



NEW YORK STATE SENATOR

Brian Kavanagh

Assemblymember Kelles, Senator Kavanagh Celebrate FDA's Ban on Toxic Red Dye No. 3 in Food

BRIAN KAVANAGH January 17, 2025

| ISSUE: **FOOD ADDITIVES**



Albany, NY – Assemblymember Anna Kelles and Senator Brian Kavanagh, sponsors of the New York Food Chemical Safety Act ([A1556/S1239](#)), celebrated the Food and Drug Administration's decision to ban Red Dye No. 3 in food sold in the United States. Red Dye No. 3 is used in many thousands of processed foods such as candies and sweets, baked goods, snack foods, breakfast foods, beverages, packaged desserts and ice cream, condiments, processed canned fruit with artificially colored syrups, and even medications and

supplements. Decades of published scientific research has shown a link to various cancers and neurobehavioral problems as well as hyperactivity in children among other issues, and the dye has been banned in cosmetics since 1990.

“Through my years of work in the field of nutrition I have witnessed countless people expressing deep betrayal after discovering that the food they are eating contains ingredients that have years of accumulated data linking them to serious health harms. It is most poignant when parents find out that the foods they are feeding their children are causing health and behavioral issues that can negatively impact them for the rest of their lives.” **said State Assembly Member Dr. Anna Kelles.** “After decades of research documenting the harms of red dye #3 and advocacy by thousands of scientists and advocacy groups, the FDA has taken a stand and said no more. Although there are many more chemicals that raise serious concerns and should also be banned, this is a powerful statement and a step in the right direction. I applaud the Food and Drug Administration and their decision this week to align with other nations to remove this toxic food additive from our food supply.”

“I applaud the Food and Drug Administration for acting to ban Red Dye No. 3,” **said State Senator Brian Kavanagh.** “This is a significant victory for public health and a testament to the tireless advocacy of countless individuals who have fought for safer food standards. While we celebrate this important step forward, we must urge the FDA to continue this momentum by closely examining and banning additional harmful food chemicals that pose risks to our health. But states do not need to wait for the federal government to act, and I am proud to sponsor the New York Food Chemical Safety Act, [S1239/A1556](#), along with my colleague Assemblymember Kelles, which would ban additional toxic additives and synthetic food dyes, and also enact a profound increase in transparency in the ingredients that go into our food — which will greatly benefit New Yorkers and all Americans. I look forward to working with my colleagues and experts from the Center for Science in the Public Interest,

Environmental Working Group, Consumer Reports, the Interfaith Public Health Network, and the American Academy of Pediatrics to pass this legislation and ensure the health and safety of all New Yorkers.”

This decision comes more than 30 years after the FDA determined Red Dye No. 3 causes cancer, and after decades of advocacy from public health and scientific organizations including Center for Science in the Public Interest, the Environmental Working Group, the Center for Food Safety, Consumer Reports and a number of other public health groups and activists who **petitioned** the FDA to take action back in 2022.

“At long last, the FDA is ending the regulatory paradox of Red 3 being illegal for use in lipstick, but perfectly legal to feed to children in the form of candy,” **said CSPI President Dr. Peter G. Lurie.** “The primary purpose of food dyes is to make candy, drinks, and other processed foods more attractive. When the function is purely aesthetic, why accept any cancer risk?”

“Yesterday’s action by the FDA marks a monumental victory for consumer health and safety,” **said EWG President Ken Cook.** “For years, Red 3 remained in food products, despite growing evidence linking it to health problems, particularly in kids. This ban sends a strong message that protecting the health of Americans – especially vulnerable children – must always take priority over the narrow interests of the food industry.”

“The faith-based and other community partners in our network want the food they serve to their children, families, congregations, and neighbors to be free from toxic chemical additives,” **said Bob Pezzolesi, Convener for the Interfaith Public Health Network.** “While we are pleased that the FDA finally banned Red 3, it took far too long for them to do the right thing. That’s why our coalition is grateful to Assemblymember Dr. Kelles and Senator Kavanagh for championing policies that will make New York State a leader in food chemical safety.”

The FDA action follows significant state-level progress that has targeted getting harmful food dyes and other additives out of the nation's food supply. Last year, Assemblymember Kelles and Senator Kavanagh introduced the New York Food Chemical Safety Act which included banning Red Dye No. 3 in foods sold across New York State.

The newly reintroduced legislation proposes a ban on seven additional food dyes and two food additives currently on the market with an abundance of scientific data linking them to negative health outcomes in addition to a proposal to significantly increase transparency for New Yorkers who want to know what's in the food they are feeding to their families.

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