

**Proposition 65 Food Warning Workgroup
August 1, 2008 Homework Responses Matrix**

Discussion Point Stakeholder ▼	Specific Methods for Providing Retail Warnings	“Trigger” Mechanism Issues	Chemical-Specific Warnings	General Warning Provided in the Retail Store
Attorney General’s Office	<p>Retailers are not exempt; this workgroup process cannot give them an exemption.</p> <p>Define compliance so that if a valid warning system is developed and applied, accidental breakdown that is quickly remedied will not subject retailer to liability.</p>	<ul style="list-style-type: none"> - Handouts with prominent sign. - Warnings printed at cash register. - Kiosks (one or more) with information, but product must have trigger such as logo (sign in store explains logo). 	Warning system must be product-specific.	Product-specific information must be provided at the store

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Department of Public Health	Warning should be at or near the point of consumer choice. Customer choice should be preserved. Could be electronic or in paper form, could use bar code system, but must be easy to retrieve, taking little time.	If warning is not at location of product, must be indicator at that location of existence of warning elsewhere. Indicator such as small yellow triangle.	If information is electronic, customer could scan the item and have information appear on screen or piece of paper. If not electronic, information should be organized according to categories, such as is used to organize aisles.	At minimum should inform customer that product contains chemical known to cause cancer or reproductive toxicity. Additional information is up to manufacturer.

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CLEEN, ELF, Consumers Union	3-step system: 1. Generic, conspicuous store signs. 2. on-package flag or icon (“glyph”). 3. Pamphlet or kiosk with further information. Program to be introduced with public information campaign written by OEHHA or by manufacturer or retailer subject to approval by OEHHA.	Icon or flag supported by public education. Icon could be located on price tag, but this places more burden of warning on retailers. Icon should include chemical specific information such as a letter identifying chemical (e.g. L=lead)	Chemical-specific information should be provided, in conjunction with and secondary to product-specific information.	Sample warning language provided, see copy below.

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American Beverage Association	<ul style="list-style-type: none"> - General in-store warning signs. - Detailed information on internet. - If stores willing, could do kiosk, poster or brochure. - OEHHA must make clear warning methods only examples, do not exclude other clear and reasonable warning methods. 	<ul style="list-style-type: none"> -On-product or shelf flag could make customer worry that product is unsafe w/o reading all information. -Education efforts to teach customers about flag may detract from teachings about cancer and reproductive toxicity. 	<ul style="list-style-type: none"> -Appropriate to put on internet page, poster, brochure, or register receipts. -Warning may identify chemical in product or identify food types or product names as chemical-specific warning 	<ul style="list-style-type: none"> -General warning language recommended by GMA is most appropriate for retail level.
Whole Foods Market	<ul style="list-style-type: none"> -Paper handout and prominent wall sign. -Could also allow customer to view warning at a kiosk and print it or e-mail it to self. 	<ul style="list-style-type: none"> Not practical to use “triggers”. Handout or wall sign should be sufficient. 	Handout w/four columns: <ul style="list-style-type: none"> -Name or category of product; -Chemical, -specify toxicity of concern; -additional information or comments (i.e. referring to websites) 	See previous columns.

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Grocery Manufacturers Association	<ul style="list-style-type: none"> -Not practicable to determine particular food products that require a warning. -Use media campaign. -Provide choice of methods such as: flyers or brochures, sign or poster, sign at cash register, notice at kiosk, statement on receipt. -Website with more information. -Sample warning included in response, see copy below. 	<ul style="list-style-type: none"> -In-store general warning only, trigger mechanisms don’t work. 	<ul style="list-style-type: none"> -Warnings should provide general categorical information, not product-specific. 	<ul style="list-style-type: none"> -System must be easy for retailers to implement. -Warning must be provided prior to exposure, not purchase. -Cancer and repro toxicity are chronic, require multiple exposures so warnings need not be given before purchase. Post-purchase warning will address <i>relevant</i> exposures.

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Sample warning provided by CLEEN, ELF, and Consumers Union

Warnings on Food Labels!

