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Nutrition Action Healthletter

December 1, 2006

The Honorable Andrew C. von Eschenbach, M.D.
Acting Commissioner
Food and Drug Administration
Room 14-71
Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

Dear Acting Commissioner von Eschenbach:

On behalf of our 800,000 United States members, we write to urge that the Food and Drug Administration ("FDA") immediately resume reporting the amounts of acrylamide in major brands of cereals, potato chips, French fries, unbrewed coffee, cookies, and other foods so that consumers can choose those brands that have the lowest amounts of this likely carcinogen. The FDA must act because, as discussed below, food companies have cast a veil of secrecy over how much acrylamide is in their products.

In 1991 the Environmental Protection Agency set an upper limit of 0.5 parts per billion ("ppb") for acrylamide in drinking water because acrylamide may cause cancer in people. In 1994 both the World Health Organization ("WHO") International Agency for Research on Cancer and the United States National Toxicology Program (comprised of the National Institutes of Health, the FDA, and the Centers for Disease Control) concluded that acrylamide is probably carcinogenic in people. Following the discovery in several countries of acrylamide in a variety of foods in early 2002, an expert meeting convened by the WHO and the United Nations Food and Agriculture Organization concluded in June 2002 that the presence of acrylamide in food is "a major concern."¹

In December 2002 and March 2003 the FDA announced the results of its exploratory survey of products in 27 classes of foods sold in this country.² There were two principal results from this survey:

- There were high median levels of acrylamide for several categories of foods, including cereals (71 ppb), home-baked French fries (77 ppb), unbrewed coffee (196 ppb), cookies (199 ppb), restaurant French fries (288 ppb), and potato chips (400 ppb).

¹ *Health Implications of Acrylamide in Food, Report of a Joint FAO/WHO Consultation* (June 25-27, 2002) at 1.

² The results are in Tables 1 and 2 at www.cfsan.fda.gov/~dms/acrydata.html (visited October 5, 2006).

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- There were large differences in the amounts of acrylamide in different products within a class of foods. For example, among the 21 brands of cereal tested, the highest level – 1,057 ppb in Wheatena Toasted Wheat Cereal– was 96 times the lowest level in Familia Original Recipe Swiss Muesli (11 ppb). Among the 12 brands of unbaked French fries (excluding fast-food restaurants), the highest level – 218 ppb in Ore Ida Crispers – was 11 times greater than the lowest in Ore Idea Golden Twirls (20 ppb). Among the 16 brands of potato chips tested, the highest level – 2,510 ppb in Pringles Sweet Mesquite BBQ Flavored Potato Chips – was 21 times greater than the lowest in Utz’s Homestyle Kettle Cooked Potato Chips (117 ppb). Among the nine brands of restaurant French fries tested, the highest level – 606 ppb in Popeyes– was three times the lowest in KFC (216 ppb). Among the seven brands of cookies tested, the highest level – 432 ppb in Stauffer’s Animal Crackers – was 12 times the lowest in Archway Oatmeal Cookies (36 ppb). Among the 23 unbrewed coffees tested, the highest level – 359 ppb in Folgers Classic Roast – was seven times the lowest in Yuban 100% Columbian Coffee (51 ppb).

Unfortunately for consumers, the FDA has stopped publishing such detailed surveys on acrylamide levels. The most recent detailed FDA data for various brands of different foods (published in July 2006³) are for November 2003-October 2004, and those data are for different brands than those first examined by the FDA in 2002/2003.

In July 2003 the FDA also urged California’s Office of Environmental Health Hazard Assessment to abandon its proposal – pursuant to California’s Proposition 65 – to require labeling of foods with high levels of acrylamide until the FDA finished its analysis – which it said “is expected to take 2-3 years.”⁴ As you know, the FDA has not met its deadline.

