

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



GARY L. GILL
ACTING DIRECTOR OF HEALTH

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 2570, RELATING TO HEALTH

**Testimony of Gary L. Gill
Acting Director of Health**

**January 27, 2014
1:30pm**

- 1 **Department's Position:** The department respectfully opposes this bill.
- 2 **Fiscal Implications:** Additional resources and manpower will be required to monitor and enforce any
3 new regulation proposed.
- 4 **Purpose and Justification:** This bills amends HRS Chapter 328 to prohibit the sale or distribution in
5 the State of any product containing aspartame unless the product label contains the following statement:
6 "This product contains aspartame, which may cause brain cancer and birth defects in pregnant women."
7
- 8 We understand the intent of this measure and respect the concerns of Hawaii's consumers to
9 have an informed choice. The department does not support this measure because aspartame is
10 considered GRAS (Generally Recognized As Safe), by the U.S. Food and Drug Administration (FDA).
11 Aspartame is one of the most thoroughly tested and studied food additives the agency has ever
12 approved. The agency has reviewed more than 100 (scientifically valid) toxicological and clinical
13 studies and it had concluded that aspartame is safe for the general population. The current position by
14 FDA, Centers for Disease Control (CDC) and the National Institutes of Health (NIH) state that
aspartame is safe.

1 Therefore, based on current information, we feel there is not enough scientific evidence to
2 legislate such mandatory labeling of any product containing aspartame.

3 Currently, aspartame is consumed by over 200 million people worldwide and is found in more
4 than 6,000 products including carbonated soft drinks, powdered soft drinks, chewing gum, confections,
5 gelatins, dessert mixes, puddings and fillings and frozen desserts and yogurt, table top sweeteners, and
6 some pharmaceuticals such as vitamins and sugar free cough drops.

7 Public health would be better served if the department's resources were dedicated to food safety
8 inspections and recalls of adulterated foods rather than monitoring or removal of foods which are
9 already considered safe.

10 Thank you for this opportunity to testify.



Executive Officers:
Stanley Brown, ConAgra Foods - Chairperson
John Schilf, RSM Hawaii - Vice Chair
Derek Kurisu, KTA Superstores - Treasurer
Lisa DeCoito, Aloha Petroleum - Secretary
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

TO:
SENATE COMMITTEE ON HEALTH
Senator Josh Green, Chair
Senator Rosalyn Baker, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: January 27, 2014
TIME: 1:30pm
PLACE: Conference Room 229

RE: SB2570

Position: Opposition

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.

The labeling information proposed in this bill is blatantly false.

Per the European Food Safety Authority:

Aspartame and its breakdown products are safe for human consumption at current levels of exposure, EFSA concludes in its first full risk assessment of this sweetener. To carry out its risk assessment, EFSA has undertaken a rigorous review of all available scientific research on aspartame and its breakdown products, including both animal and human studies.

Per the US Food and Drug Administration:

Considering results from the large number of studies on aspartame's safety, including five previously conducted negative chronic carcinogenicity studies, a recently reported large epidemiology study with negative associations between the use of aspartame and the occurrence of tumors, and negative findings from a series of three transgenic mouse assays, FDA finds no reason to alter its previous conclusion that aspartame is safe as a general purpose sweetener in food.

Per the American Cancer Society:

Expert agencies in the United States and elsewhere that have evaluated aspartame have found it safe for use.

In addition to the fact that there is no credible information to support the claimed health risks noted in this bill, it would also create a huge expense for manufacturers, food retailers, and consumers here in Hawaii where we already pay high prices for food.

