

## Proactive Testing, Process Evaluation Key to Preventing Lead & Cadmium in Chocolate Issue from Growing into a Legal, Public Relations “Black Eye”

The US chocolate industry undoubtedly cheered California Attorney General Bill Lockyer’s statement last year, deeming levels of lead and cadmium in cocoa “naturally occurring” in regards to Proposition 65, the state’s consumer health law requiring that individuals be warned when exposed to dangerous chemicals.

Certainly, the Attorney General’s statement weakens the lawsuit against Mars, Kraft Foods, Hershey Foods, Nestle USA, See’s Candies, and Rocky Mountain Chocolate Factory filed this May by the nonprofit American Environmental Safety Institute (AESI) in Los Angeles. The suit seeks in part to force the firms to include warning labels for allegedly unsafe levels of lead and cadmium in chocolate products under Proposition 65.

Yet the issue must be resolved on many fronts. AESI, for example, has petitioned the California Department of Health Services to classify cocoa products containing over 0.02 parts per million of lead as a source of environmental lead. The group also recently petitioned the US FDA to set limits for lead and cadmium in finished chocolate products. In addition, AESI has petitioned the FDA to amend the “Draft Standard for Chocolate and Chocolate Products” pending before the *Codex Alimentarius* Commission of the World Health Organization, with the goal of setting limits for lead and cadmium in cocoa and cocoa products.

Perhaps most importantly, AESI is rallying its cause in the “court of public opinion,” where mere allegation without adequate response can have disastrous retail consequences. This is particularly true for the chocolate industry, which depends on peak con-



*The National Food Laboratory can provide analysis for content of heavy metals, like lead and cadmium, in food products.*

sumer response during certain seasons, such as Halloween, to drive annual sales. AESI is calling on consumers to contact chocolate product manufacturers to pose two questions: “How much lead and cadmium is in each chocolate product made by that company?” and “What is that company doing to reduce those lead and cadmium levels in its products?”

While the nonprofit AESI is currently one of the

most active consumer advocacy groups to confront the chocolate and food industries, it by no means is the only one. With the number and sophistication of consumer activist groups rapidly expanding, amid a clamor for more “corporate accountability,” the most rational response may be for executives to proactively test for lead and cadmium levels specific to their company’s chocolate products, while evaluating the formulation and manufacturing processes to see if any improvements are possible.

As potential sources for lead and cadmium in chocolate, AESI cites leaded gasoline use in farm vehicles, lead and cadmium in pesticides and fertilizers, varying levels of lead in raw cocoa beans, as well as the manufacturing process itself where lead-containing cocoa bean husks and inner skins are removed.

Addressing the lead and cadmium concern before it becomes a legal or public relations issue, of course, could end up having a marketing advantage as well, if competitors haven’t taken steps to resolve the problem. In the effort to acquire accurate knowledge chocolate-industry executives can confidently act on, The National Food Laboratory (The NFL) has decades of experience and scientific expertise testing complex food products.

As a strategic partner for manufacturers and processors of food, food ingredients, and food-related packaging, The NFL’s detection limit for lead and cadmium in chocolate is 0.01 parts per million, well below any potential limits now being discussed.

An FDA and USDA-recognized authority in food processing, The NFL can also help develop food safety and vendor qualification programs. Their integrated service ability stems from a professional staff of chemists, microbiologists, and food scientists who collaborate to solve complex food problems.

For more information about testing for lead and cadmium in chocolate or for other heavy metals, please call The NFL’s Vice President of Chemistry, Julie Hill at 925-551-4209 or email her at HillJ@TheNFL.com. Write to The NFL at 6363 Clark Ave., Dublin, CA 94568, or visit them on the Web at [www.TheNFL.com](http://www.TheNFL.com).

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