

106TH CONGRESS  
2D SESSION

# H. R. 5532

To amend the Federal Food, Drug, and Cosmetic Act to require that foods containing known allergens bear labeling that states that fact and the names of the allergens.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2000

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require that foods containing known allergens bear labeling that states that fact and the names of the allergens.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Allergen Con-  
5 sumer Protection Act”.

1 **SEC. 2. FOOD LABELING; REQUIREMENT OF STATEMENT**  
2 **REGARDING KNOWN ALLERGENS.**

3 (a) IN GENERAL.—Section 403 of the Federal Food,  
4 Drug, and Cosmetic Act (21 U.S.C. 343) is amended by  
5 adding at the end the following:

6 “(t) If it contains a known allergen unless its labeling  
7 bears a statement with appropriate prominence providing  
8 that fact and the name of the allergen. Notwithstanding  
9 paragraph (g) or (i), the applicability of such labeling re-  
10 quirement includes applicability to a known allergen con-  
11 tained in spices, flavorings, or colors. For purposes of this  
12 paragraph, the term ‘known allergen’ means milk; eggs;  
13 fish; crustacea; mollusks; tree nuts; wheat; and peanuts,  
14 soybeans, and other legumes. Such term includes in addi-  
15 tion such foods as the Secretary may by regulation deter-  
16 mine cause a serious allergenic response.”.

17 (b) APPLICABILITY TO CERTAIN FOOD ADDITIVES.—  
18 With respect to the authority under section 403(i) of the  
19 Federal Food, Drug, and Cosmetic Act to establish exemp-  
20 tions regarding food labeling, the Secretary of Health and  
21 Human Services may not consider any known allergen (as  
22 defined pursuant to the amendment made by subsection  
23 (a)) to be an additive that qualifies for the exemption de-  
24 scribed in section 101.100(a)(3) of title 21, Code of Fed-  
25 eral Regulations (relating to incidental additives that are

1 present in food at insignificant levels and do not have any  
2 technical or functional effect).

3 **SEC. 3. EFFECTIVE DATE.**

4       This Act and the amendments made by this Act take  
5 effect upon the expiration of the 180-day period beginning  
6 on the date of the enactment of this Act.

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