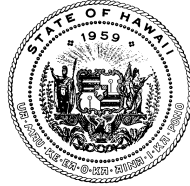


SB637
TESTIMONY



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

SB 637, Relating to Health

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**February 8, 2013
2:30 p.m.**

1 **Department's Position:** The department opposes this bill.

2 **Fiscal Implications:** This bill would require additional personnel to enforce labeling requirements.

3 The department has not included or funded this initiative in the Executive Biennium Budget and
4 therefore may adversely affect other spending priorities.

5 **Purpose and Justification:** Aspartame is considered to be Generally Recognized As Safe (GRAS), by
6 the United States Food and Drug Administration (FDA). Aspartame is one of the most thoroughly
7 tested and studied food additives the FDA has ever approved. The FDA has reviewed more than 100
8 scientifically valid toxicological and clinical studies and has concluded that aspartame is safe for the
9 general population. The current position by the FDA, Centers for Disease Control, and the National
10 Institute of Health state that aspartame is safe.

11 The department would like to focus its limited resources in areas proven to be of public health
12 concern such as controlling the incidence of food borne illness risk factors in food establishments. It has
13 been proven that inspections conducted at the proper frequency produce consistent compliance with
14 food safety regulations and is directly related to the potential of an outbreak of food borne illness.

15 Thank you for the opportunity to testify.

Promoting Lifelong Health & Wellness



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

**Before the Hawaii Senate Committee on Health
Opposition to S.B. 637, Aspartame
February 8, 2013**

Good afternoon, Chair Green and members of the Committee. Thank you very much for the opportunity to present comments on S.B. 673.

The American Beverage Association is the trade association representing the non-alcoholic beverage industry. 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 1,100 people 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. 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 several hundred 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 S.B. 637.



Calorie Control Council

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Calorie Control Council
Comments on Aspartame
Hearing on SB 637, Relating to Health
Committee on Health
February 8, 2012
2:30 p.m.

Submitted by Haley Curtis Stevens, Ph.D., President
Calorie Control Council
1100 Johnson Ferry Road
Atlanta, Georgia 30342
Written Comments Only

Chair Green, Vice Chair Baker, 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." Additionally, recently the European Food Safety Authority (EFSA) released its draft opinion on aspartame and concluded, "from the present assessment of aspartame there was no safety concern at the current ADI of 40mg/kg/bw/day and no reason to revise the ADI."

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 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



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Telephone : 808-533-1292

TO: COMMITTEE ON HEALTH

Senator Josh Green, M.D., Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Friday, February 8, 2013

TIME: 2:30 p.m.

PLACE: Conference Room 229

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

RE: SB 637 RELATING TO HEALTH

Chair & Committee Members:

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

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.

International Food Information Council (IFIC)
1100 Connecticut Avenue, NW
Suite 430
Washington, DC 20036

To:
Senator Josh Green (D), Committee Chair
Senator Rosalyn Baker, Committee Vice Chair
Hawaii State Legislature
Senate Committee on Health
Hawaii State Capitol, Room 215
S District 3
Kona, Ka'u, Hawaii

February 7, 2013

Comment re: Hawaii Senate Bill 637, Committee on Health: Proposed warning label for all finished products containing aspartame.

Dear Senators Green and Baker:

The International Food Information Council (IFIC) would like to provide comments regarding the proposed Senate Bill 637 regarding a proposed warning label for all finished products containing aspartame, the subject of a public hearing on Friday, February 8, 2013. We would like to share our experience and provide context to the issue of aspartame's safety as the State of Hawaii explores it.

From our experience in conducting consumer research related to food safety and nutrition and communicating about risk to the public, we know that information about food safety and nutrition can be confusing to consumers. As such, we believe clear and considerate communication to consumers is key, and that a warning about aspartame, if instituted, would unnecessarily confuse consumers.

As a science-based organization, we stress the totality of the science in communications regarding food safety. A couple of recent studies on aspartame that received undue media and public attention contain methodological errors that limit or negate the strength of the conclusions. These errors prevent these studies from meeting scientific standards for clinical research, and experts agree that they do not provide reliable evidence regarding the safety of aspartame. However, there is an abundance of research that confirms that aspartame is safe and does not cause cancer or other adverse health effects.

Aspartame has had a long history of safe use in a variety of foods and beverages. It is one of the most studied and reviewed food ingredients in the world and has passed rigorous safety assessments. Aspartame and other low-calorie sweeteners can offer a number of benefits to consumers when used in place of calorie-containing sweeteners, including aiding in weight loss or weight management; providing a sugar- and carbohydrate-free option for people with diabetes; and helping to improve dental health by not contributing to dental caries.

Warnings about aspartame would be confusing to consumers for several reasons. First, they would conflict with findings and advice from numerous expert groups. Reputable organizations

such as the National Cancer Institute (NCI) have concluded that aspartame does not pose a health risk, including cancer. The Academy of Nutrition & Dietetics recently renewed its position statement on the use of nutritive and nonnutritive sweeteners, which states, “consumers can safely enjoy a range of nutritive and nonnutritive sweeteners when consumed in an eating plan that is guided by current federal nutrition recommendations.” (*JAND*, 2012) In addition, an independent panel of experts recently reviewed the available scientific literature on aspartame and confirmed it is safe and not associated with increased cancer risk. (Magnuson, et al., 2007)

Food safety regulatory officials around the world have also reviewed the available research on aspartame and found it to be safe. Aspartame is approved by the U.S. Food and Drug Administration (FDA) as a food additive. In addition, the Acceptable Daily Intake (ADI) for food additives, including aspartame, is set by the FDA at levels hundreds of times higher than amounts found not to produce adverse effects. And while aspartame consumption has increased in recent years, it is still well below the ADI. (Magnuson, et al., 2007)

FDA has reviewed the available research on aspartame several times, most recently in 2007, and has consistently reaffirmed its safety. In addition, the European Food Safety Authority (EFSA) just released its draft Opinion on aspartame safety based on available research to date, including studies on aspartame and carcinogenicity conducted by the European Ramazzini Foundation, and has re-confirmed its safety for use in foods and beverages at the currently recommended levels. (EFSA, January 2013)

Second, more than one-third of U.S. adults and 17% of U.S. children are obese (CDC, 2012), and more than one-half (55%) of U.S. adult consumers are trying to lose weight (IFIC Foundation, 2012). As a low-calorie sweetener, aspartame can help to address this growing epidemic through providing a low-calorie option that, when added to products in place of caloric sweeteners, can significantly reduce the calorie content of foods and beverages. Research has demonstrated the effectiveness of aspartame for weight loss and weight management. By labeling a safe food ingredient that can help with one of the nation’s top public health problems as unsafe, consumers would become confused and may not take advantage of an option to reduce their risk for a variety of health conditions that are associated with being overweight/obese.

Third, IFIC and IFIC Foundation’s research throughout the years tells us that consumers are already aware of aspartame as an ingredient in foods and beverages, and they are aware of its functions and some of its potential benefits. According to IFIC Foundation’s 2012 *Food & Health Survey: Consumer Attitudes toward Food, Nutrition & Health*, four in ten consumers agree that low-calorie sweeteners are an alternative for people with diabetes (41%), and can play a role in weight loss or weight management (40%).

Additionally, IFIC and IFIC Foundation research has shown a stronger trend toward avoidance of sugar than low-calorie sweeteners in recent years. According to the 2012 *Food & Health Survey*, half of U.S. consumers (51%) report trying to limit or avoid sugars in general, compared to 29% limiting or avoiding low-calorie sweeteners. And according to IFIC’s 2012 *Consumer Perceptions of Food Technology Survey*, more consumers are avoiding sugar than low-calorie sweeteners. Only 2% said they were avoiding low-calorie sweeteners, while 43% said they were avoiding sugars.

Finally, a warning about aspartame would alarm and confuse consumers about a common food ingredient, the safety of which has been established for decades and very recently re-affirmed

by FDA. Warning labels should be used for true hazards, which aspartame is not. The potential impact of requiring warnings on products containing aspartame would unnecessarily frighten consumers about safe products that are consumed every day, and dilute the impact of warnings on substances that actually do pose hazards. IFIC has found over the years that consumers need accurate and balanced information about risks so that they are clearly understood.

Aspartame is a substance that is very familiar to the average consumer and already appears on food labeling. As an approved food additive, aspartame must be listed as an ingredient in food and beverage products to which it is added. As such, consumers wishing to avoid aspartame may easily do so by simply reading the label. Furthermore, numerous alternatives to aspartame are available for consumers who wish to reduce their consumption or avoid aspartame.

Most experts agree that the majority of the population, including people with diabetes, pregnant women, and children, can consume aspartame without concerns about adverse health effects. The only exception is those with a rare hereditary condition called phenylketonuria (PKU), in which a person is unable to metabolize phenylalanine, a component of aspartame. All products containing aspartame are also required to provide specific labeling directed at this population.

Additional information about aspartame can be found on the IFIC Foundation website (click on the links below):

- [Facts About Low-Calorie Sweeteners](#)
- [IFIC Review: Low-Calorie Sweeteners and Health](#)
- [Everything You Need to Know About Aspartame](#)

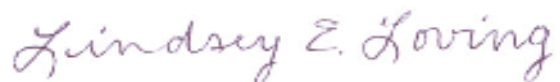
IFIC is a nonprofit organization based in Washington, DC whose mission is to effectively communicate science-based information about food safety and nutrition to health professionals, government officials, educators, journalists, and consumers. IFIC is supported primarily by the broad-based food, beverage, and agricultural industries.

Please contact David Schmidt (schmidt@ific.org) or Lindsey Loving (loving@ific.org), or call (202) 296-6540 if you have any questions or would like to discuss anything contained in this letter.

Thank you,



David B. Schmidt
President & CEO



Lindsey E. Loving
Senior Director, Food Ingredient & Technology
Communications

International Food Information Council

Attachment: References

References

Academy of Nutrition & Dietetics. Position of the Academy of Nutrition and Dietetics: Use of Nutritive and Nonnutritive Sweeteners. *JAND*, pp. 739-758. May 2012.

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Centers for Disease Control & Prevention (CDC). Obesity and extreme obesity rates decline among low-income preschool children. October 2012.

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People
Serving
People



Hawaii Restaurant Association

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Submitted in Opposition to SB637

February 6, 2013

The “science” noted in SB637 is written in such a way that it appears apocryphal. However, our opposition is based not on whether or not the data is correct, but upon whether or not it is the responsibility of the State government versus the Federal government.

National funding is much greater than that of the State of Hawaii as evidenced by the creation and operation of the U.S. Food and Drug Administration – the agency tasked with appropriate labeling.

Clearly, the FDA is aware of ALL data and clearly they have demonstrated the expertise to manage what this bill aims to do.

“Uncle Sam” is on it, and has the funding to do so. Rather than commit funds to this bill, put our taxes where they are more importantly and locally needed; that is, in areas NOT funded by the Federal government.

Respectfully submitted,

A handwritten signature in black ink that reads "Roger Morey". The signature is written in a cursive, flowing style.

Roger Morey
Executive Director



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1101 Fort Street Mall
Honolulu, HI 96813
(808) 532-1596 Fax (808) 532-1597

To: Senator Josh Green and Members of the Committee on Health
From: Victor Lim
Date: February 6, 2013
Subject: Opposition to SB637 on Aspartame Labeling

I understand the intent of this bill is to educate and provide as much information as possible for the consumer. Here we have a product that's approved by our FDA and the primary use of Aspartame in the most restaurants setting is in beverages for those that do want them sugar based.

In a sit-down restaurant that serve you the diet drink in a glass, it's impossible to provide this labeling. In a restaurant like ours where cups are generic, it is just as difficult.

Thank you for giving me the opportunity to share my view on this.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: wailua@aya.yale.edu
Subject: *Submitted testimony for SB637 on Feb 8, 2013 14:30PM*
Date: Tuesday, February 05, 2013 9:56:28 PM

SB637

Submitted on: 2/5/2013

Testimony for HTH on Feb 8, 2013 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Wailua Brandman APRN-Rx BC FAANP	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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