You may notice that certain food products in this store display this symbol: [reproduce symbol].

This symbol means that the manufacturer is aware or believes that one or more chemicals listed under California's **Proposition 65** is present in the product.

In 1986, California voters approved an initiative, Proposition 65, to address their growing concerns about exposure to toxic chemicals. Prop. 65 requires the State to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, has grown to include approximately 775 chemicals since it was first published in 1987. The list contains a wide range of naturally occurring and synthetic chemicals, including additives or ingredients in food. Listed chemicals may also be used in manufacturing, or they may be byproducts of chemical processes.

By law, a warning must be given for listed chemicals unless exposure is low enough to pose no significant risk of cancer or is significantly below levels observed to cause birth defects or other reproductive harm.

By providing this information, Prop. 65 enables Californians to make informed decisions about protecting themselves from exposure to these chemicals. Since it was passed in 1986, Prop. 65 has increased public awareness about the adverse effects of exposures to listed chemicals. For example, Prop. 65 has resulted in greater awareness of the dangers of alcoholic beverage consumption during pregnancy. Alcohol consumption warnings are perhaps the most visible health warnings issued as a result of Proposition 65.

Prop. 65 Chemicals in Food

Of the hundreds of chemicals listed under Prop. 65, relatively few are present in your food at levels that require warning. Currently, chemicals that have been proven to be present in food in amounts that exceed the Prop. 65 thresholds include acrylamide, mercury, lead and *yaddayadda*.

One brief paragraph on each chemical. This is where the chemical-specific info discussed in Question 3 goes.)

Your grocery cart

If you have selected any products that display the Prop. 65 icon, you might want to find out which chemical is present in that product and at what level. To do so, take the product to the Prop. 65 kiosk at the front of the store. There is a bar code scanner at the kiosk. When you scan the bar code on the product, information will be displayed on the screen. Alternatively, you can look up your product on an alphabetized list in a booklet attached to the kiosk. If the booklet is missing or the scanner is inoperable, please see the store manager on duty.

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More information

The Office of Environmental Health Hazard Assessment (OEHHA) administers the Prop. 65 program. OEHHA, which is part of the California Environmental Protection Agency (Cal/EPA), also evaluates all currently available scientific information on substances considered for placement on the Prop. 65 list.

For general information, you may contact OEHHA's Proposition 65 program at (916) 445-6900, or visit <http://www.oehha.ca.gov/prop65.html>. For enforcement information, contact the California Attorney General's Office at (510) 622-2160, or visit <http://caag.state.ca.us/prop65/index.htm>.

Sample warning provided by Grocery Manufacturers Association:

PROPOSITION 65 WARNING

California's Proposition 65 requires warnings to consumers for products that contain any of over 800 chemicals identified by the State as having the potential to cause cancer or reproductive harm. Most food products contain one or more such chemicals created by cooking, naturally occurring, or added.

- *Chemicals Created By Cooking.* Prop 65 chemicals may be created when foods are cooked, including when they are browned or broiled. These chemicals are not deliberately added to foods, and are created no matter whether the cooking is in a food processing facility, restaurant, or your kitchen. The levels of chemicals created vary widely, depending on such factors as constituents of the raw food and conditions of cooking.
- *Naturally Occurring Chemicals.* Some Prop 65 chemicals in food result from minerals or organisms naturally present in the environment where the food is grown (e.g., lead) is in some soils where fruits and vegetables are grown; mercury present in the ocean may be in certain fish. Some chemicals in the environment occur naturally, others are present due to human activity (e.g. components of auto exhaust). Both may be present, in varying degrees, in food.
- *Chemicals Added to Foods.* Some chemicals are added during the process of growing or processing foods – usually to enhance growth, shelf-life, appearance, taste or food safety.

There is wide variation in the level and source of chemicals present, the risk, the potential health benefits and other characteristics associated with any given food. You can obtain further information about Prop 65 chemicals in foods by visiting the websites operated by the California Office of Environmental Health Hazard Assessment, at [WEBSITE], and the U.S. Food & Drug Administration, at www.fda.gov, or write to _____.