



October 2, 2026

The Honorable Joseph F. Vitale

Chair, Senate Health, Human Services and Senior Citizens Committee

State House Annex

Trenton, New Jersey

Re: Letter of Support for S.3394

Dear Chairman Vitale and members of the Senate Health, Human Services and Senior Citizens Committee,

I. Introduction

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the more than 950,000 New Jerseyans living with food allergies, I am writing to express that AAFA is a proud supporter of S.3394. 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 urge the Health, Human Services and Senior Citizens Committee to issue a favorable report on S.3394.

S.3394 and its companion bill, A.4826, are inspired by New Jersey-based youth advocates and would ensure that the top 9 allergens are documented in a written format for restaurants. 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 New Jersey where people with food allergies can enjoy safe dining with their families and friends. This law is about promoting public health and safety. People in New Jersey deserve to know what is in their food, especially those who are at risk of a serious allergic reaction (anaphylaxis) from certain ingredients.

II. Food Allergies Are a Growing Public Health Emergency

Almost one million New Jersey residents live with 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.¹ We can reduce the chances of needless food allergy-related tragedies by enacting S.3394, which would inform customers 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.² However, FALCPA does not apply to restaurant food, leaving millions of individuals with food allergies at risk when dining out.³

III. Opportunity for New Jersey Businesses

Children and adults with food allergies want to participate in 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.⁴ 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.⁵ Making restaurants safer through top 9 labeling on menus in New Jersey 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 New Jersey restaurants.

IV. New Jersey and Global Best Practice

S.3394 would also align New Jersey with global best practices. Numerous countries around the world have had mandatory food allergen information laws in restaurants

¹ 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.

² 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>

³ Doctorov, E. C. (2023). Fearless dining: Mandating universal allergen disclosures on restaurant menus. *California Law Review*, 111(6). <https://doi.org/10.15779/Z385T3G14X>

⁴ Asthma and Allergy Foundation of America. (2019). *My life with food allergy: Parent survey report*. (p. 16)

⁵ 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.⁶ If enacted, S.3394 would set an example and serve as a template to other states who seek to avoid allergy-related deaths in restaurants, ensure consumers have allergen information, and attract customers with food allergies to restaurants in New Jersey. 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.

V. Request for Passage

AAFA strongly encourages the legislature to pass this bill into law. We believe that S.3394 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 New Jersey children and adults with food allergies.

Sincerely,

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

⁶ 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