



Amy Clewell, N.D., D.A.B.T.  
AIBMR Life Sciences, Inc.  
2800 E. Madison Street, Suite 202  
Seattle, WA 98112

Re: GRAS Notice No. GRN 000883

Dear Dr. Clewell:

The Food and Drug Administration (FDA, we) completed our evaluation of GRN 000883. We received the notice that you submitted on behalf of All Market, Inc. (All Market) on August 23, 2019, and filed it on November 4, 2019. All Market submitted an amendment to the notice on February 18, 2020, that clarified information provided in the notice and provided additional discussion of published safety studies.

The subject of the notice is aqueous *Ilex guayusa* leaf extract (aqueous-IGLE) for use as an ingredient in beverages at levels up to 5 g per serving.<sup>1</sup> The notice informs us of All Market's view that this use of aqueous-IGLE is GRAS through scientific procedures.

Our use of the term, "aqueous *Ilex guayusa* leaf extract" or "aqueous-IGLE" in this letter is not our recommendation of that term as an appropriate common or usual name for declaring the substance in accordance with FDA's labeling requirements. Under 21 CFR 101.4, each ingredient must be declared by its common or usual name. In addition, 21 CFR 102.5 outlines general principles to use when establishing common or usual names for nonstandardized foods. Issues associated with labeling and the common or usual name of a food ingredient are under the purview of the Office of Nutrition and Food Labeling (ONFL) in the Center for Food Safety and Applied Nutrition. The Office of Food Additive Safety (OFAS) did not consult with ONFL regarding the appropriate common or usual name for "aqueous *Ilex guayusa* leaf extract" or "aqueous-IGLE."

All Market describes aqueous-IGLE as an aqueous extract of the leaves of *I. guayusa*. Aqueous-IGLE is a dark brown, viscous liquid containing 2.7% to 3.7% caffeine. All Market provides results of analyses representing the typical composition of aqueous-IGLE: water (66.4%), protein (7%), ash (4.9%), dietary fiber (3.8%), and sugars (3.5%).

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<sup>1</sup> All Market states that aqueous-IGLE is not intended for use in infant formula, alcoholic beverages, or in foods under jurisdiction of the USDA, or where standards of identity preclude its use.

All Market notes that aqueous-IGLE also contains chlorogenic acids (5.2%), catechins (0.36%), isoflavones (0.08%), and theobromine (0.03%).

All Market provides a description of the manufacturing method for aqueous-IGLE and states that all materials used in the process are food grade and the method follows current good manufacturing practices. Leaves of *I. guayusa* are harvested, dried, and milled. This milled leaf material is extracted with hot water and then concentrated by evaporation to obtain the final aqueous-IGLE.

All Market provides specifications for aqueous-IGLE that include content of caffeine (2.7% to 3.7%), limits for arsenic (<1 mg/kg), cadmium (<1 mg/kg), lead (<1 mg/kg), mercury (<1 mg/kg), as well as limits on microorganisms and pesticide residues. All Market provides the results of the analysis of three nonconsecutive batches to demonstrate that aqueous-IGLE can be manufactured to meet specifications.

All Market provides estimates of dietary exposure to aqueous-IGLE, caffeine, and chlorogenic acids based on the intended use and food consumption data from the What We Eat in America (WWEIA) component of the National Health and Nutrition Examination Survey (NHANES 2015–16). All Market estimates the mean and 90<sup>th</sup> percentile dietary exposures to aqueous-IGLE for the total population (consumers aged 2 years and older) to be approximately 4.6 and 10.3 g/person (p)/day (d), respectively. All Market estimates the cumulative dietary exposure to caffeine for the total population to be approximately 139 and 323 mg/p/d at the mean and 90<sup>th</sup> percentile, respectively. All Market also states that the following estimates of dietary exposure to caffeine are reported in literature: 165 mg/p/d at the mean and 380 mg/p/d at 90<sup>th</sup> percentile. All Market states that the intended uses of aqueous-IGLE will be substitutional for other sources of caffeine. Based on published reports, All Market estimates the mean and 90<sup>th</sup> percentile background dietary exposure to chlorogenic acids to be approximately 500 and 1000 mg/p/d, respectively. All Market notes that coffee is a significant source of chlorogenic acids in the diet although chlorogenic acids are constituents of other commonly consumed fruits and vegetables. Based on the intended use and specified concentration of chlorogenic acids in aqueous-IGLE, All Market estimates the dietary exposure to chlorogenic acids to be 241 and 380 mg/p/d at the mean and 90<sup>th</sup> percentile, respectively.

