



Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**Re: LETTER OF SPONSORSHIP FOR SB 68 ADDE**

Dear Governor Newsom,

**I. Introduction**

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the more than 2.5 million Californians living with potentially 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 with food allergies across the country. We write to you today to urge you to sign SB 68 into law.

SB 68 ADDE is inspired by nine-year-old Food Allergy Advocate Addie Lao and would ensure that the top 9 allergens are documented in a written format for restaurants that have 20 or more locations. The bill allows for flexibility in the format of disclosure, including a digital disclosure option. This bill is a monumental first step to establishing a culture in California where people with food allergies can enjoy safe dining with their families and friends. This law is about promoting public health and safety; it also builds upon precedent set in 2008 for calorie disclosures on menus for restaurants with 20 or more locations. People in California deserve to know what is in their food, especially those who could suffer a life-threatening reaction from certain ingredients.

**II. Food Allergies Are a Growing Public Health Emergency**

Millions of California residents live with potentially life-threatening food allergies. Exposure to an allergen can cause severe reactions, including anaphylaxis and, in some rare cases, death. Adverse reactions to food at restaurants are common, and account for a large share of food allergy fatalities.<sup>1</sup> Recently, 34-year-old California resident and influencer Dominique Brown passed away in Los Angeles after suffering

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<sup>1</sup> 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.



from an anaphylactic reaction due to lack of ingredient information.<sup>2</sup> We can reduce the chances of needless food allergy-related tragedies like Dominique Brown's death by enacting the ADDE Act, which would allow consumers to be aware of the allergens contained within restaurant meals for qualifying food facilities.

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.<sup>3</sup> However, FALCPA does not apply to restaurant food, leaving millions of individuals with food allergies at risk when dining out.<sup>4</sup>

### **III. Californians Deserve Dignity and Respect**

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.<sup>5</sup> This type of avoidance is primarily a result of a lack of information.

Surveyed parents communicated the need for greater availability of allergen information and asked regulators to prioritize better food labeling inside restaurants.<sup>6</sup> Making restaurants safer through top 9 labeling on menus in California would allow people with food allergies to 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 to California restaurants.

### **IV. California and Global Best Practice**

SB 68 would also align California with global best practices. Numerous countries around the world have had mandatory food allergen information laws in restaurants

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<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> Doctorov, E. C. (2023). Fearless dining: Mandating universal allergen disclosures on restaurant menus. *California Law Review*, 111(6). <https://doi.org/10.15779/Z385T3G14X>

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

<sup>6</sup> Asthma and Allergy Foundation of America, 2019, p. 38



for more than a decade, leaving the United States far behind on this common-sense piece of legislation.<sup>7</sup> If enacted, 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 consumers can be made aware of the contents of their food, and attract loyal customers with food allergies to chain restaurants in California.

As of 2025, the global standard has been shifting towards the model in Ireland where allergen disclosures are made available at the point of sale. Written, clear information is required before ordering a meal. In the United Kingdom, the proposal of “Owen’s Law” makes it clear that the cutting edge of written disclosure is designed to benefit the consumer: putting it visibly on the menu. ADDE responds to that growing consensus by prioritizing health and safety for Californians with on-menu disclosure.

## **VI. Request for Signature**

AAFA respectfully requests your signature on this public safety legislation. We have seen an outpouring of public support as a national nonprofit. More than 500 medical professionals signed joint letters in support of ADDE. Separately, over 600 individual letters were sent directly to your office. Our organization also received dozens of personalized letters expressing individual support. In addition, nearly 80 state and national organizations joined the effort by signing a joint letter addressed to your office. We urge you to listen to their voices and stories.

We believe that SB 68 ADDE in its current form is an enormous step forward and can continue to be built upon in coming years. Everyone deserves to dine out without fear, and this begins with food allergen disclosure. 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

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<sup>7</sup> 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



## FAQ

### **Are all restaurants subject to the ADDE bill?**

No, only chain restaurants with 20 or more locations. Large corporations with 20 or more restaurants already are required to disclose the nutrition information for their food, and some restaurants have thus already voluntarily disclosed the top nine allergens. AAFA and the advocates in support of SB 68 support making this disclosure an official requirement. Cultural change is a step-by-step process that requires careful, meaningful, and incremental progress.

### **What about the 2022 Model Food Code?**

In an important announcement, restaurants were recommended in 2022 by the Food and Drug Administration (FDA) to label unpacked restaurant meals with the top 9 allergens.<sup>89</sup> Many states have already adopted the Food Code automatically, although it has not become enforceable through legislation. We believe ADDE begins to address these needs and concerns by incorporating one aspect of the recommendations into an official mandate. In subsequent years, we would absolutely like to incorporate the 2022 Food Code into the introductory standard for smaller restaurant chains and independent restaurants.

### **Is there any opposition to the legislation?**

Yes, the California Restaurant Association (CRA) has been the primary voice of opposition throughout this process. However, we have taken nearly every possible amendment that the CRA has offered. Unfortunately, they have continued to move the goal post throughout the process. Nevertheless, they remain “opposed unless amended.”

Prior to the Senate Health Committee, the CRA submitted a joint letter with another nonprofit citing the lack of a digital option. After some deliberation surrounding the digital divide in California, the author and co-sponsors offered a digital QR code option in accordance with the CRA’s amendment. We offered this amendment as a cost-cutting amendment before the Appropriations committee.

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<sup>8</sup> 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>

<sup>9</sup> 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/>



Prior to the Assembly Health Committee, the CRA submitted another letter calling for several amendments: 1) greater flexibility for smaller and independent restaurants and 2) liability protection. The Senator and the co-sponsors agreed to both and amended the bill accordingly, yet the CRA maintained their “opposed” position. They argued that our liability language didn’t go far enough to completely exonerate restaurants from the consequences of having incorrect allergen information. Unfortunately, the liability language that the CRA preferred would have actually *detracted from the current legal protections* provided to people with food allergies and continued to leave Californians with food allergies at serious risk. That made their exact verbiage of the amendments unacceptable, and we had the liability language reviewed by several committees. We also sought several legal opinions on the unintended consequences of the restaurant association’s liability language and were deeply concerned by the implications.

Recently, the CRA has changed its desired amendments again. Now, the CRA is calling for the adoption of the 2022 Food Code. The Food Code has already been adopted automatically in several states – yet it is not enforced anywhere. As AAFA, we are amenable to this code, however, we are more supportive of an incremental approach that puts the consumers first. Furthermore, the feedback we received from CDPH confirmed that the model Food Code approach was not their recommendation. In fact, CDPH advocated for the original version of the bill as introduced by Senator Menjivar which asked for on-menu disclosures.

### **What were the most recent amendments to the bill?**

Recent amendments on the Assembly Floor were made by the author’s office to ensure that the bill only applies to restaurants with 20 or more locations in California. This represents a measured, careful approach to roll-out of on-menu disclosures.