



January 27, 2016

The Honorable Frank Pallone, Jr.  
United States House of Representatives  
237 Cannon HOB  
Washington, DC 20515

The Honorable Rosa DeLauro  
United States House of Representatives  
2413 Rayburn HOB  
Washington, DC 20515

RE: Support for the Food Labeling Modernization Act of 2015

Dear Representatives Pallone and DeLauro:

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the 15 million Americans with food allergies, I wish to thank you for introducing the *Food Labeling Modernization Act of 2015*. Founded in 1953, AAFA is the oldest and largest non-profit organization dedicated to asthma and allergic diseases. Our food allergy division, Kids With Food Allergies (KFA), hosts the largest and most active online food allergy and anaphylaxis community (see: [www.kidswithfoodallergies.org](http://www.kidswithfoodallergies.org)). This critical platform allows patients and caregivers to network and connect with others who are raising children with food allergies and related diseases. AAFA provides practical information, community-based services and support through a national network of chapters and support groups. AAFA provides health education, organizes state and national advocacy efforts and funds research to find better treatments and cures.

Since 2004, the Food Allergen Labeling and Consumer Protection Act (Public Law 108-282, Title II) has provided some protections for those with food allergies by requiring the top eight allergens (milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soybeans) to be clearly labeled as ingredients. We strongly believe that it is time to update these labeling regulations. Families are often struggle to create a safe environment for their children with food allergies. Reading food labels (to assess allergens) can be challenging, and safe foods may not be readily available or affordable.

An estimated 300,000 to 500,000 Americans have a sesame allergy<sup>1</sup>. Sesame is used as an ingredient in many common food products, and is often vaguely labeled as a spice or natural seasoning. It is very difficult to know if a product contains trace amounts of sesame. It is imperative that we add sesame to the list of major food allergens so that products with sesame will be clearly labeled and severe reactions can be prevented.

Additionally, we support other revisions to the food labeling regulations, such as: updates to the nutrition facts panel on packaged foods, easy-to-understand warning labels, and requiring signs listing major food allergens to be placed next to any non-packaged foods being offered for sale in stores.

AAFA has previously shared our recommendations and concerns about food allergies and labeling with the National Academy of Medicine's Consensus Committee on Food Allergy (<http://iom.nationalacademies.org/activities/nutrition/foodallergies.aspx>). We urged the Committee to consider recommendations addressing improvements to current food labeling requirements. AAFA noted that we believed that it would be appropriate for that Committee to advise on priorities for allergen prevalence studies to assess if other items such as mustard and sesame should be added to the list of ingredients requiring identification on



food labels in order to assist consumers managing these allergies and other allergies outside of the top eight allergens.

Despite the improvements to food labeling for the eight major allergens following the implementation of Food Allergen Labeling and Consumer Protection Act (FALCA), there remain numerous loopholes and complexities in the existing labeling regulations that still confuse consumers. For example, foods can be labeled “nondairy” yet contain sodium caseinate, a milk ingredient. Or, that FALCPA allows for the manufacturer to list the major allergens in a “Contains” statement OR in the list of ingredients – but consumers may only look for a contains statement and not look through the list of ingredients.

Another area of confusion is the use of collective terms on ingredient lists such as spices, flavors, or colors. These terms are not required to declare the presence of allergens unless components are derived from the eight major allergens. Consumers who react to a food which is not one of the eight major allergens cannot always rely on the ingredient statement for this reason, as it may not provide information about food allergens by their common or usual name, in plain English. For example, the consumer may find “tahini” without mention of it containing sesame seeds, or “natural flavor” may not state it contains sesame. This makes it difficult for those managing food allergies outside the top eight to know whether their allergen is hiding in spice or natural flavor without contacting the manufacturer.

The food allergy community has concerns about the clarity and understandability of warning and nutrition labels. Legislation such as this will hopefully facilitate the development of an improved, uniform, and consistent design across all food packaging. The legislation will also help to promote awareness of the severity and prevalence of food allergies, and therefore the importance of clear warning labels, comprehensible nutrition facts, and disclaimers of possible cross-contamination risks.

We appreciate your leadership in introducing the *Food Labeling Modernization Act of 2015*. If enacted, the Act will help to ease the burden on Americans with food allergies by enabling them to make safer, healthier choices about the foods they buy and consume. We are pleased to support this legislation. Please feel free to contact me at [csennett@aafa.org](mailto:csennett@aafa.org) or to contact Meryl Bloomrosen, AAFA’s Senior Vice President of Policy, Advocacy, and Research at [mbloomrosen@aafa.org](mailto:mbloomrosen@aafa.org), if we can provide any additional information. We would be pleased to meet with you and members of your staff on this critically important public health issue.

Sincerely,

Cary Sennett, MD, PhD  
President and CEO

---

<sup>i</sup> US prevalence of self-reported peanut, tree nut, and sesame allergy: 11 year follow-up  
Sicherer, Scott H. et al. *Journal of Allergy and Clinical Immunology*, Volume 125, Issue 6, 1322-1326  
Accessed at: [http://www.jacionline.org/article/S0091-6749\(10\)00575-0/abstract](http://www.jacionline.org/article/S0091-6749(10)00575-0/abstract)