Our recent survey (enclosed) of 30 products reveals that manufacturers are refusing to tell consumers how much acrylamide is currently in their products. (We contacted the makers of the three products with the highest amounts of acrylamide and the two products with the lowest amount of acrylamide in the 2002/2003 FDA surveys for each of the six classes of foods that are, according to the FDA’s most recent analysis,⁵ the most important sources of acrylamide for the

³ www.cfsan.fda.gov/~dms/acrydata.html (Table 4)(visited October 5, 2006). The acrylamide data for FY 2006 published by the FDA in October 2006 are averages for particular types of food and do not reveal the amounts for different brands of the same food. www.cfsan.fda.gov/~dms/acrydat2.html (Table 4)(visited November 3, 2006).

⁴ See July 14, 2003 letter from Deputy Commissioner Lester M. Crawford to Joan E. Denton, Director of Office of Environmental Health Hazard Assessment at 3.

⁵ <http://www.cfsan.fda.gov/~dms/acryexpo/acryex4.htm>(slide 4) (visited October 5, 2006).

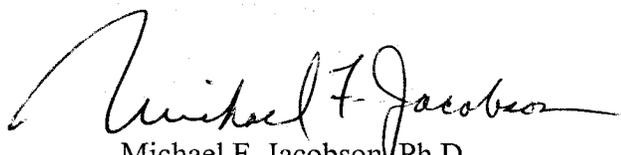
average American: restaurant French fries, home-baked French fries, potato chips, breakfast cereals, cookies, and coffee.)

Archway, Chick-fil-A, General Mills, Heinz, Kellogg's, Popeyes, and Richfood said they do not test for acrylamide. Utz said its last testing for acrylamide in its potato chips was done several years ago. Wheatena said it currently tests for acrylamide levels in its cereal but would not reveal the amount. The other 14 companies – ConAgra, Familia, Fuddruckers, Hill Bros., Kettle, KFC, Kraft, McKee, Melitta, Procter & Gamble, Stauffer, Sunbelt, Wendy's, and Whole Foods – did not answer our question.

We believe that it is imperative that the FDA immediately resume testing and then publishing the amounts of acrylamide in the major brands of the foods that are the most important sources of acrylamide so that consumers (including parents of young children) can pressure the companies with the most-contaminated products to reduce the amount of this likely carcinogen.

Of course, more important than testing for acrylamide would be for the FDA to behave as a regulatory agency and set limits on acrylamide in various categories of food, as CSPI requested in its petition filed June 4, 2003. The FDA's initial enthusiasm to minimize acrylamide levels has certainly flagged from the days when the FDA stated "Regulatory options. FDA will develop and revise regulatory options as additional knowledge is gained on acrylamide in food." (Draft Action Plan for Acrylamide in Food, September 20, 2002); "It's alarming – nobody wants it in the food supply... We're trying to do it [form a consensus with international scientists on how to eliminate acrylamide] in as few months as possible." (Lester Crawford, in Reuters article, October 1, 2002); and "We want to reduce these levels to the greatest extent feasible." (Joe Leavitt, USA Today article, October 8, 2002). We hope that with your interest in preventing cancer, the FDA will revive its efforts to reduce acrylamide levels as soon as possible.

Sincerely,



Michael F. Jacobson, Ph.D.
Executive Director



Benjamin Cohen
Senior Staff Attorney

enclosure

cc: Robert E. Brackett
Director
Center for Food Safety and Applied Nutrition
Food and Drug Administration

Acrylamide Responses
November 30, 2006
Hilary Kennedy, Researcher Legal Affairs

<i>Product</i>	<i>Acrylamide Levels (as reported by FDA in December 2002/March 2003)</i>	<i>Date Contacted by CSPI</i>	<i>Response</i>
<i>Restaurant French Fries</i>			
Popeyes	606 ppb (avg)	10.23.2006	Alicia Thompson: Popeyes is aware of reports about acrylamide; hasn't done any of its own analysis; is working with industry groups and vendors because it believes acrylamide levels are an industry wide problem; they are looking at various ways to address acrylamide levels, but she did not mention anything specific
Fuddruckers	399 ppb (avg)	11.13.2006	Amy: left message on machine
Chick-fil-A	389 ppb	10.23.2006	<p>Ryan responded with an email (10.31.2006): They are monitoring developments; "To date, the scientific community and the United States public health agencies have not been able to determine any association between the presence of Acrylamide in food and human forms of cancer. A report was made by the American Council on Science and Health titled "Acrylamide in Food": Is It a Real Threat to Public Health?" This can be found at http://www.acsh.org/publications/reports/acrylamide2002.html This review states that "There is no credible evidence that Acrylamide in food poses a human cancer risk."</p> <p>In addition the Food and Drug Administration's (FDA) published position is located at http://www.cfsan.fda.gov/~dms/acrydata.html where they state:</p> <p>Question - "Has Acrylamide suddenly appeared in food"? Answer – No, most Acrylamide appears to be a result of traditional cooking methods, e.g. baking, frying, roasting and is believed to have been present in</p>

