

# SB 651 (Wieckowski)

## Protecting Californians From Synthetic Food Dyes Act

### SUMMARY

SB 651 will enhance transparency and consumer product knowledge about the implications of consuming ingredients in food and beverage products. This bill will accomplish this by requiring safety warnings based on a detailed scientific risk assessment by the state of California—the most comprehensive analysis ever published—about the **known behavioral effects on children** of consuming synthetic food dyes.

### EXISTING LAW

The federal Nutrition Labeling and Education Act of 1990 (NLEA) includes a specific savings clause that allows local requirements “respecting a statement in the labeling of food that provides for a warning concerning the safety of the food or component of the food.” NLEA § 6(c).

### BACKGROUND

Scientific evidence links the use of synthetic dyes in food and beverage products with harmful health effects in children. These effects include adverse behavior reactions such as hyperactivity and attention problems, symptoms similar to ADHD, a common neurodevelopmental disorder. Such adverse behavior reactions can lead to poor conduct and academic performance in the classroom.

At the request of the California Legislature, OEHHA conducted a health effects assessment of the potential impacts of synthetic food dyes on children, particularly for neurobehavioral and other neurologic effects. In conducting this risk assessment, OEHHA evaluated multiple streams of evidence including epidemiological, clinical, and toxicological studies. OEHHA also conducted an exposure assessment and hazard and risk characterization. The final document will present an exhaustive overview of the available information on neurobehavioral effects of synthetic food dyes from studies in children and experimental animals.

The draft assessment has completed peer review and is awaiting final publication. The draft assessment concluded in 2020 that:

*“At a minimum, in the short-term, the neurobehavioral effects of synthetic food dyes in children should be acknowledged and steps taken to reduce exposure to these dyes in children.”*

Nevertheless, manufacturers in the United States continue to add synthetic dyes to a variety of food

products, often in large quantities. These products are heavily marketed by brand-name food and beverage companies to children. One study found that more than 90% of child-oriented candies, fruit-flavored snacks, and drink mixes contain synthetic dyes. The European Union requires that food products containing most synthetic dyes come with a warning that they “may have an adverse effect on activity and attention in children.” This led many companies to eliminate the use of these synthetic dyes within products sold in Europe.

Conversely, companies within the United States have not been required to inform consumers of the known links between dyes and behavioral effects in children. Retailers that have voluntarily reduced or eliminated synthetic dyes from their food and beverages, such as *Whole Foods* and *Trader Joes*, can be expensive relative to food stores located in less affluent areas. Furthermore, because food products come with no labeling about the adverse effects of food dyes, many families have no idea that dyes can impact children, and would have little if any reason to forgo cheaper products containing synthetic dyes in favor of alternatives.

Every family in California should have access to information relevant to the ability to make healthy choices for their children.

### THIS BILL

SB 651 will require a person that manufactures, packages, sells, offers to sell, distributes, or imports for sale or distribution within the state to include a safety warning label, informing the consumer that the that synthetic food dyes are known by the State of California to cause or worsen behavioral problems in children.

Specifically, SB 651 will:

- Require the label to be located on the principal display panel and be prominently placed in a way that can be understood by consumers.
- Require restaurants when selling food with synthetic dyes to include the information on their menus or menu boards.
- Such provisions do not apply to alcoholic beverages or medical food.

### SUPPORT

Children’s Advocacy Institute (cosponsor)  
Center for Science in the Public Interest (cosponsor)  
Environmental Working Group (cosponsor)