

## THE INSIDE SCOOP ON HOW CR IS WORKING BEHIND THE SCENES FOR A SAFE AND HEALTHY FOOD SYSTEM

### Is the FDA Backtracking on Banning Synthetic Food Dyes?



In a letter to the food industry last month, the FDA [stated](#) that companies may use the term “no artificial colors” on labels for foods that contain any coloring agent, except for petroleum-based synthetic colors certified by the FDA on a batch by batch basis (i.e., Red 40). Previously, all color additives were considered artificial for labeling purposes, regardless of source, meaning that only products with no added colors could be said to be free of artificial dyes.

Sounds good, but there’s a significant [loophole in this new policy](#): There are dozens of other synthetic color additives that manufacturers can use and still label the product as containing no artificial colors. According to Consumer Reports senior scientist Michael Hansen, PhD, “the policy will make it even more challenging for people to understand what’s in their food. It’s really just giving the industry another way to confuse consumers.”

Sarah Sorscher, director of regulatory affairs at the Center for Science in the Public Interest was also critical, [stating](#) that “the policy is too broad and could be abused in ways that mislead or confuse consumers, many of whom will assume that ‘no artificial colors’ means either no color at all or that the food was colored only with plant and animal-derived colorings.”

The potential good news for consumers is that food industry representatives have told Consumer Reports privately that it’s unlikely companies will make any labeling changes as a result of the new policy due to confusion surrounding it and the possibility that it could be rescinded in the future by different FDA leadership.

### Industrial Food Complex Doubles Down on Blocking Food Chemical Bills

Recently, the National Association of Manufacturers (NAM), a powerful business lobby, issued a video and report claiming that state laws banning synthetic food dyes and other toxic substances will increase production costs and lead to higher prices. Instead of investing funds to remove toxic elements from food products, NAM has [joined](#) top food companies and other major food industry trade associations in spending millions of dollars towards media campaigns aimed at lobbying policymakers to block these efforts.

Over the past several years, a number of states have enacted laws that ban certain synthetic dyes and other toxic substances in food products. States began to act on these proposals due to frustration with the FDA’s failure to take meaningful action on these issues over the past several decades.

### Even the Food Industry Has Concerns About FDA’s Announcement on Traceability

It appears that a cover charge is required if stakeholders want to provide comments and feedback on what an effective food traceability system should look like. This is based on a recent FDA [announcement](#) that stakeholder meetings on the Food Traceability Rule would be organized by the Partnership for Food Traceability (PFT), whose members are food companies who have paid a fee to join in order to get access to senior FDA officials. The PFT is operated by two industry consulting firms

founded by former senior FDA officials that have clients that have advocated for delaying the traceability rule. Because of the membership fee, the PFT is **composed** of large food companies, which means all other groups are not allowed exclusive access to this process, including smaller and medium-sized companies, consumer groups, and academia.

Some industry officials privately expressed alarm to Consumer Reports about this arrangement, given that it could be perceived as an attempt by the food industry to influence the process behind closed doors. These industry officials are concerned about the lack of representation from small- and medium-sized companies, and would prefer that these meetings be open to the public for all stakeholder groups. While there will be opportunities for public input, it won't offer exclusive access to the FDA that's being afforded to the large food companies that are PFT members.

## One Year Later, Operation Stork Speed Has Yet to Deliver



On Feb. 26, the FDA **announced** a redesign of its infant formula website to make information more accessible and user-friendly. However, after the FDA established the Operation Stork Speed initiative one year ago to improve

the safety of infant formula, it appears that an updated website is all that has been accomplished so far.

In conjunction with the **release** of our recent test results of 49 baby formulas for lead, arsenic, and other toxic elements, Consumer Reports inquired about the status of Operation Stork Speed. The FDA told us that it has asked Congress for the authority to require infant formula



manufacturers to test ingredients and finished products for heavy metals and other contaminants. The agency also said that it's actively testing a variety of baby food products for these compounds. In a recent stakeholder meeting attended by Consumer Reports, the FDA said that these test results would be available in April. The agency also said that Operation Stork Speed would address microbial contamination in the wake of the recall of ByHeart infant formula products.