			cooked food for thousands of years. Acrylamide in food is not a result of contamination from environmental sources.
Wendy's	228 ppb (avg)	11.2.2006	A nutritionist will call me back
KFC	216 ppb (avg)	11.2.2006	Janice: took a report of my question and said she would forward it on to upper management and they will get back to me
<i>Home-Baked French Fries (Unprepared)</i>			
Ore Ida Cripers! (Heinz)	218 ppb	11.13.2006	Emailed Heinz question; Heinz emailed response on 11.15.2006: "At this time Heinz does not test for acrylamides. As you know, acrylamides are naturally occurring in foods, like potatoes. When you cook these foods, like baking or frying, it activates the acrylamides. The concern is that these have proven to be carcinogens in laboratory animals, however, this has not been proven to be the case for humans. Thanks again for contacting us. We appreciate your interest."
Lamb Weston Inland Valley French Fries (ConAgra Foods)	212 ppb	10.23.2006	Melissa: someone will call me back
Lamb Weston Inland Valley Fajita Fries (ConAgra Foods)	200 ppb	10.23.2006	Melissa: someone will call me back
Richfood French Fried Potatoes	21 ppb	11.13.2006 11.15.2006	Richfood was bought by SuperValu, Inc.; Emailed question to SuperValu 11.15.2006; letter response received from SuperValu: "I can tell you that we do not test for acrylamide. The reasons for this are that there are no levels defined for acrylamide which are considered 'acceptable,' and the fact that over 90% of the acrylamide in the product results from the final cooking stage, over which we have no control."
Ore Ida Golden Twirls (Heinz)	20 ppb	11.13.2006	Emailed Heinz question; Heinz emailed response on 11.15.2006: "At this time Heinz does not test for acrylamides. As you know, acrylamides are naturally occurring in foods, like potatoes. When you cook these foods, like baking or frying, it activates the acrylamides. The concern is that these have proven to be carcinogens in laboratory animals, however, this has not been proven to be the case for humans. Thanks again for contacting us. We appreciate your interest."

Potato Chips			
Pringles Sweet Mesquite BBQ Flavored Potato Chips (Procter & Gamble)	2510 ppb	11.13.2006	Emailed Procter & Gamble with question
Pringles Ridges Original Potato Chips (Procter & Gamble)	1286 ppb	11.13.2006	Emailed Procter & Gamble with question
Kettle Chips Lightly Salted Natural Gourmet Potato Chips	1265 ppb	11.2.2006	Janet: left message, someone will call me back
Grandma Utz's Handcooked Potato Chips	146 ppb	11.2.2006	Don Klein: kettle cooked chips have less acrylamide than other continuously fried chips, averaging about 150-200 ppb based on extensive internal testing done a couple of years ago; the levels of acrylamide in kettle cooked chips is extremely low; they are looking into processing changes with their continuously fried chips to get those acrylamide levels down
Utz's Homestyle Kettle Cooked Potato Chips	117 ppb	11.2.2006	See above notes for Grandma Utz' Handcooked Potato Chips
Breakfast Cereals			
Wheatena Toasted Wheat Cereal (Homestat Farm)	1057 ppb	11.13.2006 11.15.2006	Called Monday 11.13.2006 and was told to call back the next day (Tuesday) to speak with plant manager, who would be aware of any testing they do; spoke with John Holhizer 11.15.2006: prefaced my questions by telling me he was not sure he could answer any of them; did tell me that they do test for acrylamide, but would not say what the levels are; said that maybe would offer a response if we sent him something in writing
General Mills Cheerios	266 ppb	11.6.2006	Bridget: acrylamide is not added to foods, it is a natural byproduct of heating; as it is a natural byproduct, it is likely it has been present in food for as long as food has been heated; GM does not conduct routine analysis; the FDA has no regulatory requirements but if any regulations do come into effect GM will test and comply with them
Whole Foods Market 365 Oat Bran Flakes Cereal	189 ppb	11.16.2006	Emailed question
Sunbelt Fruit & Nut	20 ppb	11.6.2006	Jacquelyn: took my number and message and will call me back; Georgia Duke

