

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Joint Resolution 3 (Senator Stone)
Finance

Federal Legislation to Ban Color Additives

This joint resolution urges the U.S. Congress to enact legislation to ban the use of certain color additives in food sold, served, or distributed in the United States.

Fiscal Summary

State Effect: The joint resolution has no effect on governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Eight color additives are specified in the bill:

- FD&C Blue No. 1;
- FD&C Blue No. 2;
- FD&C Green No. 3;
- FD&C Orange B;
- FD&C Red No. 3;
- FD&C Red No. 40;
- FD&C Yellow No. 5; and
- FD&C Yellow No. 6.

Current Law: The U.S. Food and Drug Administration (FDA) is responsible for regulating all color additives to ensure safety and accurate labeling. Nine certified color additives are approved for use in the United States.

Background: A color additive is any dye, pigment, or substance which, when added or applied to a food, drug, or cosmetic, or to the human body, is capable (alone or through reactions with other substance) of revealing color.

Color additives are subject to approval by the FDA and may only be used in compliance with the approved uses, specifications, and restrictions. In the approval process, FDA evaluates safety data to ensure that a color additive is safe for its intended purposes. Since absolute safety of any substance can never be proven, decisions about the safety of color additives or other food ingredients are made on the best scientific evidence available.

FDA considers the nine certified artificial colors allowed in food to be safe, but recent studies have suggested a relationship between artificial colors and hyperactivity in children. The United Kingdom Food Standards Agency asked manufacturers to eliminate certain colors that showed adverse behavioral effects in children given drinks containing four artificial colors.

Of the nine certified artificial colors, two are restricted to specific uses. The bill encompasses the seven fully approved artificial colors, and one of the restricted colors, Orange B. Orange B is restricted to casings or surfaces of frankfurters and sausages. Citrus Red No. 2, which is not included in the bill, is restricted to being used on the skins of oranges not intended for processing.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2009
ncs/mwc

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