FRUSTRATION OVER FOOD: IS IT OUR FOOD REGULATION LAWS OR THE LACK OF REGULATION BY THE FDA?

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INTRODUCTION

The Food and Drug Administration is under constant scrutiny from groups, such as Food Activist Groups trying to effect policy changes.[1] Food activists, in the United States, investigate ingredients in our food, the growing process, and what chemicals are used in food production. They fight against the over-processed, highly unregulated world of food that we live in. The food activist movement in the United States sparked my curiosity as to why these activists believe our food is not safe. It made me question the source of this distrust. The first thing that came to mind was the United States food regulation laws. This article will examine the history of our food regulation laws and the Food Additive Amendment to our existing law to see if these laws and regulations implemented by the Food and Drug Administration are sound laws that deter the use of harmful and toxic substances in our food. This article will first examine the expansive history of the United States food regulation laws, from states' governance of food regulation laws to the need for a concise federal food regulation law to avoid conflicting state regulations. Next, this article will examine the Food Additive Amendment to the Federal Food, Drug, and Cosmetic Act, and it's effect on the process of deterring harmful additives to food.

HISTORY

State's Role in Food Regulation Laws

Although laws regulating food are controlled by the federal government, the regulation of food began at the state and local

1. RICHARD A. WILLIAMS, FIXING FOOD: AN FDA INSIDER UNRAVELS THE MYTHS AND SOLUTIONS 67 (2021).

levels.[2] Before the Industrial Revolution, many Americans lived on farms producing their own food and bartered for the items they could not make themselves within the local community.[3] This allowed the consumers to exercise considerable control over the purity and quality of the food they were procuring. The laws regulating food in the United States began as a state-regulated matter due to the local nature of trading and bartering.[4] In 1646, Massachusetts Bay Colony passed the first law regulating the sale of bread, which entailed the grinding of grains to make flour.[5] Under this law, the state regulated how much a loaf of bread was to weigh to be sold for a penny, based on the selling price of wheat.[6] Subsequently, in 1652, the law was changed to require all bread to be only certain legal weights, which was more reasonable in regard to compliance and easier to enforce.[7]

The first manufacturing processes regulated by law were the baking and grinding of bread.[8] Manufacturer's wanted to increase their profits and lessen production costs, and did this through ". . .inclusion of less costly substances, such as chalk and ground dried beans," which caused Americans to look to the government for protection.[9] Bread was sold in large quantities in both the United States and abroad, which, in turn, meant that it was extremely profitable.[10] Because of this large profit to be made by the selling of flour or bread, it became a subject of strict scrutiny for its quality.[11] The quality of bread was measured by the "extent of insect or worm infestation, moisture content evidence by caking or molding, freedom from visible adulterants, and the net weight of flour in barrels in which it was usually merchandised."[12]

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2. *See, e.g.,* Marc T. Law, *History of Food and Drug Regulation in the United States,* EH.net Encyclopedia (Oct. 11, 2004), https://eh.net/encyclopedia/history-of-food-and-drug-regulation-in-the-united-states/.
3. HAROLD W. SCHULTZ, FOOD LAW HANDBOOK 1 (1st ed. 1981).
4. *Id.* at 3.
5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.*
12. *Id.*

Colonial governments were interested in having good relationships with export markets to increase revenue, and thus selling bad bread would decrease that profit.[13] Even before the laws governing bread were passed, Massachusetts passed a law requiring the inspection of fish, beef, and pork, to aid in the assurance to the purchaser that what they were purchasing was actually what it was said to be. This helped form good relationships between producers and consumers that would ensure the continuing revenue to Massachusetts Colony.[14]

As can be seen, Massachusetts was the pioneer of food regulation laws in the United States. Massachusetts passed the first general food law, applying to foods generally rather than to one or a few specific foods. Many states followed suit and began to pass their own regulations and ordinances regulating the quality of the foods produced in their state.[15] However, as the population grew, and industrialization began to rise, food production began shifting from the home to the factory; from consumers buying basic ingredients from their neighbors to food processors and manufacturers more often at a distance.[16] The production of food becoming active in various states put the then-existing regulatory system on food safety under pressure because of the disparity between the different state laws that had been enacted.[17] At the end of the nineteenth century, technological advancements changed the structure of the United States economy.[18] Consumers found it harder to determine the ingredients in the food being purchased, which increased the demand for federal oversight of food regulation laws.[19]

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13. *Id.*

14. *Id.*

15. *Id.*

16. Nathan Meijier et al., *Eleven Decades of US American Federal Food Law: How the FDA Acquired Its Statutory Powers*, 10 EUROPEAN FOOD & FEED L. REV. 433, 434, 435 (2015).

