

Food Policy Insider

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

Food Industry Observes Transparency Week by Opposing Disclosure Laws

Representatives from the packaged foods, frozen foods, and beverage industries recently **designated** the week of June 8 as their second annual National Consumer Transparency Week, which they observed by expressing their continued opposition to food chemical disclosure legislation. This represented another tactic in the food industry's multimillion-dollar **campaign** to oppose food transparency proposals.

The campaign was recently supplemented by food industry lobbying **efforts** to convince Congress to pass **legislation** that would block pro-consumer state food laws. One of the biggest targets of the food industry's ire is legislation in New York that would close a **loophole** in federal law that allows food companies to keep the FDA in the dark about potentially harmful chemicals. The lobbying effort against the New York bill was so intense that it led some legislative staff members to wonder what the industry is trying to hide. The food industry



is expected to aggressively lobby the governor to veto the bill.

Industry's primary formal complaint about the state food laws is that the patchwork quilt of different requirements creates confusion for them. However, given that the FDA hasn't addressed these issues in any meaningful way over several decades, consumer advocacy groups have described these state laws as "a warm blanket of consumer protection."

Meanwhile, a new **investigation** from Consumer Reports and Yuka reveals that some of America's most ubiquitous foods—from brands like Cheetos, Hostess, and Jell-O—contain concerning substances. These results highlight the need for state food laws.

Infant Formula Industry Fighting Against Testing and Disclosure Laws

Over the past two months, the legislatures in **California**, **New York**, and **Vermont** have passed bills that would require infant formula manufacturers to routinely test for toxic elements, such as arsenic, cadmium, lead, and mercury, and disclose those results to the public. Over the past **two years**, Consumer Reports has found concerning levels of some of these heavy metals in infant formula and baby foods. Exposure to them has been shown to harm child development and contribute to behavioral challenges and other neurological damage.



Consumer Reports' position is that there are still many safe, inexpensive options on the market and that parents and caregivers can easily distinguish between low and high numbers.

These bills overcame intense opposition from the infant formula industry, which argued that, although it already conducts these tests, disclosing the results would confuse parents and caregivers. Consumer Reports' position is that there are still many safe, inexpensive options on the market and that parents and caregivers can easily distinguish between low and high numbers.

USDA Risks Becoming Irrelevant on Food Safety

As concerns grow over its response to the **screwworm** situation in Texas, there's a food safety issue flying under the radar at the U.S. Department of

Agriculture that also may impact consumers more directly.

Last December, USDA **announced** a delay in the implementation of a rule that would declare Salmonella an adulter-



ant in not-ready-to-eat breaded stuffed chicken products. In terms of food safety oversight proposals, CR **described** this as being easier than picking low-hanging fruit. USDA claimed the reason for the delay was that currently available test methods have accuracy limitations.

However, even the USDA's own evidence doesn't support the claim. In May 2024, USDA actually **confirmed** the existence of a validated test that had no false-positive issues. Now, USDA officials say that they became aware of inaccuracies in that test—but didn't release any data to support their assertion. Consumer Reports recently **wrote** the USDA to express concern over this lack of transparency and to request any data supporting the claim of testing inaccuracies.

If USDA fails to move forward with this rule, it runs the risk of being perceived as being irrelevant on food safety oversight and beholden to industry interests. While the department's food safety leadership likes to repeatedly emphasize that they use a science-based and data-driven approach to policy making, consumer advocates worry that these statements are meaningless if they don't translate into policy initiatives that aim to prevent foodborne illness.

—Brian Ronholm