

Senator Josh Green, Chair
Senator Clarence Nishihara, Vice Chair
Committee on Health
State Capitol, Honolulu, Hawaii 96813



HEARING Monday, February 13, 2012
 1:15 pm
 Conference Room 229

RE SB2476, Relating to Health

Chair Green, Vice Chair Nishihara, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

RMH strongly opposes SB2476, which adds definition for "aspartame"; requires a caution statement to be placed on a product label for all food products containing aspartame that are offered for sale or distribution in the State.

The FDA, the governmental agency charged with safeguarding the American food supply, has concluded that aspartame is safe for the general public, including diabetics, pregnant and nursing women, and children.

Aspartame is one of the most thoroughly studied ingredients in the food supply. Prior to its approval by the FDA in 1981, aspartame's safety was documented in more than 100 scientific studies. These tests were conducted in laboratory animals and several human subpopulations, including healthy infants, children, and adults, lactating women, persons with diabetes, and obese individuals. Aspartame was tested in amounts many times higher than individuals could possibly consume in the diet. The results of these studies demonstrated that aspartame is safe and not associated with adverse health effects.

Aspartame has been approved for use by more than 100 nations worldwide. It is used widely in major industrialized countries such as the U.S., Canada, the United Kingdom, Germany and Japan. Aspartame has also been reviewed and found safe by expert scientific committees, including the Joint Expert Committee on Food Additives (JECFA) of the United Nations Food and Agricultural Organization and World Health Organization as well as the Scientific Committee on Food of the European Union. In detailed re-reviews of aspartame's safety in 2002 and 2003, health authorities in the European Union, United Kingdom, France, and Canada reaffirmed aspartame's safety.

Given the above data, requiring a label for Hawaii that states "This product contains aspartame, which may cause brain cancer and birth defects in pregnant women" is counter to accepted research and the conclusions of the FDA.

We respectfully request that you hold SB2476. Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in cursive script, appearing to read 'Carol Pregill'.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
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TO: COMMITTEE ON HEALTH

Senator Josh Green, M.D., Chair

Senator Clarence K. Nishihara, Vice Chair

DATE: Monday, February 13, 2012

TIME: 1:15 p.m.

PLACE: Conference Room 229

FROM: Hawaii Food Industry Association - Lauren Zirbel, Executive Director

RE: SB 2476 RELATING TO HEALTH

Chairs & Committee Members:

HFIA strongly opposes this measure.

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.

Forcing unnecessary "caution statements" to be placed on a product label for all food products containing aspartame sold in the state will cause an immeasurable level of

burden on retailers, distributors and law enforcement. Mandating caution labeling on 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.

This scientifically unwarranted labeling mandate will have broad and fast negative implications for commerce.

We strongly urge this committee hold this measure.

Josh Green, MD: HLH CHAIR

Measure: SB 2476 – Relating to HEALTH

Comm	Room	Date/Time
HTH	229	2/13/2012 1:15 PM

Dear Senator Green and committee members,

I am writing in opposition to SB 2476, Report Title: Aspartame; Food Products; Labeling Requirements. Health legislation needs to be supported by scientific evidence; the preponderance of evidence over decades of research continues to find that aspartame is a safe product.

As a Past President of the Hawaii Dietetic Association, as well as a dietitian in practice for over 20 years in the State of Hawaii, it is my position that placing an unsubstantiated warning on products containing aspartame is a deterrent for diabetics and others who need to limit their concentrated sugar and/or calorie intake by causing concern where evidence-based concern does not exist.

As the Health committee it is paramount that you take responsible, evidence-based action- don't pass a bill based on fear and heresy that will make it more difficult for those who need dietary options to limit their sugar and calorie intake to maintain good health with healthy choices.

Safety:

- **Aspartame is safe** – a conclusion that has been reached by multiple leading health and science organizations and is supported by more than 200 studies conducted over three decades.
- The Food and Drug Administration (FDA), as well as the American Medical Association, the American Diabetes Association and the American Dietetic Association have reaffirmed the safety of aspartame on multiple occasions. In fact, the FDA Commissioner, upon approving aspartame, noted, "Few compounds have withstood such detailed testing and repeated, close scrutiny, and the process through which aspartame has gone should provide the public with additional confidence of its safety."
- The National Cancer Institute of the National Institutes of Health has published the findings of a study in which approximately **500,000 men and women** were monitored over a five-year period to determine the association between aspartame and cancer. Researchers concluded that there was **no increased risk of hematopoietic or brain cancers** from aspartame consumption. The authors

examined aspartame consumption data in relationship to leukemias, lymphomas and brain tumors. The researchers found that consumption of aspartame containing beverages did not increase the risk of leukemias, lymphomas or brain tumors.

- The European Food Safety Authority has reconfirmed the safety of aspartame. Aspartame also been deemed safe by the Joint Expert Committee on Food Additives of the World Health Organization. It is approved for use in over 100 countries.

Science:

- Aspartame is a simple ingredient, composed of items found naturally in the diet from other sources. Aspartame is digested into two amino acids – aspartic acid, phenylalanine and a small amount of methanol. These components are used in the body in the same ways as when they are derived from common foods.
- Amino acids are the building blocks of protein. An essential amino acid is an amino acid that cannot be made by the human body and therefore must be supplied as part of the diet. Phenylalanine is an essential amino acid.
- Aspartic acid and phenylalanine are found in protein containing foods such as meats, grains, dairy products, etc. Methanol is found in fruits and vegetables. For example a serving of tomato juice provides about six times more methanol than a serving of a diet beverage sweetened 100% with aspartame. A serving of nonfat milk provides about six times more phenylalanine and 13 times more aspartic acid compared with a diet beverage sweetened 100% with aspartame.
- Because aspartame never enters the bloodstream, it cannot travel to essential organs. It also cannot cross the placental barrier in pregnant women and cannot cause birth defects or harm a pregnant mother.

Thank you for your earnest consideration of the above listed points- your evidence-based decision is greatly appreciated.

Respectfully yours,

Kristine Wallerius, MPH, RD
krisnutritionist@gmail.com, 808 389-0770



**Written Testimony of
David Thorp
American Beverage Association**

**Before the Hawaii Senate Committee on Health
Opposition to S.B. 2476 – Relating to Health
February 13, 2012**

Good afternoon, Chair Green and members of the Committee. Thank you very much for the opportunity to present comments in **opposition to S.B. 2476**.

The American Beverage Association is the trade association representing the non-alcoholic beverage industry. Founded in 1919, ABA represents hundreds of beverage producers, distributors, franchise companies and supporting businesses that employ more than 217,000 people across the country. The beverage companies throughout Hawaii directly employ over 500 Hawaiians and indirectly impact the jobs of thousands of other across the state.

ABA members offer consumers myriad brands, flavors and packaging choices and a full range of drink options including soft drinks, diet soft drinks, ready-to-drink teas, bottled waters, water beverages, 100 percent juice, juice drinks, sports drinks and energy drinks.

Overview of low-calorie sweeteners

Low-calorie sweeteners give foods and beverages a sweet taste without the calories. Many consumers use low-calorie sweeteners to enhance the taste of food and drinks, or they purchase products prepared with low-calorie sweeteners. Low-calorie sweeteners offer consumers options to help them with their lifestyle—whether to maintain weight, help manage diabetes or simply retain sweet taste without adding calories. In fact, a 2004 consumer survey showed that 63 percent of consumers of low-calorie products are not on a diet. Staying in better overall health is rated as the number one reason for using low-calorie foods and beverages.

Proven safety of low-calorie sweeteners

Aspartame – most commonly known as NutraSweet and Equal – is one of the most thoroughly tested ingredients of all time with more than 200 scientific studies confirming its safety. It was approved by the U.S. Food and Drug Administration (FDA) for use in food in 1981 and for soft drinks in 1983.

Since that time, aspartame has been reviewed and approved by regulatory agencies around the globe, including the European Union Scientific Committee on Food and the Joint Food and Agriculture Organization/World Health Organization (JECFA) Expert Committee on Food Additives. In all, regulatory agencies in more than 100 countries have reviewed aspartame and found it to be safe for use.

The National Cancer Institute has also validated its safety for both over-the-counter use and use in food products. Importantly, no link between aspartame consumption in beverages and cancer was found in a long-term study of almost 500,000 people by the National Cancer Institute.

Further, in 2007, an expert panel of some of the world's leading toxicologists examined more than 500 studies, articles and reports on aspartame's health effects spanning the last 25 years. The renowned experts found "no credible evidence" that aspartame is carcinogenic, neurotoxic or has any adverse health effect, even when consumed in amounts greater than the established average daily intake (ADI). These findings further support the safety of aspartame for human consumption for all populations.

Role of low-calorie sweeteners in a balanced diet

Consumer research shows that low- and reduced-calorie foods and beverages have become part of the lifestyle of millions of men and women who want to stay in better overall health, control their weight, or simply enjoy the many low- or reduced-calorie products available.

