

Girl Scout Cookies: Proposition 65 FAQs

Q: What is Proposition 65?

A: Proposition 65 (Prop 65) is a California law that requires the governor of California to publish, at least annually, a list of chemicals known to the state to cause cancer or reproductive toxicity. Companies that do business in California must provide a “clear and reasonable” warning before knowingly and intentionally exposing anyone in California to a listed chemical above certain levels.

Q: Why am I being warned about exposure to a chemical in my Girl Scout Cookies?

A: This warning is required to comply with Prop 65, which mandates that businesses provide a clear and reasonable warning before knowingly and intentionally exposing anyone in California to a listed chemical above certain levels, including chemicals found in specific foods.

Q: Where will I see the warning?

A: You will see the warning for Girl Scout Cookies produced by ABC Bakers on girls’ order cards, on booth sale signage, and on ABC’s website (for directly shipped and girl-delivered orders sold in California). Little Brownie Bakers has informed us that the Girl Scout Cookies it bakes do not require a warning.

Q: Why does one baker include the warning and not the other?

Each baker is an independent manufacturer of Girl Scout Cookies and is responsible for complying with all food regulations. Little Brownie Bakers has informed us that the Girl Scout Cookies it bakes do not require a warning.

Q: Why would a baker put chemicals in food?

A: With few exceptions, the chemicals that appear on the Prop 65 list are not intentionally added to food; they’re picked up from the soil in which ingredients are grown or are formed during cooking or other processes.

Q: What is “acrylamide,” and how does it get into food?

A: Acrylamide is a chemical that has a number of industrial uses, the most prominent being in the manufacture of polymers.

The presence of acrylamide in food was discovered in 2002. It is formed by the reaction of naturally occurring sugars and a particular amino acid when food is cooked at higher temperatures, such as when baked, roasted, or fried. For more information, see <https://www.p65warnings.ca.gov/chemicals/acrylamide>.

Q: How can the U.S. Food and Drug Administration (FDA) allow foods with a known carcinogen to be sold?

The FDA has repeatedly taken the position that it does not believe that warnings for acrylamide in food products are appropriate because they may mislead consumers to believe that these food products and beverages are unsafe.

In August 2018, the FDA issued a statement expressing support for a proposal from the California Office of Environmental Health Hazard Assessment (OEHHA) clarifying that exposures to Prop 65 chemicals in coffee, including acrylamide, do not pose a significant cancer risk. The OEHHA-proposed regulation was issued because of the World Health Organization's International Agency for Research on Cancer's findings that coffee consumption is inversely related with cancer. (More information on OEHHA's proposal can be found at <https://oehha.ca.gov/proposition65/press-release/press-release-proposition-65/proposed-oehha-regulation-clarifies-cancer>). In its statement, the FDA explains, "Although acrylamide at high doses has been linked to cancer in animals, and coffee contains acrylamide, current science indicates that consuming coffee poses no significant risk of cancer." <https://oehha.ca.gov/proposition65/press-release/press-release-proposition-65/proposed-oehha-regulation-clarifies-cancer>). In its statement, the FDA explains, "Although acrylamide at high doses has been linked to cancer in animals, and coffee contains acrylamide, current science indicates that consuming coffee poses no significant risk of cancer."

In addition, the FDA previously wrote to California stating its concerns about acrylamide warnings for foods, because such warnings may mislead consumers about the risks posed by foods containing acrylamide and encourage consumers to alter their diets in ways that may not benefit their health. In particular, some whole grain foods may contain acrylamide, but "[l]abeling whole grain foods with a cancer warning may cause American consumers to avoid foods that would have a benefit to their health, including avoiding foods that may reduce cancer risks."

In its statement, the FDA advises, "Given the widespread presence of acrylamide in foods, it isn't feasible to completely eliminate acrylamide exposure. Removing any one or two foods from your diet would not have a significant effect on overall exposure to acrylamide. This is why the FDA's best advice is that consumers adopt a healthy diet, consistent with the Dietary Guidelines for Americans (2015-2020). It emphasizes fruits, vegetables, whole grains, and fat-free or low-fat milk and milk products; includes lean meats, poultry, fish, beans, eggs, and nuts; healthy oils, and limits saturated fats, trans fats, sodium, and added sugars."

The FDA's complete statement can be found at <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm618883.htm>.

Q: Where can I go to find more information on Prop 65?

A: The website for Prop 65 is <https://www.p65warnings.ca.gov>.

Q: What should I do as a consumer?

A: We trust our licensed bakers to offer the best-tasting and highest-quality foods, which they have been producing and supplying to Girl Scouts for years. You can learn more about Prop 65 and the FDA's position regarding acrylamide in foods through the links provided above.

Q: How should troops handle questions about Prop 65?

A: Refer any parents or consumers to the Prop 65 website noted above, and allow them to make their own decisions.

Q: How does a Girl Scout explain Prop 65 to a consumer?

A: The information for Prop 65 is listed at the end of the statement on girls' order cards for those councils served by ABC Bakers. Encourage consumers to make their own decisions when purchasing or consuming these foods.