

# SENATE JOINT RESOLUTION 3

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By: **Senator Stone**

Introduced and read first time: January 15, 2009

Assigned to: Finance

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## SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Federal Legislation to Ban Color Additives**

3 FOR the purpose of urging the United States Congress to enact legislation that bans  
4 the use of certain color additives in food sold, served, or distributed in the  
5 United States.

6 WHEREAS, Approximately 3% to 10% of school-age children suffer from  
7 Attention Deficit Hyperactivity Disorder (ADHD), which leads to decreased academic  
8 achievement, impaired relationships with family and peers, and heightened risk for  
9 later drug use; and

10 WHEREAS, The Centers for Disease Control and Prevention estimates that  
11 ADHD imposed a societal “cost of illness” of \$36 billion to \$52 billion during 2005; and

12 WHEREAS, In the early 1970s, Ben Feingold, a California physician, reported  
13 that a diet lacking foods containing color additives, artificial flavorings, and naturally  
14 occurring salicylates helped some patients who had hyperactivity and other related  
15 behavioral problems; and

16 WHEREAS, Since 1977, 25 double-blind, placebo-controlled studies on the  
17 impact of FD&C Yellow No. 5 and other color additives on children’s behavior have  
18 been described in scientific literature; and

19 WHEREAS, Thirteen double-blind, placebo-controlled studies on FD&C Yellow  
20 No. 5, including two sponsored by the British Food Standards Agency (FSA) that were  
21 published in 2004 and 2007, found that eliminating certain color additives from food  
22 helped reduce hyperactivity and other behavioral problems in some children; and

23 WHEREAS, Ignoring the large body of scientific evidence, the United States  
24 Food and Drug Administration (FDA) states on its website that there is “no evidence  
25 that food color additives cause hyperactivity or learning disabilities in children”; and



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1 WHEREAS, At the urging of the FSA and because of consumer concerns about  
2 artificial additives, some multinational companies selling foods in both Britain and the  
3 United States, including Kraft, Mars, Kellogg, McDonald's, Coca-Cola, General Mills,  
4 Quaker, Haribo, and PepsiCo, which includes Walkers/Frito-Lay, use few or no color  
5 additives in foods sold in Britain while using color additives routinely in many foods  
6 sold in the United States; and

7 WHEREAS, On July 8, 2008, the European Parliament approved a measure  
8 requiring packaged foods containing certain color additives to bear a notice stating  
9 that color additives "may have an adverse effect on activity and attention in children";  
10 and

11 WHEREAS, Americans consume about one-third of their food in restaurants  
12 and other food service facilities; and

13 WHEREAS, While the FDA requires that color additives be included on the  
14 ingredient statement for packaged foods containing color additives, persons consuming  
15 food in restaurants and other food service facilities have no way of knowing if the  
16 consumed food contains a color additive; and

17 WHEREAS, The appropriate public health approach to the scientific evidence  
18 on the effect that color additives have on behavior is to remove color additives from the  
19 food supply or at least require warning labels; now, therefore, be it

20 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the  
21 United States Congress is urged to enact legislation that bans the use of the following  
22 color additives in food sold, served, or distributed in the United States:

23 (1) FD&C Blue No. 1;

24 (2) FD&C Blue No. 2;

25 (3) FD&C Green No. 3;

26 (4) FD&C Orange B;

27 (5) FD&C Red No. 3;

28 (6) FD&C Red No. 40;

29 (7) FD&C Yellow No. 5; and

30 (8) FD&C Yellow No. 6; and be it further

31 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
32 Legislative Services to the Maryland Congressional Delegation: Senators Barbara A.  
33 Mikulski and Benjamin L. Cardin, Senate Office Building, Washington, D.C. 20510;  
34 and Representatives Frank M. Kratovil, Jr., C. A. Dutch Ruppertsberger III, John P.

- 1 Sarbanes, Donna Edwards, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.
- 2 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington, D.C.
- 3 20515.