

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 12/12/2014

GAIN Report Number:

Peru

Post: Lima

FAS Lima Coordinates Tartrazine Briefing by U.S. FDA for Peruvian Congress

Report Categories:

Beverages

Export Accomplishments - Other

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

Approved By:

Casey E. Bean

Prepared By:

Mariano J. Beillard and Alvaro Loza

Report Highlights:

In response to the Peruvian Congress's proposal to ban the use of Tartrazine, a colorant used in soft drinks, FAS Lima coordinated on October 23 an FDA briefing on Tartrazine for Congressman Freddie Sarmiento and the consumer defense committee. As a result, a congressional committee is now only proposing that the colorant be labeled, as is required in the U.S. FDA presented an overview on Tartrazine's approved use in the United States. A committee vote on Tartrazine's use will be held in December and FAS continues coordination with FDA and the Peruvian industry.

General Information:

In response to the Peruvian Congress's proposed ban of a colorant commonly used in soft drinks both here and the United States, FAS Lima coordinated with the U.S. Food and Drug Administration offices in Chile and Costa Rica, on October 23, 2014, a tartrazine briefing. The target audience was a Peruvian Congressman Freddie Sarmiento (Fuerza Popular party) and other members of the congressional consumer defense committee. ABREZA, Peru's non-alcoholic beverage industry association, facilitated the discussion.

The FDA participants presented an overview on tartrazine's use in the United States. Tartrazine, also known as FD&C Yellow #5 (E102, C.I. 19140), is [certifiable and approved](#) for use in the United States and other countries. The FDA's labeling requirements mandate only that the colorant be listed in the ingredient statement. The presenters explained that during a March 2011 Food Advisory Committee (FAC) meeting, an independent expert panel of pediatricians, toxicologists, behavioral scientists, food scientists, and scientists reviewed the Southampton Study and other studies that assert a link between consumption of artificial color additives and hyperactive behavior in children. The FAC recommended that no additional information, including a warning label, was needed on a product label to ensure the safe use of colors. The [FAC](#) agreed that there was insufficient evidence of a causal relationship between the intake of artificial color additives and hyperactive behavior in children.

The [EFSA](#) also concluded that the Southampton study (which Peru has been reviewing) did not provide sufficient evidence of adverse effects to warrant a re-evaluation of the regulatory status of the colors tested. The authors of the Southampton study stated that much additional work remains to be done to establish whether the results can be reproduced and to understand the significance of any validated results.

On November 18, 2014, Peru's [Consumer Defense Committee](#) proposed to the congressional plenary alternative text to the bill 165/2011-CR – Prohibition of the use of the Chemical Compound Tartrazine in Food Products destined for Human Consumption. The commission proposed the following alternative text (an unofficial translation) which only requires labeling of the colorant, not a ban.

BEGIN TEXT

Labeling Law for Products Containing Tartrazine.

Article 1. Labeling

Food products for human and animal consumption, pharmaceutical products and cosmetics that contain the chemical compound tartrazine, will clearly state on the label in bold black, capital block letters the following statement: CONTAINS TARTRAZINE.

Article 2. Oversight and Violations

The Ministry of Health's agencies will implement the necessary measures to ensure compliance with the present law and enforce penalties through the corresponding sectorial norms.

Violations are to be reported to INDECOPI's Consumer Protection Committee pursuant to law 29571 of the Consumer Protection and Defense Code.

Transitional Complementary Disposition

SOLE. Compliance

Suppliers (of products) referred to in article 1, have a period of 180 calendar days to comply with the present law from the date of enactment.

END TEXT

A vote on tartrazine's use and labeling will likely be held sometime during the 2015 congressional session.