

# If History Repeats, There Is Hope for Users of Saccharin

\*THE DENVER POST Wed., June 15, 1977

By STEPHEN PARKHURST  
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WASHINGTON—Saccharin users, take heart.

The Food and Drug Administration (FDA) wants to ban most uses of the chemical by mid-July. But if history is any guide, it will never happen.

Item: "Saccharin cannot be used in foodstuffs sold in the United States after July 1 next."

Read like last month's newspaper headlines? Well that sentence led a newspaper story in April 1911.

"Eminent pure food experts have decided that its (saccharin's) continued use is deleterious to health, and under the authority of the pure food law the Secretary of Agriculture . . . (has) issued an order against its use after July 1," said the 1911 story. Saccharin never was banned, of course.

WHAT HAPPENED to the proposal 66 years ago? It went the way the current proposed ban is likely to go—to court.

The FDA has more than a mere passing dislike for saccharin, according to historian James Harvey Young. Ever since the first Pure Food and Drug Act was passed by Congress in 1906, the artificial sweetener has been near the top of the FDA's hit list, says Young.

Harvey Washington Wiley, father of the 1906 act and first head of the FDA, was convinced the new law could be interpreted to lead to prohibition of artificial substances in processed foods.

His attitudes conflicted with businessmen, who during the campaign year of 1908 used their political clout to gain a meeting with President Theodore Roosevelt.

WILEY RECALLED in his memoirs that during the meeting he and other federal officials outlined the danger of a type of chemical.

The President seemed convinced by the argument and told the assembled businessmen, "If this drug is injurious you shall not put it in foods."

One of the businessmen then said, "But Mr. President, how about this saccharin. My firm saved \$4,000 last year by using saccharin instead of sugar."

"I unfortunately 'butted in,'" Wiley recalled, saying: "Yes, Mr. President, and everyone who eats these products is deceived, believing he is eating sugar, and moreover the health is threatened by

"Turning upon me in sudden anger and fierce visage, the President said: 'Anybody who says saccharin is injurious is an idiot. Dr. Rixey (Roosevelt's personal physician) gives it to me every day.'"

WILEY WAS REBUFFED and Roosevelt soon established the Referee Board of Consulting Scientific Experts, as requested by the food industry, to oversee government attitudes on chemical additives.

But saccharin proponents still had a fight on their hands.

Several European nations banned the chemical or limited its use. And the experts gathered on the Referee Board found that large quantities of saccharin taken over long periods was "liable to induce disturbances of digestion."

They also discovered, by relatively crude testing, that saccharin was excreted from the kidneys chemically unchanged. "The continued pouring of a foreign body of this kind, which must have active properties, through the delicate cells of the kidneys cannot fail in time to produce serious disturbance of function and even fatal disease," wrote the still-battling Wiley after the board completed its study.

Hence, the proposed ban of 1911.

BUT BEFORE IT took effect, lawyers for the Monsanto Chemical Works of St. Louis and other companies producing the sweetener won a delay. The court battle began.

World War I delayed a jury trial which finally began in 1919 after the FDA cited Monsanto for "adulterating" food with saccharin, which Monsanto called "the perfect sweetener" and "positively harmless."

After a long trial in which a parade of eminent physicians gave contradictory evidence, seven jurors agreed with the government, but five did not. A mistrial was declared.

The government tried again in 1924, with exactly the same results: Seven jury members favored conviction, five did not.

The FDA was beaten, though it continued to maintain in a nonbinding code that food and drink containing saccharin were "adulterated."

THE NEXT DEVELOPMENT in the saga was enactment of the 1958 Food Additives Amendments. A section of the law states: "No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal."

The language is called the Delaney Clause, after its author, U.S. Rep. James J. Delaney, D-N.Y., now chairman of the House Rules Committee.

The FDA announced its new proposed ban March 9, based upon the Delaney Clause and lab tests by the Canadian government which showed that rats fed high dosages of saccharin suffered an increased incidence of bladder tumors.

IN THE TESTS, two generations of rats were fed enough saccharin to constitute 5 per cent of their diet. Three per cent of the rats in the first generation developed bladder tumors, and the rate was 14 per cent in the second generation.

Two per cent of rats not receiving saccharin also developed tumors in a "control" group where all other lab conditions were alike.