Granola Cereal, Raisins, Dates & Almonds (McKee Foods)			from McKee Foods returned my call and left a message on my voicemail with her number; I returned her call and left a message on her voicemail asking about acrylamide levels; she has yet to return my second call
Familia Original Recipe Swiss Muesli	11 ppb	11.6.2006	Called and left message
Unbrewed Coffee			
Folgers Classic Roast (Procter & Gamble)	359 ppb (avg)	11.13.2006	Emailed Procter & Gamble with question
Folgers Classic Decaf (Procter & Gamble)	338 ppb (avg)	11.13.2006	Emailed Procter & Gamble with question
Melitta Traditional Premium Roast	332 ppb	11.6.2006	Chris Hillman: left message
Hills Bros. 100% Columbian Coffee	64 ppb	11.6.2006	Called and left a message with customer service
Yuban 100% Colombian Coffee (Kraft)	51 ppb (avg)	11.6.2006	Called and left a message with customer service
Cookies			
Stauffer's Animal Crackers	432 ppb	11.13.2006	Left message with customer support
Keebler Sesame Street Animal Crackers (Kellogg)	346 ppb	11.13.2006	Ana: Kellogg's does not measure for acrylamide
Keebler Rumbly Grahams Cinnamon (Kellogg)	334 ppb	11.13.2006	Ana: Kellogg's does not measure for acrylamide
Nabisco Chips Ahoy! Chewy Chocolate Chip Cookies (Kraft)	97 ppb	11.13.2006	Question emailed in to Kraft's Nabisco World website; received emailed response 11.20.2006: "We make changes to our product formulas on a regular basis. Ingredient lists can become outdated very quickly, so, we don't maintain them. We do have an online tool that lists the label information on some of our products. Just visit www.kraftfoods.com and then click on the product information tab."
Archway Oatmeal	36 ppb	11.13.2006	Joe: see email response; they do not test for acrylamide: "No we do not test our

Cookies

products for Acrylamide. Not enough research has been done on this and the effect on humans. Unfortunately it appears that preliminary findings were used by the media to scare the general public but not enough is known for the scientific world to set limits. It is linked to yeast and potato products, neither of which are ingredients in our cookies. The confusion may be that bread has been given a bad rap because of yeast, and people relate bread to cookies.

Acrylamide is a small molecule that has been widely used in various industries since the 1950s. When polymerized, it is used to remove suspended solids from waste water before recycling, in oil-recovery processes, in textiles as water repellents, for various purposes in cosmetics and for technical processes like some DNA and protein analyses in biochemistry laboratories.

Is it a dangerous chemical? Yes, like most chemicals — if you get enough of it. Acrylamide can get into the body by absorption through the skin, by inhalation, and in food and water. Exposure to high levels of acrylamide — either acute or chronic — can damage the nervous system of both animals and humans.

As far as carcinogenicity, we do know that high doses of the compound significantly increase the risk of a variety of cancers in rodents — for this reason the United States Environmental Protection Agency (EPA) has labeled acrylamide a "probable human carcinogen." But there is no scientific evidence that acrylamide is a human carcinogen at any level of exposure."



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Rockville, MD 20857

1 PIECE OF MAIL HAS BEEN OPENED

AND INSPECTED AT

MAIL SCREENING FACILITY

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