Aspartame has helped provide calorie-conscious consumers with a wide variety of good-tasting, low- and reduced-calorie products that are easily incorporated into a healthful lifestyle. Diet soft drinks are the beverage of choice for millions of Americans who are seeking to reduce their calories without having to give up their favorite soft drinks. Currently, aspartame is found in more than 6,000 products and is consumed by over 200 million people around the world.

Further, studies have shown that foods and beverages sweetened with aspartame can be an effective "tool" as part of a weight management program. Researchers at Harvard Medical School have concluded that aspartame "is a valuable adjunct to a comprehensive program of balanced diet, exercise and behavior modifications for losing weight." And a recent review of aspartame by the British Nutrition Foundation showed that a diet including foods and drinks containing aspartame was effective in maintaining or losing weight without forgoing taste.

Calorie reduction and sensible eating habits, in addition to regular physical activity, are essential to maintaining a healthy lifestyle. Products containing low-calorie sweeteners have enabled millions of people with diabetes or people who are managing their weight to enjoy their favorite foods and beverages.

The American Diabetes Association says sugar substitutes help people who are overweight or have diabetes to reduce calories and stick to a healthy meal plan. Furthermore, the American Dietetic Association says "Non-nutritive sweeteners added to the diet have been shown to promote modest loss of weight and, within a multidisciplinary weight-control program, may facilitate long-term maintenance of reduction in body weight."

The American Beverage Association respectfully requests that the Committee defer SB 2476.

Josh Green, MD: HLH CHAIR

Measure: SB 2476 – Relating to HEALTH

Comm Room Date/Time

HTH 229 2/13/2012 1:15 PM

Dear Senator Green and committee members,

I am writing in opposition to SB 2476, Report Title: Aspartame; Food Products; Labeling Requirements. Health legislation needs to be supported by scientific evidence; the preponderance of evidence over decades of research continues to find that aspartame is a safe product.

As a dietitian working at Kaiser Permanente for the past 11 years, I have had to assist many people with diabetes, prediabetes and obesity. It is my position that placing an unsubstantiated warning on products containing aspartame is a deterrent for diabetics and others who need to limit their concentrated sugar and/or calorie intake by causing concern where evidence-based concern does not exist.

As the Health committee it is paramount that you take responsible, evidence-based action- don't pass a bill based on fear and heresy that will make it more difficult for those who need dietary options to limit their sugar and calorie intake to maintain good health with healthy choices.

Safety:

- **Aspartame is safe** – a conclusion that has been reached by multiple leading health and science organizations and is supported by more than 200 studies conducted over three decades.
- The Food and Drug Administration (FDA), as well as the American Medical Association, the American Diabetes Association and the American Dietetic Association have reaffirmed the safety of aspartame on multiple occasions. In fact, the FDA Commissioner, upon approving aspartame, noted, "Few compounds have withstood such detailed testing and repeated, close scrutiny, and the process through which aspartame has gone should provide the public with additional confidence of its safety."
- The National Cancer Institute of the National Institutes of Health has published the findings of a study in which approximately **500,000 men and women** were monitored over a five-year period to determine the association between aspartame and cancer. Researchers concluded that there was **no increased risk of**

hematopoietic or **brain cancers** from aspartame consumption. The authors examined aspartame consumption data in relationship to leukemias, lymphomas and brain tumors. The researchers found that consumption of aspartame containing beverages did not increase the risk of leukemias, lymphomas or brain tumors.

- The European Food Safety Authority has reconfirmed the safety of aspartame. Aspartame also been deemed safe by the Joint Expert Committee on Food Additives of the World Health Organization. It is approved for use in over 100 countries.

Science:

- Aspartame is a simple ingredient, composed of items found naturally in the diet from other sources. Aspartame is digested into two amino acids – aspartic acid, phenylalanine and a small amount of methanol. These components are used in the body in the same ways as when they are derived from common foods.
- Amino acids are the building blocks of protein. An essential amino acid is an amino acid that cannot be made by the human body and therefore must be supplied as part of the diet. Phenylalanine is an essential amino acid.
- Aspartic acid and phenylalanine are found in protein containing foods such as meats, grains, dairy products, etc. Methanol is found in fruits and vegetables. For example a serving of tomato juice provides about six times more methanol than a serving of a diet beverage sweetened 100% with aspartame. A serving of nonfat milk provides about six times more phenylalanine and 13 times more aspartic acid compared with a diet beverage sweetened 100% with aspartame.
- Because aspartame never enters the bloodstream, it cannot travel to essential organs. It also cannot cross the placental barrier in pregnant women and cannot cause birth defects or harm a pregnant mother.

