Introduction to Food Regulation in the US

Why does the US have food laws?
- Food quality and safety has been a concern since the beginning of civilization.
- Governmental protection originated to protect against fraud and the sale of unsafe food.
- Trust in food safety and wholesomeness is necessary for the market to prosper.
- Although policies were put in place by states much earlier, the first federal food protection law (prevent importation of adulterated tea) was enacted by Congress in 1883.

However...
- The magnitude of the problem increased in the second half of the 19th century.
- New era of chemistry resulting in advancements in food science, with new methods of adulteration being developed.
- With increased factory food production the quality and safety of food became harder to determine.
- Responsibility of food safety shifted to the national government.

The 1906 Pure Food and Drug Act
- During the late 19th century Dr. Wiley was chief chemist of the chemistry department for the Department of Agriculture.
- Wiley expanded research and testing of food documenting widespread adulteration.
- Campaigned for a national food and drug law.
- The Poison Squad tested questionable additives such as boric acid, by eating them and seeing what effects they had.
- Public support grew, especially when journalists began to expose the details of the dangers of the adulterated foods.
- In 1906 Roosevelt signed the Pure Food and Drug Act and the Meat Inspection Act into law.

Evolution of the Food Statutes
- After 1906 legislative battles expanded and strengthened the law
- The tragedy of the elixir of sulfanilamide scandal whereby hundreds of children were poisoned by unsafe medicine for strep throat led to legislative action
- In 1938 the Food, Drug and Cosmetic Act was enacted whereby amongst other things, drug safety had to be ensured.
- Food laws continued to evolve and more and more acts were passed to ensure food safety

The US legal system
- The system of US laws can be divided into four parts:
  1. Constitution
     a. Framework for the US legal system
     b. Empowers and limits/controls government
  2. Statutes
     a. Congress and state legislatures enact public acts-statutes
     b. Must be consistent with the US constitution
  3. Regulations
     a. Legislatures often delegate law enactment to administrative agencies especially when it requires technical expertise e.g. health and science
     b. Laws promulgated by administrative agencies are called regulations
  4. Common law and case law
     a. Based on judicial decisions
     b. Case law established by the precedents of judicial decisions in cases
     c. Common law-body of law based on legal tradition, custom and general principles
        i. Usually only applies to areas of law where there is no statutory law

Federalism
- Division of power between federal and state government-limits ability of one state interfering in other states business
- Regional differences in law and regulation
  o Makes commerce hard
  o But allows for specific states to have laws that suit the people living in that state

Agency procedural regulation
- President/governor has ultimate responsibility for executing the laws enacted by the legislative branch of the government
- Must follow requirements of the Constitution and enabling statutes
  o Must also follow procedural statutes-3 are particularly important:
    - Administrative Procedure Act, Federal Advisory Committee Act and Freedom of Information Act