THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

S.C.R. NO. 16

FEB 02 2009

SENATE CONCURRENT RESOLUTION

REQUESTING REVIEW OF EXISTING REPORTS AND STUDIES RELATED TO ASPARTAME AND RECISSION OF APPROVAL OF ASPARTAME FOR UNITED STATES MARKETS.

WHEREAS, aspartame was originally developed as a drug to treat peptic ulcers; and

WHEREAS, manufacturers state that aspartame is made up of forty per cent aspartic acid, fifty per cent phenylalanine, and ten per cent methanol; and

WHEREAS, aspartic acid is a nonessential amino acid that is used by the body to initiate apoptosis, or cell death, in aging cells, and that excess aspartic acid from aspartame consumption causes apoptosis in healthy cells that may destroy healthy brain tissue; and

WHEREAS, phenylalanine is an essential amino acid found naturally in protein, but when isolated, becomes neurotoxic, lowers the seizure threshold, depletes serotonin triggering psychiatric and behavioral problems, and interacts with antidepressants and other drugs; and

WHEREAS, methanol is a severe metabolic poison classified as a narcotic that converts to formaldehyde and formic acid, and can embalm living tissue and damage DNA; and

WHEREAS, aspartame metabolites include formaldehyde, a "class A" carcinogen, diketopiperazine, a brain tumor agent, and formic acid; and

WHEREAS, in 1974, the United States Food and Drug Administration approved aspartame as an artificial sweetener, but asked its manufacturer, Searle, to hold back from marketing it until further tests could be made with regards to its safety; and

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WHEREAS, scientific data revealed that there was a problem with aspartame safety data and the United States Food and Drug Administration withdrew its approval; and

WHEREAS, in 1975, the United States Food and Drug Administration initiated an investigation into Searle's laboratory practices and discovered fraud in scientific experiments as well as manipulated data giving favorable results proving aspartame to be safe; and

WHEREAS, the results of this investigation are included in *The Bressler Report* by Jerome Bressler; and

WHEREAS, in 1980, Dr. John Olney submitted scientific data to a United States Food and Drug Administration Public Board of Inquiry showing that aspartic acid, the excitotoxic ingredient in aspartame, caused holes in the brains of mice; and

WHEREAS, Dr. Olney stated that it warranted special emphasis that excitotoxins act by an acute but silent mechanism requiring only a single exposure to toxic concentrations for CVO neurons to be quietly destroyed; and

WHEREAS, Dr. Olney further stated that Searle failed to establish the safety of its product, aspartame, for use in children's food, and that all age comparative data support the following conclusions: (1) orally administered excitotoxins destroy CVO neurons at any age; (2) immature animals are most vulnerable; and (3) the toxic threshold increases only gradually between birth and adulthood; and

WHEREAS, in 1980, the Public Board of Inquiry unanimously voted against aspartame approval, but was overruled by a new United States Food and Drug Administration Commissioner, Dr. Arthur Hull Hayes, against the advice of Food and Drug Administration scientific personnel and advisers; and

WHEREAS, the United States Food and Drug Administration approved aspartame use in sodas, despite the National Soft Drink Association's vehement arguments against aspartame as indicated by these quotes from their protest:

(1) "The present record does not contain data which demonstrate that the use of APM in soft drinks will not result in the adulteration of the beverages under section 402(a)(3) of the FDC Act 21 U.S.C. 342(a)(3), which provides that a food is adulterated if it contains, in whole or in part, "a decomposed substance or if it is otherwise unfit for food";

(2) "An important decomposition product of aspartame, aspartic acid, cannot be detected at all using TLC";

(3) "G. D. Searle and Company has not demonstrated to a reasonable certainty that the use of aspartame in soft drinks, without quantitative limitations, will not adversely affect human health as a result of the changes such use is likely to cause in brain chemistry and under certain reasonably anticipated conditions of use"; and

(4) "Specifically, Searle has not met its burdens under section 409...to demonstrate that aspartame is safe and functional for use in soft drinks. Collectively, the extensive deficiencies in the stability studies conducted by Searle to demonstrate that aspartame and its degradation products are safe in soft drinks intended to be sold in the United States, render those studies inadequate and unreliable." Senate Congressional Record, May 7, 1985, S5507-5511; and

WHEREAS, the United States Food and Drug Administration has compiled a list of ninety-two symptoms attributed to aspartame consumption including four types of seizures, coma, and death; and

WHEREAS, the European Foundation for Oncology in Italy conducted exhaustive studies over three years with thousands of rats, and proved aspartame to be a multipotential carcinogen, confirming the United States Food and Drug Administration's original findings; and

WHEREAS, the United States Food and Drug Administration admitted that aspartame caused cancer over two decades ago when the Administration's toxicologist, Dr. Adrian Gross, told Congress at least one of Searle's studies "has established

beyond any reasonable doubt that aspartame is capable of inducing brain tumors in experimental animals and that this predisposition of it is of extremely high significance....In view of these indications that the cancer causing potential of aspartame is a matter that had been established way beyond any reasonable doubt, one can ask: What is the reason for the apparent refusal by the FDA to invoke for this food additive the so-called Delaney Amendment to the Food, Drug and Cosmetic Act? Given the cancer causing potential of aspartame how would the FDA justify its position that it views a certain amount of aspartame as constituting an allowable daily intake or 'safe' level of it? Is that position in effect not equivalent to setting a 'tolerance' for this food additive and thus a violation of that law? And if the FDA itself elects to violate the law, who is left to protect the health of the public?" Congressional Record, August 1, 1985, SID835:131; and

WHEREAS, aspartame is linked to sudden death, multiple sclerosis, lupus, and many neurodegenerative diseases, as cited in many medical texts, most notably: *Aspartame Disease: An Ignored Epidemic*, by H.J. Roberts, M.D., and *Excitotoxins: The Taste That Kills*, by Russell Blaylock, M.D.; and

WHEREAS, on November 3, 1987, Dr. Louis Elsas testified before Congress: "I am a pediatrician, a Professor of Pediatrics at Emory and have spent twenty-five years in the biomedical sciences, trying to prevent mental retardation and birth defect caused by excess phenylalanine, and therein lies my basic concern, that aspartame is in fact a well known neurotoxin and teratogen which, in some as yet undefined dose, will. . . irreversibly in the developing child or fetal brain, produce adverse effects"; and

WHEREAS, there are tens of thousands of case histories and anecdotal accounts from victims of aspartame poisoning who have come forward to make their case histories known; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, the House of Representatives concurring, that the Department of Health is requested to create, within its existing budget, an evidentiary repository accessible to the public for patients and physicians to submit over the next year their cases involving victims of aspartame poisoning; and

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BE IT FURTHER RESOLVED that the Director of Health is requested to report to the Legislature on the status of the evidentiary repository during periodic interim meetings with the Chairs of the Hawaii State Senate Committees on Health and Human Services, the House of Representatives Committees on Health and Human Services, and the state Attorney General; and

BE IT FURTHER RESOLVED that the Department of Health is requested to review and evaluate all existing reports, studies, experiments, and related literature on aspartame, including clinical studies, differentiating each study by its funding source, and submit a report on its evaluation to the Legislature no later than twenty days prior to the convening of the 2010 Regular Session; and

BE IT FURTHER RESOLVED that the National Academy of Sciences is requested to review all existing reports, studies, experiments, and related literature on aspartame, including clinical studies, differentiating each study by its funding source, and that, if funding is required to undertake this extended evaluation, that the appropriate funding be sought from various foundations and from Congress; and

BE IT FURTHER RESOLVED that given the enormous amount of accumulated evidence concerning the neurodegenerative harm aspartame can cause, that the United States Food and Drug Administration is requested to rescind approval of aspartame immediately on a phase-out basis over six months to one year; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the members of Hawaii's Congressional delegation, the Commissioner of the United States Food and Drug Administration, the Executive Director of the National Academy of Sciences, the Director of Health, the Director of Human Services, the Attorney General, and the Director of Commerce and Consumer Affairs.

OFFERED BY:

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