

Manufacturing Chemists' Association, Inc.
FOOD, DRUG, AND COSMETIC CHEMICALS COMMITTEE

Tentative Agenda for Meeting

MCA Conference Room Washington, D. C.

November 17, 1965 - 10 A.M.

I. COMMITTEE

1. Minutes of April 21, 1965 Meeting
2. Membership - Secretary
3. Liaison with MCA Board of Directors - Mr. Marusi
4. MCA Environmental Health Advisory Committee - Mr. Hagan
5. Task Group on Good Manufacturing Practice for Drug Ingredient Chemicals - Mr. Knoop
6. Next Meeting

II. LEGISLATION AND REGULATIONS

1. Federal
 - 1.1 Proposed Regulation Concerning Vitamin D as a Food Additive, Etc.
See attachment: FEDERAL REGISTER pp. 11140-1, Aug. 28, 1965
2. State
 - 2.1 Public Administration Service Study for FDA
3. International
 - 3.1 FAO/WHO Codex Alimentarius - Dr. Spencer
4. MCA Manuals

III. LIAISON

1. Liaison Advisory Committee to Food Chemicals Codex - Dr. Spencer

GEB:tp

October 19, 1965

cc: Mr. Lloyd Symington
Mr. M. M. Hoover

ASI 00001536

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 15, 16, 17, 18, 45,
121, 125]

VITAMIN D

Status as Special Dietary Food, Drug, Food Additive, and as Optional In- gredient in Standardized Foods

The need for vitamin D in human nutrition and the importance of maintaining a daily intake sufficient to protect infants and growing children from developing rickets is well established. It is widely recognized that a daily intake of 400 U.S.P. units of vitamin D is ample to prevent vitamin D deficiencies and is adequate for the supplementation of the diet of infants, children, and pregnant and lactating women. It is recognized also that vitamin D, when ingested daily in excessive amounts, is toxic. The question of possible excessive amount of vitamin D in the diet of the public was raised by Dr. Robert Cooke of Johns Hopkins University, Baltimore, Md. He expressed his concern that this may be an important factor in the development of infantile hypercalcemia. In doing so, he called attention to the fact that there are presently marketed a number of vitamin preparations labeled for special dietary use or with directions for use in self-medication as well as a number of foods with added vitamin D, which together may supply a substantially greater dosage of vitamin D than is necessary to accomplish its useful purpose.

In the interest of fully evaluating this problem, the Commissioner of Food and Drugs requested the Committee on Nutrition of the American Academy of Pediatrics and an ad hoc committee of the Council on Drugs and the Council on Foods and Nutrition of the American Medical Association to consider the possibility of hazard that may confront the American public in the consumption of currently available foods and vitamin supplements containing added vitamin D.

The Committee on Nutrition of the American Academy of Pediatrics has submitted a report containing the following recommendations:

1. The Committee wishes to reiterate the statement made in its published memorandum with respect to vitamin D fortification of foods other than milk or infant formula products: "... the present practice of enriching foods other than milk and infant formula products is not justified, and discontinuation of this practice is to be recommended."

2. The addition of vitamin D to fluid milk, evaporated milk or to special milk products and milk substitutes designed for consumption by infants is desirable and should continue. However, the

vitamin D fortification should be carefully controlled so that in normal usage the total daily consumption will not be more than 400 units (i.e. 400 units/quart of fluid milk, or 400 units per reconstituted quart of formula products), which is the present practice in the United States. The addition of vitamin D to other foods may serve only to increase the intake by infants, children and pregnant women to levels beyond requirement.

3. Special purpose foods, designed to serve as the total daily source of nutrient or calories of infants, children or adults, may properly contain vitamin D. The vitamin should be added in an amount that does not exceed 400 units in the total daily intake.

4. At the present time, various vitamin preparations provide different amounts of vitamin D, some considerably in excess of 400 units in the recommended daily dosage. The Committee suggests that no preparations sold over the counter should provide more than 400 units of vitamin D in the amount of the product designated on the label as the recommended daily intake. Since it is the practice to dispense vitamin preparations designed for use by infants in liquid form, adjustment of intake from supplements to levels below 400 units/day remains feasible if consideration of total vitamin D available to the infant makes such reduction desirable. The Committee suggests that products containing amounts of vitamin D in excess of 400 units in the recommended daily dosage be restricted to sale only by prescription.

