



February 28, 2025

The Honorable Caroline Menjivar
Chair of the Committee on Health
1021 O Street, Room 1200
Sacramento, CA 95814

Re: SPONSORSHIP OF SB 68 – The ADDE Bill – Menjivar

Dear Chairwoman Menjivar,

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the more than 20 million Americans living with life-threatening food allergies, I am writing to express that AAFA is a proud sponsor for SB 68, Allergen Disclosure for Dining Experiences (ADDE). AAFA is the leading patient organization for people with asthma and allergies, and the oldest asthma and allergy patient organization in the world. Kids with Food Allergies, a division of AAFA, offers tools, education, and community to families and children coping with food allergies across the country.

SB 68 ADDE is inspired by nine-year-old Food Allergy Advocate Addie Lao and would ensure that the top 9 allergens (milk, egg, fish, shellfish, tree nuts, peanut, wheat, soy, and sesame) are labeled on restaurant menus to ensure safer dining experiences for individuals with food allergies.

As of 2023, an estimated 2.5 million California residents live with potentially life-threatening food allergies.^{1,2} Exposure to an allergen can cause severe reactions, including anaphylaxis and, in some rare cases, death. Because there is no cure for food allergies, awareness and preparedness are key for protecting health and saving lives. Adverse reactions to food at restaurants are common, and account for a large share of food allergy fatalities.³ Just two months ago, 34-year-old California resident Dominique Brown passed away in Los Angeles after suffering from an anaphylactic

¹ Centers for Disease Control and Prevention. (2023, January 26). *More than a quarter of U.S. adults and children have at least one allergy*. National Center for Health Statistics.

² U.S. Census Bureau. (2024). *National population totals and components of change: 2020-2023*. U.S. Department of Commerce.

³ Weiss, C., & Munoz-Furlong, A. (2008). Fatal food allergy reactions in restaurants and food-service establishments: Strategies for prevention. *Food Protection Trends*, 28, 657–661.



reaction at a holiday food event.⁴ Needless tragedies, including Dominique's passing in December 2024, can be avoided by passing the ADDE Act which would allow all consumers to be aware of the allergens contained within restaurant meals.

Children and adults with food allergies want to participate in the special occasions and everyday social engagements that take place in restaurants. In our 2019 parent survey report, *My Life With Food Allergy*, AAFA's research team found that more than half of parents (53%) have left a restaurant in the middle of dining as a result of an allergy and nearly 90% of parents have avoided certain restaurants due to their child's allergy.⁵ Surveyed parents communicated the need for greater availability of information about the contents of restaurant meals and asked regulators to prioritize better food labeling inside restaurants.⁶ Making restaurants safer through top 9 labeling on menus in California would allow people with food allergies engage more fully in social activities with their family and friends with less fear, aid parents to make well-informed decisions about where to eat, and increase business among local California restaurants.

While federal laws have made it easier for individuals to avoid allergens in packaged foods, the labeling of restaurant food represents a glaring gap in consumer safety. The Food Allergen Labeling and Consumer Protection Act (FALCPA) of 2004 requires packaged foods regulated by the FDA to clearly identify the Top 9 major food allergens.⁷ However, FALCPA does not apply to restaurant food, leaving millions of individuals with food allergies at risk when dining out.⁸ In a vital move for consumers, restaurants were recommended in 2022 by the Food and Drug Administration (FDA) to label unpacked restaurant meals with the top 9 allergens.⁹ The 2022 edition is reflective of input from regulatory officials, industry, academia, and consumers that participated in the biennial meeting of the Conference for Food Protection in 2021.¹⁰

⁴ Asperin, A. M. (2024, December 9). Disney influencer Dominique Brown dies at 34. *FOX 11 Los Angeles*. <https://www.foxla.com/news/disney-influencer-dominique-brown-dies-food-allergy>

⁵ Asthma and Allergy Foundation of America. (2019). *My life with food allergy: Parent survey report*. (p. 16)

⁶ Asthma and Allergy Foundation of America, 2019, p. 38

⁷ Baker, R. (2018). The global status of food allergen labeling laws. *California Western Law Review*, 54(2), Article 4. <https://scholarlycommons.law.cwsl.edu/cwlr/vol54/iss2/4>

⁸ Doctorov, E. C. (2023). Fearless dining: Mandating universal allergen disclosures on restaurant menus. *California Law Review*, 111(6). <https://doi.org/10.15779/Z385T3G14X>

⁹ U.S. Food and Drug Administration. (2022). *Food Code: 2022 recommendations of the United States Public Health Service Food and Drug Administration* (§ 3-602.12(C)). U.S. Department of Health and Human Services. <https://www.fda.gov/food/fda-food-code/food-code-2022>

¹⁰ Allergic Living. (2023, January 20). *FDA Food Code calls for allergen labels for dining, delis, bakeries*. <https://www.allergicliving.com/2023/01/20/fda-food-code-calls-for-allergen-labels-for-dining-delis-bakeries/>



The ADDE Act would work to incorporate those recommendations into an official mandate to identify the top 9 federally mandated allergens on menus.

SB 68 would align California with global best practices. Numerous countries around the world have had mandatory food allergen labeling laws in restaurants for more than a decade, leaving the United States far behind on this common-sense piece of legislation.¹¹ If passed, the ADDE Act would set an example and serve as a template to other states who seek to avoid allergy-related deaths in restaurants, ensure all consumers can be made aware of the contents of their food, and attract loyal customers with food allergies to local restaurants in California.

AAFA strongly encourages the legislature to pass this bill into law. Thank you very much for your work to protect the health and wellbeing of California children and adults with food allergies.

Sincerely,

Kenneth Mendez
President and Chief Executive Officer
Asthma and Allergy Foundation of America

¹¹ European Commission. (2017). Commission notice of 13 July 2017 relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (2017/C 428/01). *Official Journal of the European Union*, C 428, 1