Thank you for your earnest consideration of the above listed points- your evidence-based decision is greatly appreciated.

Respectfully yours,

Justin Miyashiro, RD
808 432-3589

Calorie Control Council
Comments on Aspartame
Hearing on SB 2476, Relating to Health
Committee on Health
February 13, 2012
1:15 p.m.

Submitted by Lyn O'Brien Nabors, President Emeritus
Calorie Control Council
1100 Johnson Ferry Road
Atlanta, Georgia 30342
Written Comments Only

Chair Green, Vice Chair Nishihara, and Members of the Committee:

The Calorie Control Council is an international association representing companies that make low- and reduced-calorie foods and beverages, including companies that make ingredients for these products. Companies that make and use aspartame are among the Council's members.

Aspartame is safe – a conclusion that has been reached by multiple leading health and scientific organizations and supported by more than 200 studies conducted over three decades. The US Food and Drug Administration (FDA), as well as the American Medical Association, the American Diabetes Association and the American Dietetic Association have reaffirmed the safety of aspartame on multiple occasions. In fact, the FDA Commissioner, upon approving aspartame, noted, "Few compounds have withstood such detailed testing and repeated, close scrutiny, and the process through which aspartame has gone should provide the public with additional confidence of its safety."

Aspartame is an important ingredient of low- and reduced-calorie, reduced-sugar and sugar-free foods and beverages. It has been consumed by hundreds of millions of people for three decades. Aspartame is a simple ingredient, composed of items found naturally in the diet from other sources. Aspartame is digested into two amino acids – aspartic acid and phenylalanine and a small amount of methanol. These components are used in the body in the same ways as when they are derived from common foods.

Amino acids are the building blocks of protein. An essential amino acid is an amino acid that cannot be <http://www.answers.com/topic/chemical-synthesis> made by the human body and therefore must be supplied as part of the diet. Phenylalanine is an essential amino acid. Aspartic acid and phenylalanine are found in protein containing foods such as meats, grains, dairy products, etc. Methanol is found in fruits and vegetables. For example, a serving of tomato juice provides about six times more methanol than a serving of a diet beverage sweetened 100% with aspartame. A serving of nonfat milk provides about six times more phenylalanine and 13 times more aspartic acid compared with a diet beverage sweetened 100% with aspartame.

Scientific research has shown that aspartame never enters the bloodstream, thus it cannot travel to essential organs. It also cannot cross the placental barrier in pregnant women and cannot cause birth defects or harm a pregnant mother. Birth defects have not been shown to be associated with aspartame in animals or humans.

The National Cancer Institute of the National Institutes of Health has published findings of a study in which approximately **500,000 men and women** were monitored over a five-year period to determine if there is an association between aspartame and cancer. Researchers concluded that there was **no increased risk of hematopoietic or brain cancers** from aspartame consumption and that consumption of aspartame containing beverages did not increase the risk of leukemias, lymphomas or brain tumors. (Lim et al. 2006)

At least three other human studies have examined aspartame and any possible association with brain tumors. A case control study of 315 children with medulloblastoma and 315 matched controls found no association between consumption of aspartame during pregnancy and brain tumor risk. (Bunin et al. 2005) A case control study of 30 brain tumor cases and 45 controls reported no significant association of aspartame use during pregnancy and low-calorie soft drink consumption. (Hardell et al. 2001) A case control study with 56 brain tumor cases and 94 age- and gender-matched controls found no association between consumption of aspartame and risk of brain tumor development. (Gurney et al. 1997)

In addition to US authorities, the European Food Safety Authority has reconfirmed the safety of aspartame. Aspartame also has been deemed safe by the Joint Expert Committee on Food Additives of the World Health Organization. It is approved for use in over 100 countries.

In conclusion, labeling aspartame as proposed in SB2476, Relating to Health, has no basis in science. The extensive database on aspartame shows no association between aspartame and brain cancer and no association with birth defects. Requiring a label implying that it does would seriously impact the availability and use of low- and reduced calorie foods and beverages, negatively affecting the millions of people who depend on these products to reduce and control their intake of sugar and calories.

We appreciate your consideration of the Calorie Control Council's comments.

REFERENCES

- Bunin et al. (2005) *Cancer Causes and Control* 16:877-981.
Gurney et al. (1997) *Journal of the National Cancer Institute* 89:1072-1074.
Hardell et al. (2001) *European Journal of Cancer Prevention* 10:523-529.
Lim et al. (2006) *Cancer Epidemiology Biomarkers & Prevention* 15:1654-1659