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DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

House Committee on Health

HR 195, REQUESTING REVIEW OF EXISTING REPORTS AND STUDIES RELATED TO ASPARTAME AND RECISSION OF APPROVAL OF ASPARTAME FOR UNITED STATES MARKETS

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

April 3, 2009
10:30am

Department's Position: The Department of Health respectfully opposes this measure because it requires funds we do not have for this challenging work; however we appreciate the concern about public health in this resolution.

Fiscal Implications: Implementation of this measure would require a least one additional full time staff member devoted entirely to completing this task. This position is not included or funded in the current Executive Biennium Budget request or the House Finance proposal for our department.

Purpose and Justification: The resolution requests that the Department create, within its existing budget, a repository of cases involving victims of aspartame poisoning and report periodically on its status to the Legislature. The Department is also requested to review and evaluate all existing reports, studies, experiments, and related literature on aspartame, including clinical studies, and determine the funding source for each study, and to submit a legislative report on its evaluation prior to the 2010 Regular Session.

The Department is unclear what would constitute aspartame poisoning. According to the resolution 92 symptoms and disease states have been associated with aspartame consumption; however a

direct causal relationship between specific disease states and the consumption of aspartame has not been definitively proven.

The Department does not have the expertise or the financial resources that would be required to the review and evaluate the scientific validity on each of the thousands of existing reports and studies currently available on aspartame.

We acknowledge the controversy surrounding the consumption of aspartame. However, based on current information provided by the FDA, the Centers for Disease Control and Prevention, and the National Institutes of Health, aspartame is safe for human consumption. It is unlikely that a State review of all existing reports and studies with or without the proper support, resources and expertise would arrive at different conclusions. We also note that the resolution already condemns aspartame as a poison, so we do not understand the point of studying something on which the legislature is already making its own scientific findings.

We must object to providing resources to support this resolution when our budget is under such great pressure. Personnel and financial resources would be better utilized in other areas.

Thank you for the opportunity to testify.

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HAWAII FOOD INDUSTRY ASSOCIATION

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KNOT YOUR BAG
The right way to trash plastic bags

Friday, April 03, 2009

To: Committee on Health

By: Hawaii Food Industry Association
Lauren Zirbel and Dick Botti

RE: HR 195 REQUESTING REVIEW OF EXISITING REPORTS AND STUDIES RELATED TO ASPARTAME AND RECISSION OF APPROVAL OF ASPARTAME FOR UNITED STATES MARKETS

HFIA strongly opposes this resolution.

Aspartame is used in over 6,000 products. The FDA has approved its use on multiple occasions. Numerous foreign and international regulatory agencies have likewise approved it. No regulatory body has found it potentially harmful. Many health-related organizations endorse its use, particularly as a tool to manage caloric and carbohydrate intake and to combat obesity.

In April 2006, the National Cancer Institute released the results of its own study involving more than 500,000 people and showing no adverse health results arising from the use of aspartame.

Banning the most commonly used artificial sweetener on the market will juristically alter the availability of many well loved nutritional supplements, yogurts, drinks and basic food products consumers have come to rely for weight management and blood sugar control.

Aspartame was tested in more than 100 scientific studies before the federal government approved its use in 1981. There are now more than 200 scientific studies confirming its safety conducted over the last 30 years. The United States is only one of many countries to have conducted a comprehensive scientific review of aspartame and to have concluded it to be a safe food ingredient. These countries include those of the European Union (by the Scientific Committee on Food of the European Commission as well as by member countries such as France, Germany and the United Kingdom), Canada, Australia/New Zealand, Japan, South Korea, China and India. More than 130 countries allow the use of aspartame in food. In addition, aspartame has been reviewed and determined to be safe by the Joint Food and Agriculture Organization/World Health Organization Expert Committee on Food Additives ("JECFA"), the American Medical Association's Council on Scientific Affairs, the American Diabetes Association and the American Dietetic Association.

Hawaii House of Representatives, Twenty-Fifth Legislature, 2009 ,
HR 195 on Aspartame is erroneous in its assumptions and misguided in its direction. The following is a summary of the facts related to specific clauses in the Resolution

Proposed Resolution Language	The Facts*
WHEREAS, aspartame was originally developed as a drug to treat peptic ulcers;	Aspartame was discovered by accident in G.D. Searle research laboratories. It was never developed or marketed as a drug for peptic ulcers.
WHEREAS, manufacturers state that aspartame is made up of forty percent aspartic acid, fifty percent phenylalanine and ten percent methanol;	This statement is correct.
WHEREAS, aspartic acid is a nonessential amino acid that is used by the body to initiate apoptosis, or cell death, in aging cells;	Aspartic acid is an amino acid, and amino acids are building blocks of protein. Aspartic acid plays an important role in protein and energy metabolism in the body. A small chicken breast (3.5 oz.) contains more than 38 times the aspartic acid of an average 12 oz. diet soda.
WHEREAS, excess aspartic acid from aspartame consumption causes apoptosis in healthy cells that can destroy healthy tissue, especially in the brain;	There is no evidence in the credible scientific literature that Americans consume an excess of aspartic acid. It is found in a wide array of protein foods and beverages. We currently consume about 6500 mg of aspartic acid daily. To put this into perspective, an average diet soda contains 72 mg aspartic acid.
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;	Phenylalanine is an amino acid (protein building block) that ***must*** be present in our diets; if it is ***not*** present, we cannot sustain life. Average dietary intake is 3400 mg/day. A 12 oz. diet soda contains about 90 mg. There is no credible scientific evidence of the alleged effects from normal human diets.
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;	Methanol is routinely produced from a wide range of fruits and vegetables. A serving of tomato juice provides about six times the methanol as a diet soda. The methanol derived from dietary foods and beverages is never a safety issue and does not result in methanol poisoning as suggested.
WHEREAS, aspartame metabolites include formaldehyde, a class A" carcinogen, diketopiperazine, a brain tumor agent, and formic acid;	The products that aspartame breaks down to during its digestion in the GI tract were thoroughly researched and subsequently evaluated by the FDA (and other regulatory bodies around the world) prior to its approval for use in foods and beverages. These statements are misleading and have no relationship to the reality of aspartame consumption.
WHEREAS, in 1974, the United States food and drug administration approved aspartame as an artificial sweetener but requested that the manufacturer of aspartame hold back from selling it on the market until further tests could be made with regard to the safety of aspartame as a food additive;	After the approval of aspartame as sweetener and flavor enhancer in 1974, the FDA temporarily stayed the regulation ***not*** because further tests were needed with regard to the safety of aspartame but instead because lawyer James Turner and Dr. John Olney requested a hearing by a Public Board of Inquiry. The questions raised were reviewed by the FDA and the Universities Associated for Research and Education of Pathology (UAREP). The scientific evidence showed that none of the allegations by Mr. Turner were true, and the sweetener was subsequently approved.
WHEREAS, scientific data revealed that there was a problem with aspartame safety data, and the United States food and drug administration withdrew its approval of the use of aspartame as a food additive;	See above. This assertion is false.
WHEREAS, in 1980, the United States food and drug administration's public board of inquiry unanimously voted	See above. A Public Board of Inquiry (PBOI) was convened in 1980 by the U.S. Food and Drug Administration to thoroughly evaluate the scientific data presented by G.D. Searle on the safety of aspartame. The PBOI, independent scientific advisors to