5. If in the future an unambiguous causal relation between vitamin D intake of the pregnant woman or the infant and the severe form of the hypercalcemic syndrome can be proved, the Committee would favor labeling of all vitamin products containing vitamin D so as to indicate potential toxicity if taken in excess of the recommended daily dosage. In addition, the user should be advised to seek medical advice before administering greater amounts of the product.

6. Before prescribing vitamin D supplements for any patient, the physician should assess the total intake of vitamin D from other sources, and unless high doses of vitamin D are required to treat specific disturbances of calcium and phosphorus metabolism, he should attempt to establish an intake of vitamin D of approximately 400 units per day from all sources. This applies for pregnant and lactating women as well as for infants and children. Normal adults living under ordinary conditions do not require supplementary vitamin D.

The joint ad hoc committee of the Council on Drugs and the Council on Foods and Nutrition of the American Medical Association has submitted a report with the following recommendations:

1. The addition of vitamin D to fluid, evaporated and dry whole milk, fluid skim milk, and nonfat dry milk should be permitted and encouraged but the quantity added should not exceed 400 USP units per quart of fluid or reconstituted milk.

2. The addition of vitamin D to milk substitutes and milk-based infant formulas which provide the sole or major source of calories should be encouraged. The vitamin D supplement should provide no more than 400 USP units in one quart of fluid when prepared for use.

3. Vitamin D supplementation of other food items should be prohibited.

4. Supplementary vitamin preparations available to the public for purchase without prescription should contain no more than 400 USP units of vitamin D in the suggested daily dose.

5. All vitamin preparations containing more than 400 USP units of vitamin D in suggested daily dosage should be prohibited from over-the-counter sale and should be available only by prescription.

6. Consumers should be advised that there is no advantage to the daily intake of more than 400 USP units of vitamin D and that the continued ingestion of amounts much in excess of that may be hazardous.

Copies of these reports are on file with the Hearing Clerk of the Department of Health, Education, and Welfare, and may be consulted by any interested person.

The Commissioner of Food and Drugs has reached the conclusion on the basis of these reports and on other relevant data and information available to him, including the abundant scientific evidence that an excessive intake of vitamin D is of no value, that it is prudent to issue a proposal which reflects the recommendations of these groups.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 409(d), 502(f), 503(b)(4), 701 (a), (e); 52 Stat. 1046, 1048, 1051, 1052, 1055; 70 Stat. 919; 72 Stat. 1787; 21 U.S.C. 341, 343(j), 348(d), 352(f), 353(b)(4), 371 (a), (e)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90) the Commissioner proposes to amend Title 21, Chapter I, of the Code of Federal Regulations in the following respects:

1. By adding to Part 3 the following new section:

§ 3. Vitamin D (vitamin D₂ (calciferol, ergocalciferol); vitamin D₃ (activated 7-dehydrocholesterol, cholecalciferol)).

- (a) Vitamin D from any source, natural or synthetic, alone, or as a component of a food, for supplementing the human diet is regarded as a food additive subject to the provisions of section 409 of the Federal Food, Drug, and Cos-

metic Act and regulations promulgated thereunder.

(b) Any preparation containing more than 400 U.S.P. Units of vitamin D per dosage unit or any preparation supplying more than 400 U.S.P. Units per day when used in accordance with its directions for use is regarded as a drug that by reason of its toxicity or other potentiality for harmful effect, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer drugs. The label of any such article shall bear the statement "Caution: Federal law prohibits dispensing without prescription" and its labeling shall bear adequate information for its use by a practitioner licensed by law to administer it.

(c) Any drug containing vitamin D whose labeling bears directions for use in self-medication of vitamin D deficiency in recommended dosages greater than 400 U.S.P. Units per day will be regarded as misbranded within the meaning of sections 502 (a), (f), and (j) and 503(b) (4) of the act.

(d) Preparations supplying 400 or less U.S.P. Units of vitamin D represented or intended for use as drugs for the treatment of vitamin D deficiency by the lay public may be regarded as misbranded under sections 502 (a), (f), and (j) and 503(b) of the Federal Food, Drug, and Cosmetic Act, since adequate directions for safe and effective use for the self-treatment of vitamin D deficiency by the laity without medical supervision cannot be written.

2. By deleting from paragraph (b) of § 3.17 *Labeling of oleomargarine or margarine*, subparagraph 7, which is reserved, and by deleting from paragraph (d) of this section the phrase "vitamin D, or both".

3. By revoking paragraph (b) of § 15.10 *Enriched flour* * * *, which is reserved, and by changing the last sentence in the section to reflect the deletion.

4. By revoking paragraph (b) of § 15.60 *Enriched self-rising flour* * * *, which is reserved, and by changing the last sentence in the section to reflect the deletion.

5. By revoking paragraph (a) (2) of § 15.140 *Enriched farina* * * *, which is reserved; by deleting the next to the last sentence in paragraph (a), and by changing the last sentence of this paragraph to eliminate the reference to subparagraph (2).

6. By revoking paragraph (a) (2) of § 15.513 *Enriched corn meals* * * *, which is reserved, and by changing the third sentence in subparagraph (3) to reflect this deletion.

7. By revoking paragraph (a) (2) of § 15.514 *Enriched corn grits* * * *, which is reserved, and by changing the fourth sentence of subparagraph (3) to reflect the deletion.

8. By revoking paragraph (a) (2) of § 15.525 *Enriched rice* * * *, which is reserved, and by deleting the references to the revoked subparagraph (2) from paragraphs (a) (3), (b), and (c).

9. By revoking paragraph (a) (2) of § 16.9 *Enriched macaroni products* * * *, which is reserved, and by deleting

the references to subparagraph (2) from paragraph (a) (5) and the last sentence of paragraph (a).

10. By revoking paragraph (a) (2) of § 16.10 *Enriched noodle products* * * *, which is reserved, and by deleting from paragraph (a) (5) and the last sentence of paragraph (a) the references to the revoked subparagraph.

11. By revoking paragraph (a) (2) of § 17.2 *Enriched bread and enriched rolls* * * *, which is reserved, and by deleting from the last sentence in paragraph (a) the reference to the revoked subparagraph.

12. By deleting the phrase "not less than" from paragraph (a) (2) of § 18.520 *Evaporated milk* * * *.

13. By deleting the parenthetical phrase "(with or without any accompanying vitamin D and with or without vitamin D concentrate)" from paragraph (a) (3) (iii) of § 45.1 *Oleomargarine, margarine* * * *.

14. By deleting the items "Vitamin D₂" and "Vitamin D₃" from the list in paragraph (d) (5) of § 121.101 *Substances that are generally recognized as safe*.

15. By adding to Subpart D of Part 121 the following new section:

§ 121.----- Vitamin D (Vitamin D₂, Vitamin D₃).

Vitamin D may be safely used in food in accordance with the following prescribed conditions:

(a) It is added to fluid milk, fluid nonfat milk, dry whole milk, evaporated milk, concentrated milk, or infant-feeding formulations used in place of milk in an amount, in the case of fluid milk, fluid nonfat milk, dry whole milk, evaporated milk, or concentrated milk to provide 400 U.S.P. Units per quart of milk or reconstituted milk and, in the case of infant-feeding formulations used in place of milk in an amount to provide 400 U.S.P. Units per quart of such food as customarily or usually prepared for consumption; or

(b) It is a vitamin supplement or a component of a vitamin supplement that when ingested according to its labeled directions for use furnishes not more than 400 U.S.P. Units per day; and

(c) The food is labeled with a statement that vitamin D has been added; a statement of the number of U.S.P. Units of vitamin D in a specified quantity of the food; and in case it is an article covered by paragraph (b) of this section, it bears a label statement warning that unless prescribed by a physician the article should not be used to supplement the diet in excess of 400 U.S.P. Units per day from all sources.

16. By deleting the last sentence of paragraph (a) (1) of § 125.3 *Label statements relating to vitamins* and by deleting the last sentence of § 125.5 starting with the words, "The provisions of paragraph (c) * * *."

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

¹ Nonfat dry milk not included due to its statutory definition (Public Law 78-244, 66 Stat. 108; 70 Stat. 496; 21 U.S.C. 321c).

5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 24, 1965.

Geo. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-9124; Filed, Aug. 27, 1965;
6:45 a.m.]

Copied by MCA
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