

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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October 24, 2012

Kurt Schmidt
Business Head
Nestle Nutrition
12 Vreeland Road
Florham Park, NJ 07932

Dear Mr. Schmidt:

Two separate studies released earlier this month from the Food and Drug Administration (FDA) and Consumer Reports showed “worrisome” levels of inorganic arsenic, a known carcinogen, in popular brands of rice and rice products like rice cereal, breakfast cereal, and rice cakes. FDA identified arsenic in the vast majority of its samples of rice, rice cereal, rice beverages, and rice cakes.¹ Consumer Reports identified arsenic in rice, hot cereal, ready-to-eat cereal, rice cakes and crackers, rice pasta, rice flour, and rice syrup.²

While more thorough testing and analysis by FDA and EPA is presently underway, these findings do raise potential public health concerns. The Consumer Reports study found that people who ate one serving of rice daily “had arsenic levels that were 44 percent greater than those who had not.”³

There are two types of arsenic compounds: organic and inorganic. Inorganic arsenic was found in Gerber infant cereal rice products. The inorganic form of arsenic is more toxic and can pose health risks for adults and children. Inorganic arsenic has been associated with long-term health risks including skin, bladder, and lung cancers.⁴ The compound is also ranked by the

¹ U.S. Food and Drug Administration, *Arsenic in Rice* (Sept. 19, 2012) (available online at www.fda.gov/Food/FoodSafety/FoodContaminantsAdulteration/Metals/ucm319870.htm).

² Consumer Reports, *Arsenic in your food* (Nov. 2012) (available online at www.consumerreports.org/cro/magazine/2012/11/arsenic-in-your-food/index.htm); U.S. Food and Drug Administration, *Arsenic in Rice* (Sept. 19, 2012) (available online at www.fda.gov/Food/FoodSafety/FoodContaminantsAdulteration/Metals/ucm319870.htm).

³ Consumer Reports, *Arsenic in your food* (Nov. 2012) (available online at www.consumerreports.org/cro/magazine/2012/11/arsenic-in-your-food/index.htm).

⁴ *Id.*

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International Agency for Research on Cancer as a Group 1 carcinogen.”⁵ Studies have found that children who chronically consumed milk powder with elevated arsenic levels had an increased incidence of cognitive deficits and brain damage.⁶

Because rice is a staple food product eaten by hundreds of millions of Americans, it is important to have accurate information about arsenic exposure and risks through rice and rice products. FDA is currently in the process of analyzing 1,000 more rice samples in order to understand the levels of arsenic exposure and the health risks that consumption of rice might pose. FDA says it does not yet have “an adequate scientific basis to recommend changes by consumers regarding their consumption of rice and rice products” until a more thorough review of the data is completed.⁷

We are writing to learn what you know about the levels of arsenic in your foods and the health risks associated with such levels. We ask that you please provide the following information and documents no later than November 8, 2012:

1. All documents referring to testing for arsenic in any Gerber rice products, including detailed test results conducted by or for Nestle.
2. All documents relating to any assessments of the health risks posed by arsenic in food products conducted by or for Nestle, including any health risk assessments created by your company, any internal and external communications regarding those health risk assessments, and any assessments of health risks to highly exposed subpopulations such as infants, children, and individuals with celiac disease.
3. All policies and procedures describing whether and how Nestle monitors and limits the amount of arsenic in its products.

Sincerely,



Henry A. Waxman
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations

⁵ U.S. Department of Health and Human Services, National Toxicology Program, *12th Report on Carcinogens* (June 10, 2011) (available online at ntp.niehs.nih.gov/?objectid=035E57E7-BDD9-2D9B-AFB9D1CAD8D09C1).

⁶ Miwako Dakeishi, Katsuyuki Murata, Phillipe Grandjean, *Long-term consequences of arsenic poisoning during infancy due to contaminated milk powder*, *Environmental Health* (Oct. 31, 2006) (available online at www.ehjournal.net/content/5/1/31).

⁷ U.S. Food and Drug Administration, *FDA Releases Preliminary Data on Arsenic Levels in Rice and Rice Products* (Sept. 19, 2012) (available online at www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm319972.htm).