against aspartame approval, but, against the advice of the food and drug administration's scientific personnel and advisers, that decision was overruled by a new food and drug administration commissioner, Dr. Arthur Hull Hays;	the FDA, concluded that aspartame did not cause brain damage, but they also indicated that there was not sufficient scientific evidence presented to the PBOI that aspartame did not cause brain tumors in rats. Hence, the PBOI recommended against approval of aspartame and at the same time suggested that further study was needed. In 1981 after extensive review of the record by FDA scientists, then Commissioner Arthur Hull Hayes approved aspartame as a food additive. In his decision Mr. Hayes noted that additional scientific data from a Japanese study about the brain tumor issue corroborated his decision. The Commissioner of the FDA further concluded that there is reasonable certainty that human consumption of aspartame at projected consumption levels will not pose a risk of brain damage and will not cause brain tumors. The PBOI chairman later wrote in a letter to Mr. Hayes that the Japanese data would have caused that panel to give aspartame an "unqualified approval." Further, the PBOI wrote, "we wish to express our endorsement of your final decision in this matter."
WHEREAS, the United States food and drug administration approved aspartame for use in sodas despite the fact that the national soft drink association argued vehemently against approving the use of aspartame as a food additive;	The National Soft Drink Association may have had initial reservations about aspartame approval in soft drinks, but after assessing the convincing safety data on aspartame in beverages, it strongly lobbied for use of it in beverages.
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;	The FDA receives consumer complaints related to consumption of food containing aspartame as it does a host of food ingredients. The U.S. Centers for Disease Control and Prevention evaluated some 517 of the individuals filing such complaints and concluded that there was no evidence of serious adverse health effects related to the use of aspartame. The FDA has failed to find evidence of any definitive associations between anecdotal consumer complaints and aspartame consumption. FDA has repeatedly affirmed the safety of aspartame.
WHEREAS, the Ramazzini studies by 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, thus confirming the United States food and drug administration's original findings;	The US FDA, their EU counterpart (EFSA), and national regulatory authorities in other countries have reviewed the Ramazzini studies and identified significant shortcomings in the design, conduct, reporting and interpretation of that work. These authorities, after detailed review, have stated there is no reason to alter previous conclusions that aspartame is a safe food ingredient. At least 11 previous carcinogenicity studies (3 performed by the US National Toxicology Program) confirm no relationship between aspartame consumption and cancer.
WHEREAS, as cited in many medical texts, including most notably "Aspartame Disease: An Ignored Epidemic" by H.J. Roberts, M.D., and "Excitotoxins: The Taste That Kills" by Russell Blaylock, M.D., aspartame is linked to sudden death, multiple sclerosis, lupus and many neurodegenerative diseases;	More than 200 peer-reviewed scientific publications support aspartame safety. This conclusion was reiterated in a recently published peer-reviewed evaluation of some 500 research papers by 10 of the leading toxicologist in the world. Safety has been affirmed by regulatory agencies in more than 120 countries. Roberts and Blaylock are well-known anti-aspartame activists that raise questions on the safety of aspartame in the books they sell and their promotional websites, none of which have been peer-reviewed or endorsed. To the contrary, the comments by the Roberts and Blaylock with regard to association of aspartame with sudden death, multiple sclerosis, lupus and many neurodegenerative diseases are in complete disagreement with position statements made by Multiple Sclerosis Foundation, National Parkinson Foundation, the Lupus Foundation of America and the FDA.
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;	No such thing as "aspartame poisoning" exists. Aspartame is a simple ingredient that breaks down to components found in the foods we eat every day. It has been used to sweeten foods and beverages for decades and approved as safe by regulatory authorities in more than 120 countries around the world.

** References available upon request.*

Hawaii Dietetic Association
Comments on Aspartame Resolution

LATE

HR195

COMMITTEE ON HEALTH
Rep. Ryan I. Yamane, Chair
Rep. Scott Y. Nishimoto, Vice Chair

DATE: Friday, April 03, 2009
TIME: 10:30 a.m.
PLACE: Conference Room 329, State Capitol
415 South Beretania Street

Submitted by Kristine Wallerius Cuthrell, MPH, RD
President, Hawaii Dietetic Association

Written Comments Only

The Hawaii Dietetic Association is made up of more than 300 members, the majority of whom are Registered Dietitians practicing in our Community in hospitals, public health programs, private practice, academic research facilities, and other settings.

Our comments today relate to HR195. The Hawaii Dietetic Association believes that it is the role of credentialed dietetics professionals to advocate for and promote sound, science-based nutrition information to the public, to function as primary nutrition educators to health professionals, and to actively counter and correct food and nutrition misinformation. HR195 does not accurately reflect the totality of the science and could have negative ramifications on those people in our state who rely upon low-calorie sweeteners to aid in managing their weight or health conditions.

Aspartame is a calorie-free alternative to sugar and other caloric sweeteners. Its safety has been confirmed repeatedly in peer-reviewed research, not only by health experts, scientists and government agencies in our country, but around the world. It is a simple ingredient that is made of the same components as in the foods we eat and drink each day. For diabetics and for any individual limiting their calorie intake for health reasons, taking away a tool that aids in this effort is not justified by scientific evidence. Individuals who feel that aspartame is not a healthy choice for them are free to make the choice not to consume aspartame or foods containing aspartame, which are clearly labeled as containing this ingredient.

The HDA believes that consumers can safely enjoy a range of nutritive and nonnutritive sweeteners when consumed in a diet that is guided by current federal nutrition recommendations, such as the Dietary Guidelines for Americans and the Dietary References Intakes, as well as individual health goals. As dietetics professionals, we seek to provide consumers with science-based information about sweeteners and support research on the use of sweeteners to promote eating enjoyment, optimal nutrition and health. At present, we are facing an obesity epidemic, and it is critical that we not take away this simple tool that can help individuals manage their calorie intake.

We commend the Committee on Health for your interest in improving the health of Hawaii's citizens. The Hawaii Dietetic Association and our members look forward to working with you to provide consumers with science-based information about the role nutritive and nonnutritive sweeteners can play in a healthy diet.