

CPG Sec. 585.825 Sweet Potatoes - Dyeing of Yellow and Red Varieties

BACKGROUND:

Between 1940 and 1948 growers and shippers began to use artificially colored waxes on sweet potatoes and white potatoes. The Food and Drug Administration received many complaints from consumers who objected to the use of artificial colors, either because the practice was deceptive, or because the water soluble colors created a problem in their kitchens. In reply to these complaints and those received from State officials, the Food and Drug Administration replied that we could take action only if the colors used were poisonous or deleterious, the artificial color was not declared, or the colors served to conceal damage or inferiority or make the potatoes appear better or of greater value than they are.

About 1961, The Sweet Potato Council of the United States became concerned about declining sales of sweet potatoes and concluded that this was in part due to the dissatisfaction of housewives who purchased the red dyed potatoes thinking they were getting a variety of sweet potato with naturally red skins. Therefore, in 1965, the Council asked Congress to enact legislation to outlaw the practice of dyeing sweet potatoes red if the practice could not be outlawed under the Federal Food, Drug, and Cosmetic Act.

Those FDA divisions within the Human and Animal Food Program in whose territories sweet potatoes were grown commercially were asked to investigate the allegations that the use of artificial red color concealed damage or inferiority, and made the sweet potatoes appear better or of greater value than they are.

Their findings did not support a conclusion that the red dye concealed damage, but indicated that most users of sweet potatoes prefer the natural red varieties to the natural yellow varieties, and substantiated the claims made by industry representatives that red color is added to yellow varieties to make the unwary purchaser believe he is getting the preferred red variety.

The Commissioner of Food and Drugs published a proposal to consider yellow varieties of sweet potatoes adulterated under Section 402(b) if artificially colored red. Most comments on this proposal were favorable. Some interested persons recommended that the policy be expanded to all varieties of sweet potatoes and to white (Irish) potatoes.

The Commissioner concluded that the available information would not support an expansion of the proposed policy to cover all sweet and white potatoes. In the Federal Register of June 21, 1968, a Statement of General Policy or Interpretation *(33 FR 9166, 6/21/68)* was published to the effect that yellow varieties of sweet potatoes colored with red dye are adulterated within the meaning of Section 402(b) of the Federal Food, Drug, and Cosmetic Act. We have been asked to

clarify our policy as to (1) the meaning of "yellow varieties of sweet potatoes," and (2) regarding use of red color on sweet potatoes with naturally red skins.

POLICY:

The expression "yellow varieties of sweet potatoes" is intended to include all sweet potatoes other than those having a naturally red outer skin. This includes those sweet potatoes whose skins might be described as white, orange, rust, gold, or any color other than naturally red. Regulatory action will not be initiated against sweet potatoes with naturally red skins which are dyed red unless: (1) the color additive (including adjuvants), is unsafe or is not used in accord with regulations to establish safe conditions of use; or (2) it can be demonstrated that the added color conceals damage or inferiority; or (3) the article fails to bear labeling stating the presence of artificial coloring.

Material between asterisks is new or revised.

Issued: 6/20/69

Reissued: 10/1/80

Revised: 12/8/88, 5/2005

Updated: 11/29/05