

FILE

13 February 1946

Lt. Col. Cooper R. Rhodes

KILLE et al (12 separate cases) vs E. I. du Pont
de Nemours & Co., Inc. et al (Peach Crop Cases)

1. On 12 February 1946 Lt. Col. Cooper R. Rhodes and Captain John E. Davies, Jr. attended a conference in Washington, D. C., at the office of Dr. W. B. White, Chief of the Food Division of the Food and Drug Administration. This conference was requested by Mr. C. E. Geuther of E. I. du Pont de Nemours & Co., Inc. and was arranged by Captain Davies through Dr. W. A. McCall of the Department of Agriculture. A list of those who attended the conference is attached hereto.

2. At the opening of the conference Mr. Geuther stated the position of E. I. du Pont de Nemours & Co., Inc. with respect to threatened action by the Food and Drug Administration. He stated that in view of the pending suits filed by owners of peach orchards, any action by the Food and Drug Administration condemning or contrabanding vegetable produce grown in that part of New Jersey would have a serious effect on the du Pont Company and would create a bad public relations situation for that company. He stated that although the du Pont Company did not admit that the fluorine content of vegetables grown in that area was in any way attributable to activities or operations of the du Pont Company, that company was taking steps to eliminate entirely the present small amount of HF which is now being discharged into the atmosphere by the Chambers Works. Mr. Geuther offered to the Food and Drug Administration the services of du Pont Company scientists and offered to make available the results of investigations and experiments made by those scientists, and stated that it was the desire of the du Pont Company to cooperate with the Food and Drug Administration in an effort to ascertain the true facts with respect to the presence of fluorine in the vegetables produced in that area and the cause therefor.

3. Dr. White explained the position of the Food and Drug Administration. He stated that that agency was not primarily interested in ascertaining the cause or source of the fluorine found in the vegetables and that its investigation could go no further than the determination of the presence and amount of fluorine in the vegetables which might be shipped in interstate commerce. The job of his office, he stated, is to prevent the shipment of fruits and vegetables having excessive fluorine content.

4. Dr. C. G. Hanks, of E. I. du Pont de Nemours & Co., Inc., and Dr. P. W. Zimmerman, of Boyce-Thompson Institute, reviewed the investigations and surveys which had been conducted, and those which are now in progress, by and for the du Pont Company.

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5. There followed a lengthy discussion among the scientists present concerning the toxic effects of fluorine in its various forms and methods of determining the presence and amount of fluorine in the atmosphere and in vegetable matter. There was also some discussion as to the amount of fluorine which could be allowed in fruits and vegetables without likelihood of injury to consumers. No definite statement was made by officials of the Pure Food and Drug Administration as to the limit of tolerance which would be set by that agency for the fluorine content of produce from the area under consideration.

6. After the meeting adjourned Captain Davies informed Dr. White of the position of the Manhattan Engineer District with respect to this problem and stated that it is the desire of this office to cooperate with the Food and Drug Administration in determining the true facts and arriving at a proper decision. He impressed upon Dr. White the substantial interest which the Government had in claims which might arise as a result of action which might be taken by the Food and Drug Administration. During this conversation Dr. White disclosed the fact that the investigation made by the Food and Drug Administration was instituted as a result of information supplied by Mr. S. P. Sadtler, Jr.

COOPER B. REGENY

Incl. 1
List, 12 Feb 46

cc: Major General L. R. Groves, w/cy incl.
Brig. General K. D. Nichols, w/cy incl.
Colonel E. E. Kirkpatrick, w/cy incl.
Area Engineer, Wilmington Area, w/cy incl.
District Office Legal Section (Att. Mr. E. Diamond), w/cy incl.