DEPARTMENT OF HEALTH & HUMAN SERVICES
Public Health Service

Food and Drug Administration
Washington DC 20204

March 11, 1983

MAR 17 1983

Mr. Wellman C. Bachtel
Toxicologist
The BF Goodrich Company
500 South Main Street
Akron, OH 44318

re: Current status of houseware exemption

Dear Mr. Bachtel:

This is in regard to your request of January 5, 1983 for the current status of the "Houseware Exemption".

In 1974 FDA concluded that the "Houseware Exemption" was not an accurate statement of the scope of the Food Additives Amendment. Accordingly, we proposed to change the agency's longstanding interpretation to the contrary. The proposal explains that it was the intent of the Food Additives Amendment to include in its scope any potentially migratory substances in food-contact articles intended for use in the household, food service establishments, or food dispensing equipment, and that such items currently on the market must be brought into compliance if not already in conformity with the law.

Final action has not yet been taken on the 1974 proposal, and housewares remain exempt from the food additive provisions of the Act. However, housewares are not exempt from the Act's general safety provisions that apply to the adulteration of food. Anyone manufacturing food-contact articles for use in the household or food service establishments should make sure that nothing from the article imparts flavor, color, odor, toxicity, or other undesirable characteristics to food, thereby rendering the food adulterated within the meaning of section 402 of the FD&C Act.

21674003

BFG15974

If you have further questions on this subject, please do not hesitate to contact us.

Sincerely yours,

Marvin D. Mack.

Marvin D. Mack, J.D.
Petitions Control Branch, HFF-334
Division of Food and Color Additives
Bureau of Foods

21674004

BFG15975