17. Kevin A. Robinson, *Has the Government Failed to Protect Us? A Discussion of HFCS & Other Added Sugars,* 14 J. HEALTH & BIOMED. L. 365 (2018).

18. *See* SCHULTZ, *supra* note 3, at 1.

19. Meijier et al., *supra* note 16, at 434, 435.

Early Federal Food Laws

In 1789, one of the first acts regulating food was passed by Congress. The title of the act was "*An Act for Laying a Duty on Goods, Wares, and Merchandize Imported into the United States."*[20] The duties on imports laid out in the aforementioned act ". . .were a source of revenue for the new country, and also served the purpose of aiding to control the quantity and quality of imported goods."[21] Following this act, there were more acts passed by Congress, which intended to regulate tea, preserved meats, and oleomargarine. These first few acts passed by Congress did little to regulate food and much to ensure good relationships with traders, merchants, and foreign export markets.

In the 1880s, rumors developed in Europe that the meat sent over from the United States was unfit to eat. This sparked the United States to act in fear of losing revenue produced from this export market and to maintain a "favorable balance of trade."[22] The act that followed these rumors was primarily intended to assist in selling meat in foreign markets. However, it was one of the few early acts passed that inadvertently protected the people in the United States from adulterated or unwholesome foods and drinks generally. "Nevertheless, the legislative activity just before the turn of the century, scarce and ineffective as it turned out to be, made it clear that economic aspects are among the strongest factors influencing Congress to take positive action to improve the quality of the food supply."[23] Although Congress made many efforts to regain the confidence of foreign countries in meat imported to them by the United States through passing the aforementioned acts, its efforts failed due to insufficient sums of money to the United States Department of Agriculture, for its Bureau of Animal Industry to carry out needed inspections.[24]

Consumers again began to find it harder to determine the ingredients in the food being purchased, which increased the de-

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20. *Id.*

21. N.D. STATE UNIV., *Milestones in U.S. Food Law,* https://www.ag.ndsu.edu/foodlaw/overview/history/milestones (last visited Dec. 11, 2022).

22. *A Brief History of the United States Department of Agriculture (USDA)*, MACHINEFINDER BLOG, https://blog.machinefinder.com/11074/brief-history-usda (last visited Mar. 28, 2023).

23. N.D. STATE UNIV., *supra* note 21.

24. *Id.*

mand even more for federal oversight of food regulation laws.[25] This demand for federal oversight led President Lincoln to establish the United States Department of Agriculture.[26] In 1862, President Lincoln appointed Charles M. Wetherill to the New Department of Agriculture.[27] This was the beginning of the Bureau of Chemistry, the predecessor of the Food and Drug Administration.[28] The Bureau of Chemistry, headed by Peter Collier, began the investigation into food adulterants and called for a federal body of law to regulate food and drugs.[29] Dr. Harvey Wiley succeeded Peter Collier as the head chemist for the Bureau of Chemistry and greatly expanded the study of adulteration of food and misbranding.[30]

In 1902, Wiley began testing questionable food additives on willing volunteers, named "The Poison Squad," to determine the impact on health.[31] Through Dr. Wiley's expanded research and documented health effects of widespread adulterations of food, he helped spur public dissatisfaction and began campaigning for a national food and drug law.[32] "Public support for passage of a federal food and drug law grew as muckraking journalists exposed in shocking detail the frauds and dangers of the food trades, such as the use of poisonous preservatives and dyes in food."[33] "A final catalyst for change was the 1905 publication of Upton Sinclair's, 'The Jungle,' where he portrayed nauseating practices and unsanitary conditions in the meat packing industry."[34] Following these events, Congress signed into effect the Pure Food and Drug Act of 1906.

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25. Kevin A. Robinson, *Has the Government Failed to Protect Us? A Discussion of HFCS & Other Added Sugars,* 14 J. HEALTH & BIOMED. L. 365 (2018).

