1+2" (21.12.1993) incl. subsequent amendments like "F. nr. 297" (6.3.2003)
Poland	"Rozporządzenie Ministra Zdrowia z dnia 22 czerwca 2007 r. w sprawie wykazu substancji, których stosowanie jest dozwolone w procesie wytwarzania lub przetwarzania materiałów i wyrobów z tworzyw sztucznych, a także sposobu sprawdzania zgodności tych materiałów i wyrobów z ustalonymi limitami Dz. U. z 19 lipca 2007 Nr 129 poz. 904" including subsequent amendments like "Dz. U. z 20 listopada 2008 Nr 205 poz. 1285"
Portugal	"Decreto-Lei n° 197/2007" (15.5.2007)
Romania	Government Decision no. 1.197/2002 for the approval of the Norms regarding the materials and objects that come into contact with foodstuffs as amended by DECISION No. 512 of 7 April 2004 incl. subsequent amendments like DECISION No. 1393 from 4 October 2006.

Slovakia	“Výnos Ministerstva pôdohospodárstva Slovenskej republiky a Ministerstva zdravotníctva Slovenskej republiky z 9. júna 2003 č. 1799/2003 – 100, ktorým sa vydáva piata hlava Potravinového kódexu Slovenskej republiky upravujúca materiály a predmety určené na styk s potravinami. (vydané vo Vestníku MP SR ročník XXXV, čiastka 15 z 3. júla 2003)” including subsequent amendments like “Výnos Ministerstva pôdohospodárstva Slovenskej republiky a Ministerstva zdravotníctva Slovenskej republiky z 26. júla 2006 č.13760/2006-SL, ktorým sa mení a dopĺňa výnos Ministerstva pôdohospodárstva Slovenskej republiky a Ministerstva zdravotníctva Slovenskej republiky z 9.júna 2003 č.1799/2003 -100, ktorým sa vydáva hlava Potravinového kódexu Slovenskej republiky upravujúca materiály a predmety určené na styk s potravinami v znení neskorších predpisov (vydané vo Vestníku MP SR ročník XXXVIII, čiastka 16 z 23.augusta 2006)”
Spain	a) "Real Decreto 866/2008", Anexo II, Sección A+B and Anexo III, Sección A+B" (23. 5.2008) incl. subsequent amendments like "Real Decreto 103/2009" (6.2.2009) b) "Resolución de 4 de noviembre de 1982, Anexo 1" (4.11.1982) incl. subsequent amendments like "Orden de 3 de julio de 1985" (3.7.1985)
Sweden	"LIVSFS 2003:2, Bilaga 2A + Bilaga 3" (28.2.2003) incl. subsequent amendments like "LIVSFS 2008:7" (8.4.2008)
Switzerland	"Verordnung des EDI über Bedarfsgegenstände, 3. Abschnitt, Anhang 1, Liste I, Teil A+B und Liste II" (23.11.2005), incl. subsequent amendments like "Änderung vom 26. November 2008"

With reference to Article 9 of EU-Directive 2002/72/EC (latest amended by EU-Directive 2008/39/EC):

- No substances, which are subject to a restriction in food based on EU-Directive 95/2/EC (20.2.1995) incl. subsequent amendments like EU-Directive 2006/52/EC (5.7.2006), are present in this product.

In reference to Article 3 of Regulation (EC) No 1935/2004 concerning the generic product safety requirements of materials and articles intended to come into contact with foodstuffs:

- This resin is manufactured in accordance with good manufacturing practice as outlined in Commission Regulation (EC) No 2023/2006 of 22 December 2006.

- The raw materials used for the manufacturing of this resin are of a suitable purity for articles intended for use in contact with foodstuffs.
However, good manufacturing practice needs to be applied during processing of the polymer, including adherence to the maximum recommended processing temperatures.

- All monomers and additives used in the manufacturing of this resin are listed in EU Directive 2002/72/EC and/or are allowed for use in food contact articles under the relevant national food-contact regulations applicable to many countries in Europe.

- Dow does not on a routine basis perform organoleptical tests on articles produced from this resin.

Please note that it is the responsibility of the manufacturers of the finished food contact article and/or the industrial food packers to ensure that the article in its final application does not bring about a deterioration of the organoleptical characteristics of the foodstuff.

- Parameters such as applied processing conditions and any modification of the resin during processing is beyond the control of Dow.

Thermal emissions (like aldehydes, ketones and organic acids) are generated during processing of polyethylene under typical processing conditions.

Since these emissions could have an impact on the organoleptical properties of the final products, it remains the responsibility of the manufacturer of the finished food contact article and the industrial food packer to make sure that the requirements of Regulation (EC) No 1935/2004, Article 3, pertaining to the final articles, are met.

Further, systems and procedures are implemented in the manufacture of this resin in order to fulfill the requirements of Article 17 of Regulation (EC) No 1935/2004 re. traceability. Article 17 applies as of 27 October 2006.

We like to draw your attention to the fact that the EU-Directive 2002/72/EC, which applies to all EU-Member States, includes a limit of 10 mg/dm² on the overall migration from finished plastic articles into food.

In accordance with EU-Directive 2002/72/EC the migration should be measured on finished articles placed into contact with the foodstuff or appropriate food simulants for a period and at a temperature which are chosen by reference to the contact conditions in actual use, according to the rules laid down in EU-Directives 97/48/EC (amending 82/711/EEC) and 85/572/EEC.

Also, specific migration limitations (**SML**) for certain substances of this resin are imposed by the EU/EFTA-member countries as follows:

a) Non Dow proprietary substances

<u>Component</u>	<u>CAS-nr</u>	<u>Limit</u>	<u>Regulation/Country</u>
Octene-1	111-66-0	15 ppm	EU-Directive 2002/72/EC (applies to all EU-Member States), Norway, Switzerland

b) Dow proprietary substances

SML imposed by Regulation/Country:	EU-Directive 2002/72/EC (applies to all EU-Member States), Norway, Switzerland
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We will upon your request supply this Dow proprietary information under secrecy agreement to an official food contact testing laboratory of your choice.

None of the above mentioned food contact regulations or laws based on EU-Directive 2002/72/EC and amendments, impose residual quantity **(QM)** limitations on the individual components of this resin.

Please note that it is the responsibility of both the manufacturers of finished food contact articles as well as the industrial food packers to make sure that these articles in their actual use are in compliance with the imposed specific and overall migration requirements.

Further, when used unmodified and processed in accordance with good manufacturing practice for food contact applications, the above-mentioned material will comply with the U.S. Food, Drug and Cosmetic Act as amended under Regulation 21 CFR 177.1520(c)3.2a of the U.S. Food and Drug Administration (FDA).

This product is limited to use in contact with food only under conditions of use B through H described in table 2 of Sec. 176.170(c), and when contacting fatty foods of Types III, IVA, V, VII-A, and IX described in table 1 of Sec. 176.170(c), the finished articles are to have a volume of at least 18.9 liters (5 gallons).

The material will also comply with the BPF/BIBRA extractability limitations as specified in Polymer Specification 4, item 4, polymer category 1.3 (2.6 % in n-hexane and 30 % in xylene).

These sections in FDA and in BPF/BIBRA regulate polymers used in articles for holding food during cooking. This statement refers to the extraction limitations only, not to the products physical utility.

The regulations should be consulted for complete details.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Anders G. Larson', followed by a long horizontal line.

Anders G. Larson Dornonville de la Cour
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