All Market discusses the published data and information identified in a literature search through April 2019 to support the safety of aqueous-IGLE, including safety studies on guayusa concentrate, caffeine, and ethanolic extract of green coffee berry (whole green coffee fruit of *C. arabica*). All Market states that the compositions of aqueous-IGLE and guayusa concentrate are comparable, and that ethanolic extract of green coffee berry contains chlorogenic acids similar to chlorogenic acids in aqueous-IGLE. All Market discusses a published 90-day gavage study in which rats were administered up to 5,000 mg/kg body weight (bw)/d of guayusa concentrate and the caffeine control group was administered 150 mg caffeine/kg bw/d corresponding to the amount of caffeine in the 5,000 mg/kg bw/d guayusa concentrate group. All Market agrees with the study authors that there were no toxicological effects attributable to guayusa concentrate at up to 5,000 mg/kg bw/d. All Market also summarizes several published reviews and opinions

on the safety of caffeine consumption including opinions published by the European Food Safety Authority, Health Canada, and the Institute of Medicine (now the National Academy of Medicine) suggesting that consumption of moderate levels of caffeine, i.e.  $\leq 400$  mg/d for healthy adults,  $\leq 300$  mg/d for women of reproductive age, and  $\leq 2.5$  mg/kg bw/d for children, is safe.

All Market discusses a published 90-day dietary study in which rats were fed diets containing ethanolic extract of green coffee berry at levels up to 50,000 ppm, equivalent to an intake of 3446 and 4087 mg/kg bw/d of the extract in male and female rats, respectively, or to an intake of approximately 1206 mg/kg bw/d of chlorogenic acids. All Market states that no toxicologically relevant effects were reported at the highest level of the extract tested in the study. All Market summarizes published clinical studies on various preparations of green coffee bean extracts and chlorogenic acids and states that the consumption of 750–900 mg/d of chlorogenic acids from green coffee bean extracts for 12 weeks did not show any adverse effects in humans. All Market states that the other components of aqueous-IGLE, such as carbohydrates, proteins, and minerals, are ubiquitous in foods and are expected to be safe under the intended conditions of use. All Market states that guayusa concentrate and ethanolic extract of green coffee berry are neither mutagenic nor genotoxic based on the results of the published *in vitro* genotoxicity studies.

Based on the totality of the available scientific information, All Market concludes that aqueous-IGLE is GRAS under the conditions of its intended use.

### **Potential Labeling Issues**

Under section 403(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), a food is misbranded if its labeling is false or misleading in any way. Section 403(r) of the FD&C Act lays out the statutory framework for labeling claims characterizing a nutrient level in a food or the relationship of a nutrient to a disease or health-related condition (also referred to as nutrient content claims and health claims). If products containing aqueous-IGLE bear any nutrient content or health claims on the label or in labeling, such claims are subject to the applicable requirements and are under the purview of ONFL. OFAS did not consult with ONFL on this issue or evaluate any information in terms of labeling claims. Questions related to food labeling should be directed to ONFL.

### **Potential Requirement for a Color Additive Petition**

There is no GRAS provision for color additives. In the notice, All Market notes that aqueous-IGLE has color (e.g., describes the liquid as a dark brown). As such, the use of aqueous-IGLE in food products may constitute a color additive use under section 201(t)(1) of the FD&C Act and FDA's implementing regulations in 21 CFR Part 70. Under section 201(t)(1) and 21 CFR 70.3(f), a color additive is a material that is a dye, pigment, or other substance made by a synthetic process or similar artifice, or is extracted, isolated, or otherwise derived from a vegetable, animal, mineral, or other source. Under 21 CFR 70.3(g), a material that otherwise meets the definition of a color additive can be exempt from that definition if it is used (or is intended to be used) solely

for a purpose or purposes other than coloring. Our response to GRN 000883 is not an approval for use as a color additive nor is it a finding of the Secretary of the Department of Health and Human Services within the meaning of section 721(b)(4) of the FD&C Act. Questions about color additives should be directed to the Division of Food Ingredients in OFAS.

### **Section 301(ll) of the FD&C Act**

Section 301(ll) of the FD&C Act prohibits the introduction or delivery for introduction into interstate commerce of any food that contains a drug approved under section 505 of the FD&C Act, a biological product licensed under section 351 of the Public Health Service Act, or a drug or a biological product for which substantial clinical investigations have been instituted and their existence made public, unless one of the exemptions in section 301(ll)(1)-(4) applies. In our evaluation of All Market's notice concluding that aqueous-IGLE is GRAS under its intended conditions of use, we did not consider whether section 301(ll) or any of its exemptions apply to foods containing aqueous-IGLE. Accordingly, our response should not be construed to be a statement that foods containing aqueous-IGLE, if introduced or delivered for introduction into interstate commerce, would not violate section 301(ll).

### **Conclusions**

Based on the information that All Market provided, as well as other information available to FDA, we have no questions at this time regarding All Market's conclusion that aqueous-IGLE is GRAS under its intended conditions of use. This letter is not an affirmation that aqueous-IGLE is GRAS under 21 CFR 170.35. Unless noted above, our review did not address other provisions of the FD&C Act. Food ingredient manufacturers and food producers are responsible for ensuring that marketed products are safe and compliant with all applicable legal and regulatory requirements.

In accordance with 21 CFR 170.275(b)(2), the text of this letter responding to GRN 000883 is accessible to the public at [www.fda.gov/grasnoticeinventory](http://www.fda.gov/grasnoticeinventory).

Sincerely,

Susan J.  
Carlson -S

Susan Carlson, Ph.D.  
Director

Division of Food Ingredients  
Office of Food Additive Safety  
Center for Food Safety  
and Applied Nutrition

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