

# Congress of the United States

Washington, DC 20515

November 25, 2024

Kristi Muldoon Jacobs, PhD  
Acting Director, Office of Food Additive Safety  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration  
5001 Campus Drive  
College Park, MD 20740

James Jones  
Deputy Commissioner for Human Foods  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

Dear Deputy Commissioner Jones and Acting Director Dr. Muldoon Jacobs,

We write to urge that you finalize a ban on the use of the carcinogen FD&C Red No. 3, also known as Red 3, in foods. Red 3 is a synthetic food dye made from petroleum and is used in thousands of foods, including candies marketed to children.

In 1990, the Food and Drug Administration (FDA) banned the use of Red 3 in cosmetics and externally applied drugs based on a study that found it caused cancer when eaten by rats. According to the Delaney Clause of the Federal Food, Drug and Cosmetic Act, the FDA is required to ban any food or color additive that is found to cause cancer in humans or animals.<sup>1</sup> Congress drew a clear line: it is the responsibility of the FDA to ban carcinogenic compounds from foods that are not safe for American consumers. Despite this clear obligation, FDA has not yet taken the necessary action to protect public health and ban Red 3 in foods.

The carcinogenicity of Red 3 is clear. The National Toxicology Program, the European Commission's Scientific Committee for Food, and the World Health Organization have all concluded that Red 3 causes cancer in animals. Red 3 was also determined by the state of California to cause neurobehavioral issues in some children. Because children consume more Red 3 on a bodyweight basis than adults, the FDA should act quickly to protect the nation's youth from this harmful dye, used to simply give food and drinks a bright red color. No aesthetic reason could justify the use of a carcinogen in our food supply.

Under the Federal Food, Drug, and Cosmetic Act (FD&C Act) Chapter VII, Section 721, color additives, including FD&C Red No. 3 are subject to FDA approval. Currently, the FDA is actively reviewing a petition filed by 24 food safety and consumer protection organizations and scientists calling for the revocation of FD&C Red No. 3's approval for use in food and ingested drugs<sup>2</sup>.

Red 3 has been banned by the European Union, Australia, and New Zealand in everything but certain kinds of cherries, and California has recently completely banned the use of Red 3 in food starting in 2027.

A ban on Red 3 is not only statutorily required, but it is also feasible – alternatives are widely available.

Thirty-four years of inaction is far too long. We are calling on the FDA to use its regulatory authority to ban Red 3 from our nation's food supply before the end of this Congress.

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<sup>1</sup> <https://www.gao.gov/products/hrd-82-3>

<sup>2</sup> <https://www.fda.gov/industry/color-additives/fdc-red-no-3>

American consumers need to trust that the food in their grocery stores is safe, especially when it is marketed to children. It is time for the FDA to make good on its regulatory promise and remove this carcinogen from our food.

We look forward to your timely response.

Sincerely,



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Rosa L. DeLauro  
Member of Congress



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Andre Carson  
Member of Congress



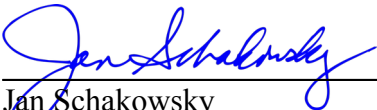
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Alma S. Adams, Ph.D.  
Member of Congress



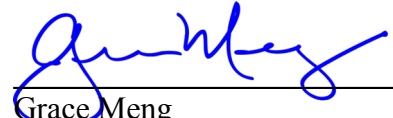
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Eleanor Holmes Norton  
Member of Congress



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Jan Schakowsky  
Member of Congress



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Grace Meng  
Member of Congress



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Greg Casar  
Member of Congress



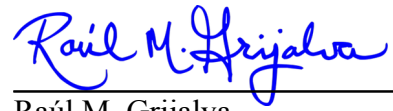
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Ro Khanna  
Member of Congress



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Sydney Kamlager-Dove  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



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Chellie Pingree  
Member of Congress



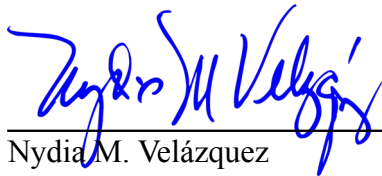
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Dan Goldman  
Member of Congress



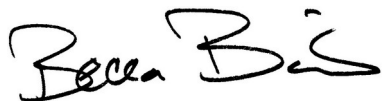
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Delia C. Ramirez  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



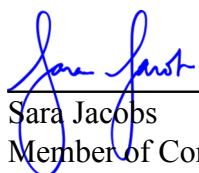
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Becca Balint  
Member of Congress




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Diana DeGette  
Member of Congress



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Sara Jacobs  
Member of Congress



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Scott H. Peters  
Member of Congress



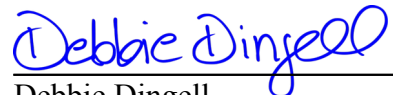
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Barbara Lee  
Member of Congress



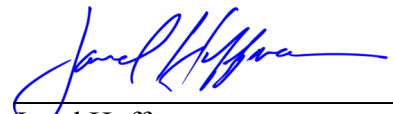
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Rashida Tlaib  
Member of Congress



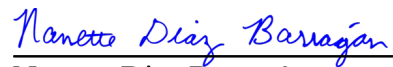
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Debbie Dingell  
Member of Congress



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Jared Huffman  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress