

March 22, 2021

Senator Richard Pan, Chair  
Senate Health Committee  
State Capitol, Room 2191  
Sacramento, CA 95814

**VIA ELECTRONIC MAIL ONLY**

**SB 651 (Wieckowski) – OPPOSED**

Chair Pan,

On behalf of the undersigned entities, we are opposed to SB 651 regarding unnecessary warning labels for synthetic colors. As a prefatory matter, we would like to remind the committee the U.S. Food and Drug Administration (FDA) has an extensive premarket approval and market surveillance program for the use of all food ingredients including synthetic food colors. Robust reviews of the health impacts of synthetic colors conducted by scientific bodies including the FDA, the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and the European Food Safety Authority (EFSA) have found these ingredients to be safe for use as food additives. The claims linking synthetic colors with possible attention deficit disorder / hyperactivity are not scientifically sound enough to warrant confusing and costly warning labels. We would also like to emphasize the following points:

**Synthetic Food Colors are Safe**

In the US, the FDA regulates all color additives, including evaluating safety based on scientific evidence, and regulating labeling. In March 2011, the FDA Food Advisory Committee (FAC), an expert panel of pediatricians, toxicologists, behavioral scientists, food scientists, and scientists in related fields, convened for a meeting to review all the available scientific data investigating a potential correlation between color additive intake and hyperactive behavior in children<sup>1</sup>. After two days of scientific discussion, presentations by researchers, and public comment by parents and stakeholders, the FAC recommended that no additional information, including a warning label on products, was needed to ensure the safe use of colors as food additives. The FAC also concluded, based on all available evidence, that a causal relationship between the intake of synthetic color additives and hyperactivity in children could not be established and that behavioral effects appear to result from intolerance to these substances, not

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<sup>1</sup> FDA (United States Food and Drug Administration). 2011. Center for Food Safety and Applied Nutrition, Food Advisory Committee Meeting (March 30-31, 2011), Transcript: March 31, 2011 Food Advisory Committee Meeting, Page 325. <https://wayback.archive-it.org/org1137/20170406211705/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetinMaterials/FoodAdvisoryCommittee/UCM255119.pdf>

from inherent neurological properties.

Additionally, recent re-evaluations by international regulatory bodies such as JECFA and EFSA concluded that they continue to be safe for all ages, including children. Both JECFA and EFSA<sup>2</sup> have evaluated and concluded that the available literature does not provide compelling evidence to cause concern about impacts to ADHD from consumption of synthetic colors.

### **Color Additives Have an Important Role**

Color additives play an important role in food and they do so without posing a health risk to consumers. The most important benefit is to indicate the palatability, or tastiness, of a product. Research has consistently shown that if foods do not have the right color, people will not eat them. Colors are added to reduce batch-to-batch variations and ensure an even, consistent appearance in food products.

### **Synthetic Colors Do Not Cause Behavior Issues in Children**

The hypothesis that synthetic colors cause behavioral effects in children is not supported by regulatory agencies, scientific publications, nor the association representing people with attention deficit disorders. The Attention Deficit Disorder (ADD) Association **explicitly states** that Attention Deficit Hyperactivity Disorder (ADHD) is caused by chemical, structural, and connectivity differences in the brain, and that it is not caused by “poor parenting, falls or head injuries, traumatic life events, digital distractions, video games and television, lack of physical activity, food additives, food allergies, or excess sugar.”

The diagnosis of behavioral issues and more specifically ADHD are serious public health issues, and their risk management should be managed holistically. ADD and ADHD are complex, multi-factorial conditions that require more serious medical and regulatory attention. To single out nine certified synthetically derived color additives that continue to be deemed safe by key authoritative bodies as a focus of precautionary warning labels is neither a systematic nor a productive strategy for addressing the issue. Without definitive scientific justification, this approach instead diverts attention and resources from responsible investigation and interventions.

Further looking into the science, many meta-analyses evaluated the benefit of restriction diets and concluded that any suggested benefit was not only limited to a subset of children with food sensitivities but too weak to be of value. Additionally, a recently

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<sup>2</sup> EFSA AFC (European Food Safety Authority and Additives, Flavourings, Processing Aids and Contact Material). 2008. Assessment of the results of the study by McCann et al. (2007) on the effect of some colours and sodium benzoate on children's behavior. EFSA Journal. 660:1-54.  
<https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2008.660>.

published comprehensive review of the available literature<sup>3</sup> found no evidence of consistent or sustained adverse effects on neurobehavioral development in children despite repeated chronic exposure to synthetic colors. It is worth noting that this systematic review considered the same literature as OEHHA reviewed for its still draft risk assessment conducted at the request of the California legislature. Finally, the Science Board to the FDA was asked during its October 7, 2019 meeting<sup>4</sup> to consider whether any relevant published scientific studies that had become available since 2011 changed the state of knowledge regarding any connection between children's consumption of foods containing certified color additives and hyperactivity or other behavioral effects. Not only did the Science Board affirm that the state of knowledge had not changed on this issue, but the Board also acknowledged that the science remains unresolved on the question if removing food dyes from the diet has any effect on ADHD and related behaviors.

### **Consumers Can Easily Identify Synthetic Colors by Name on Food Labels**

In the U.S., approved synthetic FD&C colors are required to be listed by name on the product label in such a way as to allow consumers to make informed choices. To the extent a consumer would like to know or avoid certain colors, they can. The FDA has worked with consumers and manufacturers to make sure the ingredient statement provides clear and consistent information. Clear, concise, and consistent information on the label exists and does not need to be contradicted with a confusing warning label.

In conclusion, to single out synthetic colors for warning labels is neither an effective solution nor productive strategy for addressing an important public health issue. California should support holistic approaches to addressing behavioral issues. The scientific evidence does not support treating synthetic colors any differently than any other food or color additive. If you have any questions, please contact John Hewitt at (916) 508-6278 or [jhewitt@consumerbrandsassociation.org](mailto:jhewitt@consumerbrandsassociation.org)

Sincerely,

John Hewitt  
Consumer Brands Association

Sarah Codrea  
International Association of Color Manufacturers

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<sup>3</sup> Gentry, R., T. Greene, G. Chappell, I.A. Lea, S. Borghoff, C. Yang, J. Rathman, J.V. Ribeiro, B. Hobocienski, A. Mostrag, J.V. Rodricks and H. Clewell. 2021. Integration of evidence to evaluate the potential for neurobehavioral effects following exposure to USFDA-approved food colors. Food and Chemical Toxicology. Vol(Iss): 112097. <https://doi.org/10.1016/j.fct.2021.112097>

<sup>4</sup> <https://www.fda.gov/media/135001/download>

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