26. NEIL D. FORTIN, FOOD REGULATION: LAW, SCIENCE, POLICY, AND PRACTICE (2d ed. 2017).

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. Robinson, *supra* note 17, at 365.

32. FORTIN, *supra* note 26, at ___.

33. Meijier et al., *supra* note 19, at 434, 435.

34. *Id.*

The Pure Food and Drug Act

The Pure Food and Drug Act, following much debate, was enacted on June 22, 1906, to prohibit the manufacture, sale, or transportation of adulterated and misbranded food products.[35] The law was enacted to give "consumers protection against harmful and defective products."[36] The food industry was not pleased with the passage of the act because it was directed against them.[37] However, the law was defective because it lacked standards of enforcement for some of its important provisions.[38] The food industry figured this out rather fast and used it to its advantage. "Its impact was further weakened . . . by the failure of Congress to pass appropriation bills to adequately support the administrations needs for enforcement."[39] In the early drafts of the bill, there was a section providing standards for the determination of food standards, but it was omitted from the final version of the law passed.[40] "This was to turn out to be a serious omission which placed enforcement authorities in an untenable position when forced to testify in court that a food was an imitation and not the genuine article, because standards for purity, quality, or strength did not exist, legally."[41] The witness testifying on behalf of the government had no legal authority to conclude what the food standard was; thus, the defense could easily challenge the witness's judgment.[42] "Dr. Wiley had predicted such a situation would arise when he said, before the law was passed, that 'no set of authorities can equitably execute a food law without a set of standards of purity for their guide.'"[43] Not only did the government have to prove that the alleged offenders violated the law, but the government had to prove the offenders intended to deceive the public with unlawful adulterations in the food produced.[44]

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35. SCHULTZ, *supra* note 3, at 13.
36. *Id.* at 16.
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.* at 17.
41. *Id.*
42. *Id.*
43. *Id.*
44. *Id.*

Another controversy that arose surrounded the use of preservatives in food.[45] Dr. Wiley deemed that preservatives were harmful to health and that they deceived consumers, but proponents in the manufacturing industry opposed him strongly.[46] Dr. Wiley wanted a ban on the use of preservatives in food, but manufacturers claimed there was no proof that preservatives were harmful to health.[47] The manufacturers argued that preservatives "were responsible for the public's having a safer food supply."[48] This led to conflicts between the government and the food industry. To alleviate these growing conflicts, a board was set up to conduct hearings on violations of the new law.[49] This did little to solve the issues manufacturers had because it was headed by scientists against the use of preservatives.[50]

Due to these issues, President Theodore Roosevelt began to make decisions regarding the controversies.[51] These decisions became too numerous for the President, and in 1908, acting in the interest of manufacturers, President Roosevelt created a Referee Board of Consulting Scientific experts.[52] This board acted as a buffer between the Bureau of Chemistry and the manufacturers.[53] The Referee Board was "composed of five men capable of passing judgment or providing evidence on the validity of the safety, usefulness, and possible deception attendant upon preservatives and other substances added to foods."[54] Again, this was an issue because the Referee Board took the job Congress had intended the courts to perform, in passing the new law.[55] "Despite its questionable legal status, this board continued to function until June 1915 when it seemed to run out of subjects to investigate and its members submitted their resignations, which

45. *Id.* at 18.
46. *Id.*
47. *Id.*
48. *Id.*
49. *Id.*
50. *Id.*
51. *Id.*
52. *Id.*
53. *Id.*
54. *Id.*
55. *Id.*

were accepted by Woodrow Wilson, who had become President in 1913."[56]

During Dr. Wiley's time as Chief of the Bureau of Chemistry, he continually fought for a new Food and Drug Law to fix the deficiencies of the Pure Food and Drug Act of 1906, as did his predecessors.[57] In 1933, Walter G. Campbell, the Chief of the Bureau of Chemistry, persuaded the new Assistant Secretary of Agriculture, Rexford Tugwell, that it was time for a new Food and Drug Law.

