

Food Code Fact Sheet #29

What you should know about the Code

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OAR 333-150-0000, CHAPTER 2-401.11

Additive.

(1) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).
(2) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 70.3(f).

3-202.12 Additives.

Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) Food ingredients and sources of radiation, or pesticide residues that exceed provisions specified in 40 CFR 180 Tolerances for pesticides chemicals in food, and exceptions. P

PUBLIC HEALTH REASONS:

Food additives are substances which become components of food, either directly or indirectly. They must be strictly regulated because excessive amounts may be harmful to the consumer. Unintentional contaminants or residues also find their way into the food supply. The tolerances or safe limits designated for these chemicals are determined by risk assessment evaluations based on toxicity studies and consumption estimates.

Food and Color additives must be used in compliance with a federal food, or color additive regulation, an effective food-contact notification, or a threshold of regulation exemption. Such regulations, notifications, and exemptions are generally composed of three parts: the *identity* of the substance, *specifications* including purity or physical properties, and *limitations* on the conditions of use. In order for a food, or color additive use to be in compliance, the use must comply with all three criteria.

All food coming into a restaurant must come from approved sources. Most food and color additives that you purchase from your commercial supplier are Generally Recognized as Safe, or GRAS. Examples would be salt, pepper and cinnamon. There is a list of GRAS substances in [21 CFR 170-186](#), that lists the names of the food items as well as how much can be used. There are some surprising additives that are allowed, like monosodium glutamate (which many people assume is not safe to eat). Color additives, like red food coloring, are also allowed as long as the instructions are followed.

Many of these products are approved by the Food and Drug Administration (FDA) on a case-by-case basis for a specific use. For example, if spirulina is used as a color additive, it is allowed in small amounts in a processing environment. But most spirulina types cannot be added as an ingredient to smoothies at a coffee bar (with the exception of type *Arthrospira plantensis* which has been approved by FDA).

These types of distinctions can make it hard to tell which products are allowed as additives and which are not. Because of this, unless the manufacturer can produce a letter from the Center for Food Safety and Applied Nutrition (CFSAN) or FDA stating their product is approved as an additive, it is not allowed for use in a food service facility. For more additive information, go to: <https://www.fda.gov/food/food-ingredients-packaging/determining-regulatory-status-food-ingredient>.

Operators may not make health claims, such as "reduces anxiety" or "lowers blood pressure" for any products they are adding to food.

Additives

Some additives that are **not** FDA-approved at this time include:

- Activated carbon/charcoal even if it is from an approved food source, like coconut.
- Kava powder (cannot be added to the food, but the whole root may be brewed as a tea)
- Nitrites/nitrates (without a variance to ensure that they are being used in proper amounts)
- Sulfites on fresh fruits and vegetables that are intended to be served raw
- Kratom, in any form
- Blue Lotus (blue water lily, sacred blue lily)
- Improperly labeled/unlabeled



"Natural" or "organic" products are not automatically approved for use as food ingredients

products

Some products that **are** approved for adding directly to food are:

- MCT coconut oil
- CBD oil from Oregon manufacturers (product from other states must demonstrate it meets Oregon requirements)
- Spirulina (**only** *Arthrospira plantensis* is allowed as an additive)

Facilities may sell packaged supplements in their original, intact packaging, but they may not add them directly to food items.