

LEGISLATION AND REGULATIONS

FDA calls hearings to consider removal of 3 coal tar dyes from food color list . . . State legislatures to start sessions

THE FOOD AND DRUG ADMINISTRATION has called for hearings in Washington on January 19 to consider the removal of three common coal tar dyes from the list of colors certified for use in foods. The three colors: FD&C Red No. 32, FD&C Orange No.1, and FD&C Orange No. 2 have all been on the list of colors approved for food use since the original regulation of food coloring agents by the Food and Drug administration in 1938.

These colors have all been generally used for food coloring for the past 15 years and have been considered harmless till the present time. Recently the FDA received complaints that children had become sick following eating highly colored Hallowe'en candies. Investigation of the reports revealed that the coloring matter in the candies was probably responsible. Since that time the FDA has conducted extensive chronic toxicity feeding tests with animals. Some of these tests have indicated that the coloring agents may be harmful and other tests are not yet completed. Other than the candy incident there have been no other instances of harm to humans reported following the use of these coloring agents. However the FDA apparently takes that attitude that there might be a possible harm if large quantities of the dyes are eaten.

FD&C Orange No. 1 is probably one of the first water soluble azo dyes to be commercially manufactured. On the basis of its widespread usage, and because no evidence could be found in the literature referring to any toxic effects of this material it was included in the first list of colors permitted for use in foods in 1907. In 1938 when the present food and drug law went into effect FD&C Orange was included in the list of colors permitted for use in food.

The principal application of this dye has been as a food coloring agent; it is used in candy, cakes, carbonated beverages and meat products, principally hot dogs. Usually it is incorporated at the rate of 10 to 100 p.p.m. for coloring purposes; however, a sample of candy assayed by the FDA was found to contain 1500 p.p.m.

The total production for the U.S. of FD&C Orange No. 1 for 1952 was more than 150,000 lb., valued at almost \$600,000. Almost the entire production of this material is used for coloring food.

Mixtures of other certified colors might serve as satisfactory substitutes, for this dye in some foods; however, it is doubtful that other satisfactory substitutes can be found for all applications. The FDA says: "It is so widely used and so many certifiable mixtures contain it that many thousands of dollars may be required to reformulate them to give a suitable shade."

FD&C Orange No.2 is used principally for coloring oranges; smaller amounts are used in cheese, cosmetics, and drugs.

Like Orange No. 1 this dye has been used for coloring foods since before the present Food and Drug Act and probably for this reason it was incorporated in the list of certified colors approved by the FDA in 1938.

This orange coloring material is usually present at the level of about 1 part per million in whole oranges, or 7 parts per million in orange peel.

The FDA says that they know of no suitable substitute for this color. In 1952 about 11,000 lb. of it were produced valued at slightly more than \$50,-000.

Another dye used primarily for coloring oranges, FD&C Red No. 32, is also to be considered for removal from the certified list as a result of recent long

term studies indicating possibilities of a chronic toxicity if eaten in large doses. Production of FD&C Red No. 32 in 1952 was valued at about \$275,000. The FDA says there is no satisfactory substitute available for this color.

The dyes have not yet been removed from food use. The FDA is emphatic in saying that the amounts present in a normal diet are without any ill effect and there is no cause for apprehension on the part of the consuming public.

State Legislatures Expected to Consider Variety of Problems

With 14 states meeting for regular legislative sessions this year, a considerable number less than last year, 1954 will still probably see much of interest to those interested in agricultural and food chemistry. Some of the items which will probably come up for consideration include: Soil conditioners, pesticide fertilizer mixtures, herbicides, and labeling requirements. In the food field, synthetic sweeteners and dietetic foods will probably be discussed as well as higher levels of antibiotics for animal feeds.

Increasing use of anhydrous ammonia will probably call for safety regulations in some states. The problem of herbicide application has been especially difficult in irrigation areas and the legislative bodies in those regions will probably consider regulating the use of these materials.

Regulations of agricultural and food chemicals will probably come up for consideration in many of these states early this year

Legislative Calendar		
	CONVENES	LENGTH OF SESSION
Arizona	11 January	Unlimited
California	1 March	30 Days
Colorado	6 January	Unlimited
Kentucky	5 January	60 Days
Louisiana	10 May	60 Days
Maryland	3 February	30 Days
Massachusetts	6 January	Unlimited
Michigan	13 January	Unlimited
Mississippi	5 January	Unlimited
New Jersey	12 January	Unlimited
New York	6 January	Unlimited
Nevada	5 January (Special session)	20 Days
Ohio	11 January (Special session)	Unlimited
Rhode Island	5 January	Unlimited
South Carolina	12 January	Unlimited
Virginia	13 January	60 Days