THE FEDERAL, FOOD, DRUG, AND COSMETIC ACT OF 1938

Legislative History/Battle

Rexford Tugwell, assistant secretary in the Department of Agriculture, organized a special group to begin drafting revisions to the Pure Food and Drug Act of 1906.[58] The committee established was tasked with revising the 1906 Act, even though the participants on this committee believed a mere revisal of the existing act insufficient to provide complete protection for the consumer.[59] It soon became apparent to the committee that the lack of enforcement measures in the 1906 Act could not be fixed through merely revising the law.[60] The drafting of a new law became pertinent, and soon the committee began working to do just that.[61] In drafting the new law, the committee faced many obstacles due to Industry representative complaints.[62] Industry representatives were not in favor of the stricter scope of the new law and had issues with the language used.[63] Due to the continued criticisms, the draft of the new law went through several revisions that all failed because of industry complaints.[64] The committee worked to revise and submit new drafts to appease the

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56. *Id.*
57. *Id.* at 21.
58. *See, e.g., id.* at 18.
59. *Id.* at 5.
60. *Id.* at 6.
61. *See, e.g., id.* at 5.
62. *Id.* at 7.
63. David F. Cavers, *The Food, Drug, and Cosmetic Act of 1938: Its Legislative History and Substantive Provisions,* 6 L. & CONTEMP. PROBS. 7 (1939).
64. *Id.* at 10.

criticisms coming from the food industry representatives, despite these efforts, the bill remained stalled due to disagreements over the language used in phrasing the law. [65] The main provision causing the bill to be stalled was the provision prohibiting false advertising, which was resolved by giving the Federal Trade Commission jurisdiction over false advertising.[66] The tipping point for approval of the new law came in 1937, "when an untested pharmaceutical killed scores of patients, including children, as soon as it went on the market."[67] A new drug, Elixir Sulfanilamide, advertised to pediatric patients, was untested and contained a "chemical analogue" of antifreeze.[68] This tragic event compelled Congress to pass the bill to allow for the Federal Food, Drug, and Cosmetic Act to become the law.[69]

ii. Differences in the Pure Food and Drug Act ("PFDA") and the Federal Food, Drug, and Cosmetic Act ("FFDCA")

There are quite a few differences between the Pure Food and Drug Act and the Federal Food, Drug, and Cosmetic Act. In comparison to the Pure Food and Drug Act, the Federal Food, Drug, and Cosmetic Act granted greater authority to the Food and Drug Administration to make regulations and investigations, and to conduct factory inspections.[70] The Federal Food, Drug, and Cosmetic Act established stronger enforcement procedures, such as seizure and criminal proceedings, and an injunction proceeding that the Pure Food and Drug Act did not include.[71] In regulating food, the Federal Food, Drug, and Cosmetic Act broadened the definitions for adulteration and misbranding, and authorized reasonable definitions, standards of identity, and standards of quality and fill for any food.[72] The Federal Food, Drug, and Cosmetic Act outlaws a food containing any poisonous or deleterious

65. *Id* at 5, 11.

66. Charles Wesley Dunn, *The Federal Food, Drug, and Cosmetic Act and the Food Industry*, 3 FOOD DRUG COSM. L.Q. 168, 169 (1948).

67. U.S. FOOD & DRUG ADMIN., *How Did the Federal Food, Drug, and Cosmetic Act Come About* (Mar. 28, 2018), https://www.fda.gov/about-fda/fda-basics/how-did-federal-food-drug-and-cosmetic-act-come-about.

68. U.S. FOOD & DRUG ADMIN., *Part II: 1938, Food, Drug, Cosmetic Act* (Nov., 27, 2018), https://www.fda.gov/about-fda/changes-science-law-and-regulatory-authorities/part-ii-1938-food-drug-cosmetic-act.

69. *Id.*

70. Dunn, *supra* note 66, at 173.

71. *Id.*

72. *Id.*

substance that may render it injurious to health, whether natural or added. However, the Pure Food and Drug Act only applied to added substances.[73] The Federal Food, Drug, and Cosmetic Act limited the quantity of added substances and control of added coal-tar colors necessary to protect health; outlawed food unfit to be consumed for any reason; outlawed food produced in unsanitary conditions, contaminated by filth, making it injurious to health; and established reasonable definitions and standards of identity, all of which the Pure Food and Drug Act lacked.[74]

As can be seen, there was much work put into drafting the Federal Food, Drug, and Cosmetic Act to protect consumers from unsafe food. The FFDCA provided the Food and Drug Administration with greater enforcement authority and permitted it to set standards of identity and quality for food products, which allowed for a federal recipe for foods that had to be followed by all food manufacturers.[75] However, laws laid out in the Federal Food, Drug, and Cosmetic Act must be enforced and regulated in order for those laws to protect consumer's health.

ANALYSIS

The 1958 Food Additive Amendment and Exceptions

The American public has been concerned about the number of additives in our food supply since the passage of the Food, Drug, and Cosmetic Act in 1938.[76] In 1958, Congress enacted legislation giving the FDA authority to regulate food additives under the Food Additives Amendment to the FFDCA.[77] The Food Additive Amendment ("FAA") was passed to prohibit the use in food of additives, which had not been tested to establish their safety.[78]

Under the amendment, food additives were defined broadly to include, 'any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component part or otherwise affecting the character-

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73. *Id.*

74. *Id.* at 173.

75. *See, e.g.,* Laurie J. Beyranevand, *Generally Recognized as Safe: Analyzing Flaws in the FDA's Approach to Gras Additives*, 37 VT. L. REV. 891 (2013).

76. *Id.* at 893.

77. *Id.* at 888.

78. *Id.* at 889.

istics of any food,' including any substances used in packaging, transport, processing, preparation, and other processes that might either affect or migrate into food.[79]

Following the Food Additive Amendment of 1958, the FDA introduced the Food Additive petition, which required any new food ingredient deemed an additive to go through the FDA for premarket approval.[80] However, the FDA included an exemption to the Food Additive Petition, that being the "Generally Recognized As Safe" ("GRAS") exemption, which introduced a number of issues to the law that was intended to address American consumers growing concerns about the number of additives in their food supply.

The GRAS Exemption

There are several issues with the GRAS exemption that contribute to American's growing concerns about the safety of their food supply. The GRAS exemption is an antiquated, overly broad exemption to the Food Additive Amendment of 1958 that raises concerns of transparency, oversight, conflicts of interest, limited scientific evidence as to the safety of new ingredients added to food, and uncertainty about long term health effects.

Through the GRAS exception, a new ingredient may be introduced and escape premarket approval by the FDA if the substance is generally recognized as safe. This process is recognized as the self-affirmed GRAS determination because it does not require the manufacturer to submit the ingredient to the FDA for review of its safety.[81] The determination of the ingredient's safety is determined by the company based on publicly available scientific data.[82] The determination may "be supported by a panel of independent experts, typically convened by the company, who independently review the assessment by the company of the safety of the substance . . .".[83] However, submitting the assessment to a panel of experts for review is in the discretion of the company.

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79. *Id.* at 894.

80. Helikon Consulting, *Regulation of New Food Ingredients: Is It GRAS?,* LINKEDIN, (June 7, 2022), https://www.linkedin.com/pulse/regulation-new-food-ingredients-gras-helikon-consulting/?trk=pulse-article.

81. *See id.*

82. *Id.*

83. *Id.*

In 1958, Congress enacted legislation, the Food Additive Amendment, allowing the FDA to regulate food additives, to address Americans' concern about the growing number of additives to the food supply. In doing this, the law contained an exception, which ". . .was originally intended to allow manufacturers of common ingredients like vinegar and table salt—when added to processed foods—to bypass the FDA's lengthy safety review process."[84] It can be said that salt and vinegar, consumed at a modest amount, are not harmful substances. Today, there are thousands of chemicals used as food additives to preserve, prolong, and enhance the taste of our food. Some of these additives are safe. However, others have been proven to cause severe allergic reactions or lead to other long-term chronic illnesses.[85] Through the self-affirmed GRAS exemption, these additives are being introduced into our food products without being reviewed by the FDA.[86]

It is unknown whether the ingredients that manufacturers introduce into their products through GRAS are safe or harmful because the GRAS exemption does not require the manufacturer to send notice to the FDA of the use of the ingredients. The way in which manufacturers use the GRAS exemption today, as a means to get their products on the shelves more quickly and to avoid the FDA's premarket approval process, is not within the traditional intention when Congress enacted the GRAS exemption. Thus, the GRAS exemption in a historical perspective, is not serving its intended purpose, but enabling our food regulation laws to allow harmful substances into our food.

The historical aspect of the GRAS exemption is not the only issue. The determination of whether a substance is generally recognized as safe is made by the manufacturer advocating for its use. The determination is assembled by the manufacturer using

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84. Erin Quinn & Chris Young, *Why the FDA Has Never Looked at Some of the Additives in Our Food,* NPR, *(*Apr. 14, 2015), *https*://www.npr.org/sections/thesalt/2015/04/14/399591292/why-the-fda-is-clueless-about-some-of-the-additives-in-our-food.

85. *Lack of Key Considerations in FDA Food Chemical Safety Process Leaves Consumers at Risk of Chronic Diseases,* ENVIRONMENTAL DEF. FUND (Sept. 23, 2020), https://www.edf.org/media/lack-key-considerations-fda-food-chemical-safety-process-leaves-consumers-risk-chronic.

86. Helikon Consulting, *supra* note 80.

publicly available scientific data.[87] The manufacturer then may choose to have a group of experts review their assessment; however, this group is funded by the manufacturer.[88] The result of this process is a major conflict of interest that benefits the manufacturer, whose goal is to lessen production prices, increase profits, and get its product on the shelf quickly—all while putting the consumers' health at risk, unbeknownst to them.

Additionally, for a substance to be generally recognized as safe, the scientific evidence required is substantially less than what is required by the Food Additive Petition. Through the GRAS exemption, a new ingredient is not defined as an additive, and thus does not have to go through the rigorous scientific-data review performed by the FDA when a substance is submitted per the Food Additive Petition.[89] The issue of limited scientific review could be easily fixed by limiting this exception and requiring FDA oversight of the ingredients being added into our food supply.

The aforementioned issues result in a reactive approach to regulating food ingredients. The FDA, through the GRAS exemption, allow unknown ingredients into our food. Only upon a showing, years later, that the ingredient is harmful and harming consumers, is action taken. The harm inflicted can be shown by the increase in the prevalence of obesity during the past three decades, which is associated with long-term chronic illnesses, such as high cholesterol, hypertension, diabetes, cardiovascular disease, stroke, and certain cancers.[90]

In comparison, European countries have a more proactive approach in regulating food ingredients. "Under EU legislation, food additives must be authorized before they can be used in food."[91] On average, 36 percent of adult Americans are obese, as compared to just over 15 percent of adults in Europe. In an interview with CBS News, Professor Erik Millstone said that America allows chemicals such as potassium bromate, titanium dioxide, brominated vegetable oil, and propylparaben into our food, all of

87. *Id.*

88. *Id.*

89. *Id.*

90. *Adult Obesity Facts,* CTRS. FOR DISEASE CTRL. & PREVENTION (May 17, 2022), https://www.cdc.gov/obesity/data/adult.html.

91. *Food Additives*, EUROPEAN FOOD SAFETY AUTH. (Mar. 11, 2022), https://www.efsa.europa.eu/en/topics/topic/food-additives.

which have been banned in Europe over health concerns.[92] He further stated that "differences in regulations mean people in the U.S. have developed cancers that they would not have developed if they'd been eating exclusively in Europe."[93] When asked if that could be said with certainty, Professor Millstone stated, "Almost certainly that is the conclusion that we could reach."[94]

CONCLUSION

The growing concerns about the quality of the food supply are justified. The innocent-until-proven-guilty framework of United States food regulation laws are not protecting Americans, and are resulting in Americans suffering from long-term chronic illnesses. When compared to European countries, the differences between food regulation laws are drastic, and the results of that are shown through the drastic statistics surrounding obesity in America and obesity in Europe.

This raises the question of why the United States would not want to take a more proactive approach like Europe. In doing so, this would increase Americans quality of life, extend their lifespans, and put less strain on our health-care system. Therefore, in order to resolve this issue, the FDA must draft policy requiring the GRAS exemption to apply only to ingredients that at their core are known to be safe, such as salt and vinegar. Additionally, the majority of ingredients introduced by manufacturers should be required to go through the Food Additive Petition. Further, the option for which route the manufacturer takes to introduce the ingredient should not be left up to the manufacturer.

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92. Holly Williams & Erin Lyall, *U.S. Food Additives Banned in Europe: Expert Says What Americans Eat Is "Almost Certainly" Making Them Sick,* CBS NEWS (Feb. 20, 2023, 7:13 PM), https://www.cbsnews.com/news/us-food-additives-banned-europe-making-americans-sick-expert-says/.

93. *Id.*"

94. *Id.*"