Food, Cosmetics, and Nutraceuticals Committee’s FCN Digest

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Dear Readers,

Please find below the latest Food, Cosmetics, and Nutraceuticals Committee’s FCN Digest. Every other week, the FCN Digest will provide you with significant developments and updates in the food, cosmetics, and nutraceuticals arena. Please feel free to contact us at the listed email addresses with any questions, comments, or contributions that you may have regarding the FCN Digest.

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FOOD

FDA to Address Lag Between Food Recall and Removal.

An early alert report from the Office of the Inspector General of the U.S. Department of Health and Human Services (OIG) found during its ongoing audit of the FDA's recall procedures that the agency lacks “an efficient and effective food recall initiation process.” Recent high-profile e-coli outbreaks and a damning government investigation have spurred renewed efforts to speed up FDA recalls of unsafe food. Under current law, the FDA must give companies the opportunity to voluntarily recall food as soon as the agency learns of a safety problem, but there is no mandatory deadline by which companies must respond. In all 30 recall cases it randomly chose to investigate, the OIG said the FDA failed to give a timeline for taking the contaminated foods off the market. The report concluded as a result, consumers remained at risk of illness or death for several weeks after FDA was aware of a potentially hazardous food in the supply chain.


COSMETICS


On October 20, 2016, the Federal Trade Commission (FTC) and the U.S. Department of Agriculture (USDA) will co-host a roundtable in Washington, D.C. to help the agencies better understand how consumers perceive “organic” claims for non-agricultural products, such as personal care products. The agencies have invited a variety of speakers to discuss the following topics: (1) consumers’ interpretations of “organic” claims for products and services that generally fall outside the scope of the USDA Agricultural Marketing Service’s National Organic Program; (2) a recent FTC-USDA study on organic claims including its methods, limitations and conclusions; and (3) approaches to address potential deception, including consumer education. The roundtable is open to the public, and the FTC welcomes written comments, including further evidence of consumer perception.


NUTRACEUTICALS

FDA Updates Draft Guidance on Premarket Safety Notifications For Dietary Supplement Industry.

On August 11, 2016, the FDA released a revised draft guidance in an effort to improve dietary supplement companies’ new dietary ingredient (NDI) safety notification to the agency. Under the Dietary Supplement Health and Education Act (DSHEA), the manufacturer or distributor must notify the FDA at least 75 days before beginning to market a dietary supplement that contains a new dietary ingredient (one that was not marketed in the United States before Oct. 15, 1994), unless the NDI is used in the food supply without chemical alteration. Dietary supplements are considered adulterated if they contain an NDI not used in the food supply and the required notification has not been submitted to the FDA 75 days before marketing. A manufacturer may choose to implement the recommendations in a draft guidance before the guidance becomes final. The FDA encourages public comments on the revised draft guidance during the 60-day comment period.


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