

A Decade Behind the EU in Food Labeling, the date of April 28, 2021, Can Set Legislative Precedence in Improving U.S. Childhood Health

On April 28, the California Senate may conduct a life-changing hearing on [Senate Bill 651](#), which proposes to require mandatory warning labels on foods containing synthetic food dyes that “may have effects on attention and activity in children.” Countries in the [European Union and the United Kingdom \(U.K.\)](#) already require this warning label on synthetic food dyes. The two dyes of greatest concern are sunset yellow (Yellow #6) and tartrazine (Yellow #5). Both are derived from petroleum which comes from deep deposits below ground and thus have **allowable** inorganic mercury (1 ppm), lead (10 ppm) and arsenic (3 ppm) residues. The U.S. Food and Drug Administration ([FDA](#)) [requires these colors be tested by a lab to certify they do not contain heavy metals exceeding the allowable amounts.](#)

[Inorganic mercury, arsenic](#) and/or lead exposures are associated with the development of [autism](#) and [Attention Deficit Hyperactivity Disorder \(ADHD\)](#) in children. Children with autism or ADHD may have difficulty learning in the general education classroom and often require special education services. Special education services, however, do not guarantee academic success. One study reported that children with ADHD were [almost three times more likely to drop out of high school](#) compared to their non-ADHD peers. We must do more to prevent these heavy metal exposures in our children. Requiring warning labels on foods containing synthetic food dyes with allowable inorganic mercury, lead and arsenic residues may reduce the prevalence of autism and ADHD.

The reader may wonder how such harmful food dyes ever entered the food supply to begin with. [These food dyes were in use before the FDA was established and were essentially grandfathered into the food supply.](#) Their harmful effects were not known until recently. Once the clinical trial work was done, Europe acted swiftly. [The European Union required the warning labels in 2010.](#)

[The results of side-by-side studies conducted in 2016 by U.S. and U.K. researchers](#) on the prevalence of autism and ADHD suggest the warning label requirement is working to lower the autism and ADHD prevalence in the U.K. Meanwhile in the U.S., the Centers for Disease Control (CDC) tracks the rising prevalence of both disorders. Nearly [13% of all boys in the U.S.](#) have been diagnosed with ADHD. CDC currently estimates the autism prevalence in 8-year-old children is [1 in 59 children](#). The true number of children afflicted with autism across all age groups remains unknown.

The use of food dyes without warning labels may be a civil rights issue when the most recent CDC report indicates black boys are more likely to be diagnosed with ADHD compared to boys in other racial groups. In 2020, [CDC reported that 16.9% of non-Hispanic black children between the ages of 3-17 were the most likely to be diagnosed with ADHD from 2016-2018.](#)

If teens with ADHD are three times more likely to drop out of high school, where are they landing? [The prevalence of ADHD is 30.1% in youth prison populations and 26.2% in adult prison populations.](#) According to Jillian Hishaw, an Agricultural and Civil Rights Attorney, “prison labor continues to be an integral part of farming in a \$1.3 billion dollars per year industry

that arose from the chain gangs of the Post Reconstruction South. Black males make up 34 percent of the prison population but only a fraction of the overall U.S. population.”

California leaders have an opportunity to make a life-changing difference for millions of children by passing Senate Bill 651. Warning labels on foods containing dyes known to negatively impact child behaviors can help parents make informed choices about the foods they buy. As observed in the U.K., warning labels may serve to improve childhood health and life outcomes by reducing autism and ADHD prevalence.

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BIO: Dr. Dufault retired from the U.S. Food and Drug Administration in 2007 to publish her findings of inorganic mercury in high fructose corn syrup. In 2010, she and her collaborators formed the first and only 501 c 3 non-profit organization in the U.S. devoted entirely to food ingredient safety, education, and research. Food Ingredient and Health Research Institute has no paid employees and is run entirely on volunteer energy. Dr. Dufault is an independent researcher, author, and licensed special education teacher. For a list of her highly cited publications, please see her [Google Scholar page](#).

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BIO: Jillian Hishaw earned a Biology degree before entering law school at the University of Arkansas. Upon passing the bar exam, she practiced law with the U.S. Department of Agriculture. Since leaving federal service, she founded the non-profit F.A.R.M.S. to help farmers maintain ownership of their lands. She is the author of Systemic Land Theft and Don't Bet the Farm on Medicaid. Ms. Hishaw is recognized as a “changemaker” and is also the author of numerous articles in law journals.