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.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: abegaze@ajiusa.com
Subject: Submitted testimony for SB2570 on Jan 27, 2014 13:30PM
Date: Sunday, January 26, 2014 11:01:18 AM
Attachments: [Ajinomoto Comments on SB 2570-012614.pdf](#)

SB2570

Submitted on: 1/26/2014

Testimony for HTH on Jan 27, 2014 13:30PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------------|---------------------------|---------------------------|
| Eyassu Abegaz | Ajinomoto North America, Inc. | Oppose | No |

Comments: I will be sending via overnight mail for delivery on Tuesday morning, a copy of the full report of European Food Safety Authority opinion on aspartame safety for the committee's review and consideration.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Eat Well, Live Well.
AJINOMOTO
AJINOMOTO NORTH AMERICA, INC.
Nutrition and Health

January 26, 2014

Comments on SB 2570, Warning Labeling of Products Containing Aspartame
Committee on Health

Written comments submitted by Brendan Naulty, Senior Vice President
Ajinomoto North America, Inc.
Hawaii Office
1311 Kapiolani Blvd, #303,
Honolulu HI 96814

The Ajinomoto Company is a leading global manufacturer of aspartame, an ingredient that is enjoyed by hundreds of millions of people around the world. With respect to the proposed Senate Bill 2570, implementing a warning labeling on products containing aspartame, I submit the following comments. The foundation upon which this bill is proposed is based on suppositions and unfounded allegations that have been shown to be unsubstantiated by scientific bodies many times over as these allegations are built on historical urban myths.

Further, such action in the State of Hawaii will be inconsistent with U.S. federal laws and regulations and could be challenged under federal preemption if passed. In the end, taking up this action would be wasteful to the State of Hawaii budget and will bring no benefit to the people within this state.

Aspartame is a food ingredient that has been reviewed and affirmed safe by leading health and scientific organizations such as the U.S. Food and Drug Administration (FDA), the Joint Food Agriculture Organization/World Health Organization Expert Committee on Food Additives (JECFA), the European Food Safety Authority (EFSA), the American Medical Association, American Diabetes Association, the Academy of Nutrition and Dietetics, and the National Cancer Institute 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." (FDA, 1981).



In 2007, world renowned scientific experts in the U.S. conducted a comprehensive review of aspartame and reaffirmed its safety (Magnuson et al. 2007).

As recently as December 2013, the European Food Safety Authority (EFSA) released yet another evaluation and opinion on the safety of aspartame. The EFSA Scientific Opinion is 263 pages long and includes 361 scientific citations. It concludes that aspartame is a safe sweetener.

We will be sending via overnight mail for delivery on Tuesday morning, a copy of the full report for the committee's review and consideration as it clearly addresses the concerns raised in the Bill in an independent, objective and scientific manner. According to Dr. Alicja Mortensen, the Chair of the EFSA Panel that reviewed the safety of aspartame stated, "This opinion represents one of the most comprehensive risk assessments of aspartame ever undertaken. It's a step forward in strengthening consumer confidence in the scientific underpinning of the EU food safety system and the regulation of food additives."

The EFSA expert opinion on aspartame concluded:

"Following a thorough review of evidence provided both by animal and human studies, experts have ruled out a potential risk of aspartame causing damage to genes and inducing cancer. EFSA's experts also concluded that aspartame does not harm the brain, the nervous system or affect behavior or cognitive function in children or adults. With respect to pregnancy, the Panel noted that there was no risk to the developing fetus from exposure to phenylalanine derived from aspartame at the current ADI (with the exception of women suffering from PKU)."

"The opinion makes clear that the breakdown products of aspartame (phenylalanine, methanol and aspartic acid) are also naturally present in other foods (for instance, methanol is found in fruit and vegetables). The contribution of breakdown products of aspartame to the overall dietary exposure to these substances is low."

"Experts of ANS Panel have considered all available information and, following a detailed analysis, have concluded that the current Acceptable Daily Intake (ADI) of 40mg/kg bw/day is protective for the general population." I would note that this level, which the panel found perfectly safe, is equivalent to a 150 pound person consuming more than 75 packets of Equal each day for every day of his/her life.

Many consumers use and enjoy low-calorie sweeteners as a way of enhancing the taste of food and drinks. Consumer research conducted by the International Food Information Council (IFIC)



Foundation tells us that consumers are in fact aware of aspartame as an ingredient in foods and beverages. They understand its functions and of its potential benefits. According to IFIC's 2012 Food & Health Survey, four in ten consumers agree that low-calorie sweeteners are an alternative for people with diabetes (41%), and can play a role in weight management (40%).

When aspartame is used as a sweetener, it is clearly indicated in the food ingredient panel. Consumers have the ability and the right to choose whether or not to include it in their diets. There is absolutely no scientific justification to add any form of warning on aspartame containing products as proposed in the Senate Bill 2570.

In conclusion, in its three decades as an ingredient in the global food supply, the safety of aspartame and its constituent components have been evaluated numerous times in the United States, Europe and other parts of the world by government and scientific experts. Although urban health myths abound on the Internet, responsible authorities always have concluded that aspartame is well studied, well understood and, most importantly, a safe sweetener. The recent 2013 comprehensive evaluation of the European Food Safety Authority reiterates this conclusion. The proposed Senate Bill 2570 and warning label on products containing aspartame is not based in science and brings confusion to millions of Hawaii consumers.

We appreciate your consideration of the Ajinomoto company's comments and advise that this bill is not taken up but rather the bill sponsors review the submitted references or reach out to Ajinomoto for better understanding of this simple food ingredient which brings nothing new to our diets.

References

EFSA ANS Panel (EFSA Panel on Food Additives and Nutrient Sources added to Food), 2013. Scientific Opinion on the re-evaluation of aspartame (E 951) as a food additive. EFSA Journal 2013;11(12):3496, 263 pp.doi:10.2903/j.efsa.2013.3496.
<http://www.efsa.europa.eu/en/efsajournal/pub/3496.htm>

FDA (1981). Aspartame: Commissioner's final decision. Final Rule. Federal Registry 46,:38285–38307

International Food Information Council. Consumer Perceptions of Food Technology Survey. May 2012.<http://www.foodinsight.org/Resources/Detail.aspx?topic=2012ConsumerPerceptionsOfTechnologySurvey>



International Food Information Council Foundation. Food & Health Survey: Consumer Attitudes toward Food, Nutrition & Health. May 2012.

[http://www.foodinsight.org/Resources/Detail.aspx?topic=2012 Food Health Survey Consumer Attitudes toward Food Safety Nutrition and Health](http://www.foodinsight.org/Resources/Detail.aspx?topic=2012_Food_Health_Survey_Consumer_Attitudes_toward_Food_Safety_Nutrition_and_Health)

Magnuson BA, Burdock GA, Doull J, Kroes, RM, Marsh GM, Pariza MW, Spencer PS, Waddell WJ, Walker R and Williams GM, 2007. Aspartame: a safety evaluation based on current use levels, regulations, and toxicological and epidemiological studies. *Critical Reviews in Toxicology*, 37, 629-727.



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

**Before the Hawaii Senate Committee on Health
Opposition to S.B. 2570, Aspartame
January 27, 2014**

Good afternoon, Chair Green and members of the Committee. Thank you very much for the opportunity to present comments on S.B. 2570. The American Beverage Association is the trade association representing the non-alcoholic beverage industry.

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 and regulatory agencies in more than 100 countries have reviewed aspartame and found it to be safe for use.

Just last month, the European Food Safety Authority confirmed – once again – that aspartame is safe for consumption by the general population, including pregnant women. This opinion, which is based on one of the most comprehensive risk assessments of aspartame to-date, further supports decades of scientific research as well as the positions of regulatory agencies around the globe, including FDA. Furthermore, these experts concluded that aspartame does not cause cancer, harm the brain or nervous system or affect behavior or cognitive function in children or adults.

The American Beverage Association respectfully requests that the Committee defer S.B. 2570.

Below is the European Food Safety Authority's December 2013 press statement on its full risk assessment on aspartame that concludes – once again – that aspartame is safe:

EFSA completes full risk assessment on aspartame and concludes it is safe at current levels of exposure

Press Release

10 December 2013

Aspartame and its breakdown products are safe for human consumption at current levels of exposure, EFSA concludes in its first full risk assessment of this sweetener. To carry out its risk assessment, EFSA has undertaken a rigorous review of all available scientific research on aspartame and its breakdown products, including both animal and human studies.

“This opinion represents one of the most comprehensive risk assessments of aspartame ever undertaken. It’s a step forward in strengthening consumer confidence in the scientific underpinning of the EU food safety system and the regulation of food additives”, said the Chair of EFSA’s Panel on Food Additives and Nutrient Sources Added to Foods (ANS Panel), Dr Alicja Mortensen.

Experts of ANS Panel have considered all available information and, following a detailed analysis, have concluded that the current Acceptable Daily Intake (ADI) of 40mg/kg bw/day is protective for the general population. However, in patients suffering from the medical condition phenylketonuria (PKU), the ADI is not applicable, as they require strict adherence to a diet low in phenylalanine (an amino acid found in proteins).

Following a thorough review of evidence provided both by animal and human studies, experts have ruled out a potential risk of aspartame causing damage to genes and inducing cancer. EFSA’s experts also concluded that aspartame does not harm the brain, the nervous system or affect behaviour or cognitive function in children or adults. With respect to pregnancy, the Panel noted that there was no risk to the developing fetus from exposure to phenylalanine derived from aspartame at the current ADI (with the exception of women suffering from PKU).

The opinion makes clear that the breakdown products of aspartame (phenylalanine, methanol and aspartic acid) are also naturally present in other foods (for instance, methanol is found in fruit and vegetables). The contribution of breakdown products of aspartame to the overall dietary exposure to these substances is low.

From: [Stevens, Haley](#)
To: [HTHTestimony](#)
Subject: CCC Testimony for SB 2570
Date: Saturday, January 25, 2014 5:14:32 PM
Attachments: [Calorie Control Council Testimony 1-27-14.pdf](#)

Please see the attached written testimony from the Calorie Control Council for Hawaii Senate Bill (SB) 2570.

We appreciate your consideration of this testimony. Please confirm receipt of this testimony.

Thank you.

Haley Curtis Stevens, Ph.D.

President

Calorie Control Council

1100 Johnson Ferry Road, Suite 300

Atlanta, GA 30342

P (678) 303-3010

F (404) 252-0774

E hstevens@kellencompany.com

The Calorie Control Council is managed by the Kellen Company, an employee-owned association management company providing association and meetings management, public relations, government affairs, marketing, web site development and graphic design services. Offices in Atlanta, New York, Washington, Brussels and Beijing. www.kellencompany.com



Calorie Control Council

1100 JOHNSON FERRY ROAD, SUITE 300 • ATLANTA, GA 30342 • (404) 252-3663 • FAX (404) 252-0774
E-MAIL: CCC@KELLENCOMPANY.COM • WWW.CALORIECONTROL.ORG

Calorie Control Council
Comments on Aspartame
Hearing on SB 2570, Relating to Health
Committee on Health
January 27, 2014
1:30 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, in December 2013, the European Food Safety Authority (EFSA) released its final opinion on aspartame and concluded there was no safety concern at the current ADI of 40mg/kg/bw/day and no reason to revise the ADI. Dr. Alicja Mortensen, chair of EFSA's Panel on Food Additives and Nutrient Sources Added to Foods (ANS) stated, "This opinion represents one of the most comprehensive risk assessments of aspartame ever undertaken." 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.

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, including diabetics, 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 in 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 conclusion, labeling aspartame as proposed in SB2570, Relating to Health, has no basis on 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, including diabetics, 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

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: babesagainstbiotech@gmail.com
Subject: *Submitted testimony for SB2570 on Jan 27, 2014 13:30PM*
Date: Sunday, January 26, 2014 1:02:11 PM

SB2570

Submitted on: 1/26/2014

Testimony for HTH on Jan 27, 2014 13:30PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------|---------------------------|---------------------------|
| Nomi Carmona | Babes Against Biotech | Support | Yes |

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for SB2570 on Jan 27, 2014 13:30PM*
Date: Friday, January 24, 2014 3:56:02 PM

SB2570

Submitted on: 1/24/2014

Testimony for HTH on Jan 27, 2014 13:30PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brad Parsons | 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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: lynhowe1946@yahoo.com
Subject: *Submitted testimony for SB2570 on Jan 27, 2014 13:30PM*
Date: Friday, January 24, 2014 7:07:22 PM

SB2570

Submitted on: 1/24/2014

Testimony for HTH on Jan 27, 2014 13:30PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lyn Howe | 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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov