

# LEAD IN MEXICAN CANDIES AND “SEASONINGS” FROM MEXICO POSE A HIDDEN THREAT TO CHILDREN

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**WARNING: The Washoe County District Health Department Recommends that Children Should Not Eat the Following:**

- Lucas® products in the form of powders or salts for sprinkling on food as “seasonings,” but often eaten directly from the package like candy.
- Candies made in Mexico that contain chili.
- Tamarind candies in glazed ceramic containers from Mexico.

**These Products May Contain Lead that Can Harm Children**

## **SCOPE OF THE PROBLEM**

The general public has become increasingly concerned over the dangers to children from the lead levels found in certain candies made in Mexico. Some candies made in Mexico contain high levels of lead that can result in harmful childhood lead exposures. The FDA has stated, “The Food and Drug Administration (FDA) is aware of a problem associated with lead contamination of some Mexican candy products being sold in the United States

and is advising parents, care providers and other responsible individuals that it would be prudent to not allow children to eat these products at this time.”<sup>1</sup> This FDA warning statement covers those candies made in Mexico containing chili and the Mexican candy tamarind, when it is sold in glazed ceramic containers.

The Washoe County District Health Department is extending the scope of this warning to include Lucas® products, whether or not they contain chili, in the form of powders or salts that are intended to be sprinkled on snacks as a seasoning. It would be prudent for parents, guardians and other childcare providers to not allow their children to eat these Lucas® products. The Washoe County District Health Department’s investigation revealed that some of these Lucas® products, which are labeled to be sprinkled on snacks, are sometimes eaten by children in much larger quantities as candies. These Lucas® products may contain high levels of lead that can result in harmful childhood lead exposures when eaten as candies.

Childhood lead exposure is known to contribute to developmental and behavioral problems, including aggression, hyperactivity, attention deficit, school problems, learning disabilities, in addition to growth, speech and language delays and hearing loss.<sup>2</sup> The weight of the evidence indicates blood lead levels, which are below the Centers for Disease Control and Prevention’s screening guidelines of 10 µg/dL, decrease children’s IQ’s.<sup>3</sup> The effects of lead exposure appear to be irriversable.<sup>4</sup> Since there is no viable medical treatment for children suffering the health effects caused by low-level lead exposure, prevention remains the only plausible strategy.

### **WHO ARE THE TARGETED CONSUMERS AND WHERE DO THEY OBTAIN CANDY MADE IN MEXICO?**

Children are the targeted consumers of candy made in Mexico. Most Latino grocery stores, flea markets, and many of the larger grocery chains sell these products. Specialty retail stores such as video and music stores may sell small amounts of candy made in Mexico.



Picture of candies made in Mexico containing chili.



Picture of tamarind in glazed ceramic vessels.

## **HOW DOES CANDY MADE IN MEXICO WITH HIGH LEAD LEVELS END UP IN WASHOE COUNTY?**

Candy made in Mexico routinely comes across the Mexican border into the United States daily in large quantities. Individuals bring candy made in Mexico across the border in small quantities (several boxes) in the trunks of their cars. Larger amounts are trucked in commercially. Mexican regulators say they can't do much about the problem of lead in candy. They do not have enough money to correctly license the candy makers and inspect all the manufacturing plants. Furthermore, U.S. border agents have the staff to inspect only a fraction of the trucks carrying candy from factories and stores.

### **FDA LEAD STANDARDS**

The FDA has two standards that are applicable to lead concentrations in candies. The first standard is a recommendation on the total amount of lead that should be consumed from foods per day. “[The] FDA recommends a 6 µg per day tolerable limit for dietary intake of lead for children aged less than 6 years to prevent the more subtle adverse neurological and behavioral effects of lead exposure.”<sup>5</sup>

The second FDA standard is a “guidance level.” When the FDA’s guidance level is exceeded, the FDA may take enforcement action. The old FDA guidance level for lead in candy made in Mexico was 0.5 ppm of lead. However, the FDA recognizes that the weight of the candy consumed also determines the amount of lead a child will be exposed to. Since it was determined that children could consume larger quantities of candy made in Mexico than originally thought, the FDA has set a new guidance level for lead in candy made in Mexico.<sup>6</sup> The FDA’s new guidance level allows the FDA to take enforcement action when the total amount of lead “per candy serving” equals or exceeds 10 µg.

For example, a 30 gram single serving of candy made in Mexico that has a lead concentration of 0.4 ppm will contain a total of 12 µg of lead. This exceeds the new “per candy serving” lead guidance level. The practical effect of this new guidance level is to lower the concentration of lead allowed in most of the candy made in Mexico. Candies weighing less than 20 grams per serving still fall under the old 0.5 ppm lead guidance level. FDA’s new guidance level of 10 µg of lead in a single serving of candy still exceeds FDA’s maximum recommended daily dietary lead intake for children.

While the FDA has standards for lead in candy, it has not set standards for lead in seasonings from Mexico. These products are commonly eaten directly from the package by some children -- like candy. The FDA is currently evaluating its policies on these seasonings made in Mexico.

### **“CANDY” vs. “SEASONING”**

Lucas Limón, Lucas Acidito, Super Lucas and Lucas Limón con Chile are packaged in containers attractive to children, marketed on the internet as candies, and sold in the

Mexican candy section of grocery stores. However, the FDA treats these Lucas® products, which are labeled to be sprinkled on snacks, as seasonings – not candy.

The FDA has no general acceptable levels of lead in seasonings. This is because the FDA considers seasonings to be low risk food products that are sprinkled on foods and consumed in small quantities. The problem is many children consume these Lucas® seasonings in much larger quantities than a few shakes of the container per day.

Some children pour the seasonings directly onto the palms of their hands and then consume them like candy. In this manner, a young child can consume one or more of the Lucas® seasoning containers per day. Since the extent of children consuming these seasonings is unknown, the FDA's Center for Food Safety and Nutrition is in the process of obtaining consumption data on these types of products.



The FDA has no standards for lead in these popular products manufactured by Mars, Inc.

On August 7, 2004 -- three days after the California Department of Health Services issued a warning that excessive lead had been found in three of the above Lucas® products, Lucas® announced a voluntary product withdrawal of their Lucas Acidito, Lucas Limón Con Chile, Lucas Limón and Super Lucas food products. However, these products will likely remain available on some local retail shelves through unregulated means of distribution and because the withdrawal is only voluntary.

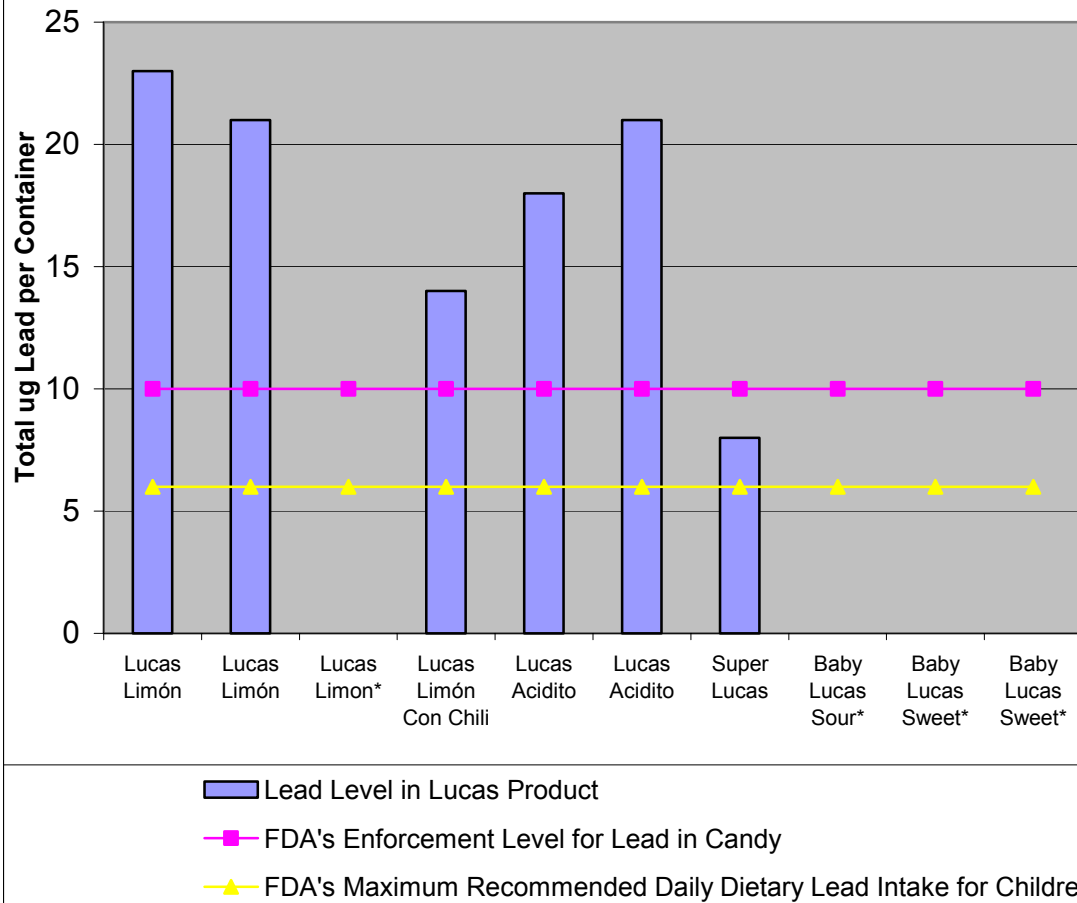
While Lucas® voluntarily withdrew the products, it believes the results reported by California were inaccurate. Lucas® maintains that salt interferes with the testing method used. The Lucas® voluntary withdrawal letter can be found on the District Health Department's website at <http://www.co.washoe.nv.us/health/ehs/index.php>. According to the Nevada State Health Laboratory, whose testing revealed high levels of lead in the Lucas® products, the accuracy of its testing methods for lead is not affected by salt. Results obtained by the Nevada State Health Laboratory are comparable to the 2004 test results obtained by the California Department of Health Services. (See summary of test results below.)

### **WASHOE COUNTY DISTRICT HEALTH DEPARTMENT'S TEST RESULTS**

On May 14, 2004, the Environmental Health Services Division of the Washoe County District Health Department launched an investigation into candy made in Mexico that was being sold in Washoe County. A total of seventeen candies made in Mexico were sampled from three Latino grocery stores and tested for lead. Five candy wrappers, from the candy samples taken, were also tested for lead. The test results revealed five of the candies made in Mexico exceeded the FDA's guidance level for lead. All five of these samples were Lucas® products. None of the candy wrappers tested high for lead. The results of all candies tested can be found at our website at <http://www.co.washoe.nv.us/health/ehs/index.php>.

The results obtained by the Nevada State Health Laboratory on the Lucas® products are contained in the following graph and tables.<sup>7</sup> The graph below compares the lead in the Lucas® products tested by the Washoe County District Health Department with FDA standards for lead in candy.

### LEAD LEVELS IN LUCAS PRODUCTS, WCDHD, June 2004



\*Lead test results were below the level of detection for the method used (<0.2 ppm).

TABLE I. Washoe County's Test Results – Lead in Lucas® Products

Lucas® Product Sampled	Date Collected	Lead Concentration (µg/g)*	Net Weight Of Container (g)	Total Lead In Lucas Product (µg)**
Lucas Limón	5/14/2004	0.92	25	23
Lucas Limón	6/3/2004	0.84/0.87	25	21
Lucas Limón	6/3/2004	<0.2/<0.2	25	ND
Lucas Limón Con Chili	6/3/2004	0.57/0.82	20	14
Lucas Acidito	6/3/2004	0.50/0.33	43	18
Lucas Acidito	6/3/2004	0.54/0.42	43	21
Super Lucas	6/3/2004	0.2/0.28	33	8
Baby Lucas Sour Powder	6/3/2004	<0.2/<0.2	20	ND
Baby Lucas Sweet 'n Sour	6/3/2004	<0.2/<0.2	20	ND
Baby Lucas Sweet 'n Sour	6/3/2004	<0.2/<0.2	20	ND

\* Two different samples were tested from each lot submitted.

\*\* Total lead in Lucas product was taken from the average lead concentration. The average lead concentration was the average of the two different samples tested from each lot submitted. ND denotes that the test result was below the level of detection for the method used and that this ND level was less than 0.2 ppm.

TABLE II. Washoe County Test Results - Comparison Between the FDA's Standards and Lead in Lucas® Products			
Lucas® Product Sampled	Lead in Candy (µg per candy)*	FDA's Enforcement Level on Total Lead per Serving of Mexican Candy (µg)	FDA's Maximum Recommended Daily Dietary Lead Intake for Children Under 6 Years Old (µg)
Lucas Limón	23	10	6
Lucas Limón	21	10	6
Lucas Limón	ND	10	6
Lucas Limón Con Chili	14	10	6
Lucas Acidito	18	10	6
Lucas Acidito	21	10	6
Super Lucas	8	10	6
Baby Lucas Sour Powder	ND	10	6
Baby Lucas Sour Powder	ND	10	6
Baby Lucas Sweet 'n Sour	ND	10	6
* ND denotes that the test result was below the level of detection for the method used and that this ND level was less than 0.2 ppm			

Because the size of the sample of candies collected by EHS was small and not randomized, there was concern the sample was not representative of the Lucas® products that were high in lead. The Washoe County District Health Department compared its test results with the *California Department of Health Services Lead in Candy Laboratory 2004 Results*.<sup>8</sup> The Washoe County District Health Department was able to compare its test results with those of California only on Lucas Limón, Lucas Acidito and Super Lucas, since these were the only Lucas® products tested by both agencies.

### CALIFORNIA TEST RESULTS

The following graph and tables compare the *California Department of Health Services Lead in Candy Laboratory 2004 Results* on Lucas Limón, Lucas Acidito, and Super Lucas with FDA standards.<sup>9</sup>

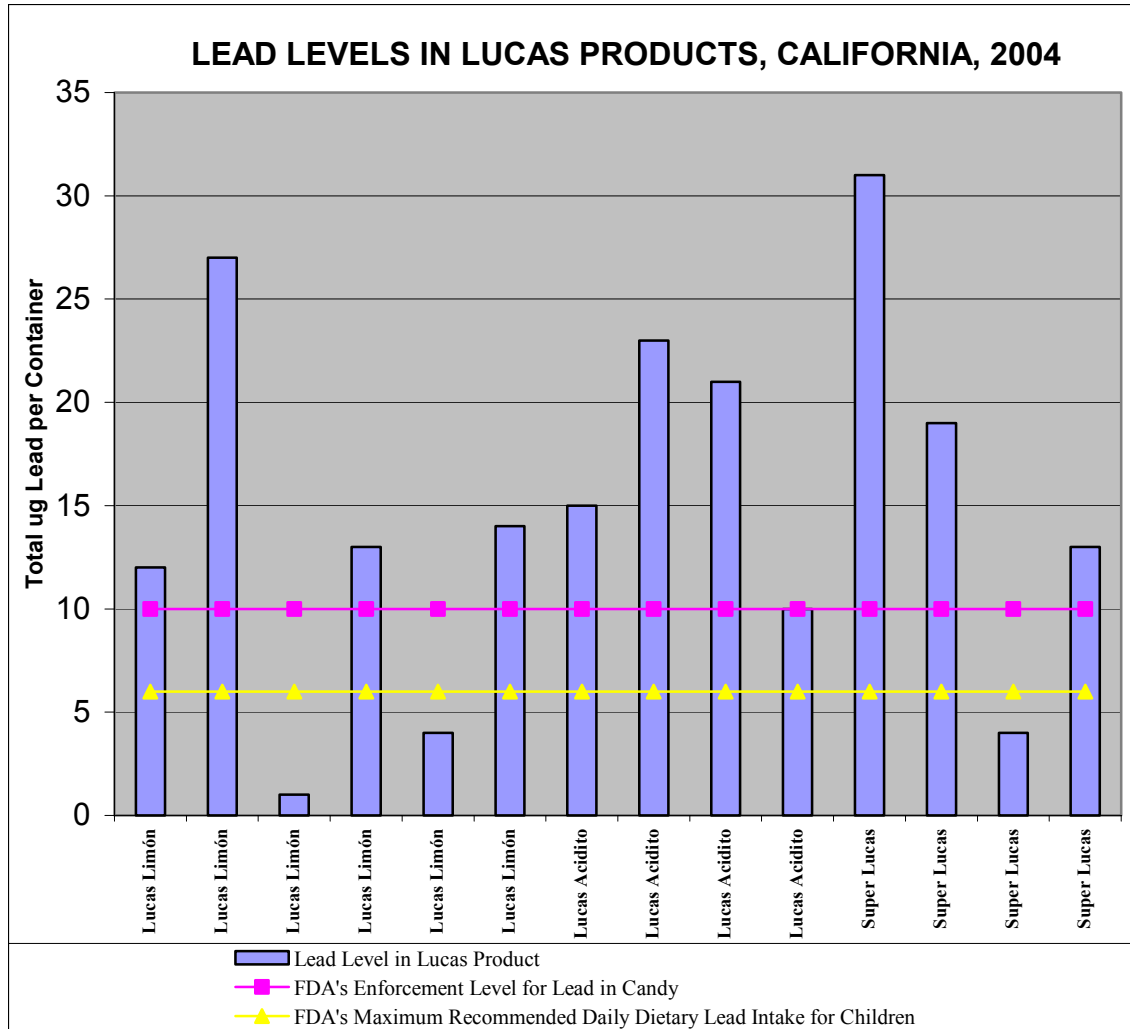


TABLE III. California's Test Results – On Lucas® Candies that Washoe County had Also Tested

Lucas® Product Sampled	Lead Concentration (µg/g)	Net Weight of Container (g)	Total Lead in Lucas Product (µg)
Lucas Limón	0.48	25	12
Lucas Limón	1.1	25	27
Lucas Limón	0.039	25	1
Lucas Limón	0.53	25	13
Lucas Limón	0.16	25	4
Lucas Limón	0.56	25	14
Lucas Acidito	0.36	43	15
Lucas Acidito	0.53	43	23
Lucas Acidito	0.5	43	21
Lucas Acidito	0.23	43	10
Super Lucas	0.93	33	31
Super Lucas	0.58	33	19
Super Lucas	0.13	33	4
Super Lucas	0.39	33	13

TABLE IV. California Test Results - Comparison Between the FDA Standards and Lead in Lucas® Candies			
Lucas Product Sampled	Total Lead in Lucas Product (µg)	FDA's Enforcement Level on Total Lead per Serving of Mexican Candy (µg)	FDA's Maximum Recommended Daily Dietary Lead Intake for Children Under 6 years Old (µg)
Lucas Limón	12	10	6
Lucas Limón	27	10	6
Lucas Limón	1	10	6
Lucas Limón	13	10	6
Lucas Limón	4	10	6
Lucas Limón	14	10	6
Lucas Acidito	15	10	6
Lucas Acidito	23	10	6
Lucas Acidito	21	10	6
Lucas Acidito	10	10	6
Super Lucas	31	10	6
Super Lucas	19	10	6
Super Lucas	4	10	6
Super Lucas	13	10	6

All the Lucas® products that tested high in lead, i.e., Lucas Limón, Lucas Limón Con Chili, Super Lucas and Lucas Acidito, had the words “sprinkle at 2% on snacks” on their labels.

### **CALIFORNIA’S AND NEVADA’S ACTION AGAINST THOSE WHO MAKE OR SELL CANDY FROM MEXICO**

The increasing public awareness of the toxic danger to children in these candies from Mexico has resulted in a growing movement to reduce the allowable lead levels in these products. On July 9, 2004, California’s Attorney General, Bill Lockyer, sued a number of companies, including two subsidiaries of Mars Incorporated.<sup>10</sup> State tests showed a number of candies from Mexico contained lead levels that can be harmful to children. The Attorney General asked a Los Angeles Superior Court judge to block sales of these candies made in Mexico until they include Proposition 65 warnings. Proposition 65 requires clear and reasonable warnings be given when a business knowingly and intentionally exposes any individual to a chemical known to the state to cause cancer or reproductive harm.<sup>11</sup> Under Proposition 65’s list of substances, lead is classified as both a carcinogen and reproductive toxin.<sup>12</sup> If this lawsuit is successful, the manufacturers will have to provide clear and reasonable warnings to California consumers that their candies contain lead, a chemical known to cause cancer and reproductive harm.

Assembly bills have also been introduced to change the law and reduce the health threat posed to young children who eat these candies made in Mexico. AB 2297 would have expanded the Childhood Lead Poisoning Prevention Act of 1991 to cover this issue. This bill would have required the California Department of Health Services to regulate the lead content of candy and to establish a standard for taking action when a candy is

contaminated with lead. AB 2297 had passed the Assembly by a wide margin. However, on June 23, 2004, the bill was killed in the Senate Health Committee. The bill fell one vote short of the seven votes needed to gain committee approval. AB 2297 was vigorously opposed by a number of corporate interests, including the Grocery Manufacturers of America, Kraft Foods, Hershey Food Corp., California Paint Council, California Manufactures and Technology Association and a coalition of manufacturers of candies made in Mexico.<sup>13</sup>

Another California Assembly bill that was recently introduced was AB 2451.<sup>14</sup> This bill would have required the testing and removal of candy from retail shelves containing chili or tamarind fruit, when the candy was found to have lead levels above 0.2 ppm. State agencies would have been required to issue public notices about these tainted products if they exceeded 0.2 ppm lead. This bill passed the Senate on August 17, 2004, but died in the Legislature after backers withdrew the bill. Hershey Foods Corp. and Kraft Foods Group supported AB 2451, while the manufacturers of candy made in Mexico opposed the bill.<sup>15</sup>

Lastly, on August 4, 2004, the California Department of Health Services issued a warning that lead had been found in four seasonings imported from Mexico: Lucas Limón, Lucas Acidito, Super Lucas and Super Jovy Chili Powder.<sup>16</sup>

Nevada has no laws that require warnings on products like California's Proposition 65. Likewise, no bills have been recently proposed in the Nevada Legislature to deal with lead exposure caused by these candies made in Mexico.

## **INTERVENTION BY WASHOE COUNTY DISTRICT HEALTH DEPARTMENT**

- The Environmental Health Services (EHS) Division is educating retailers about the problem of lead in these products; and working with them to remove high-risk items from sale; to obtain products through regulated distributors; and post warnings to the public.
- Public outreach and education materials are being developed to distribute to childcare centers, schools and WIC clients.
- A multimedia public information campaign is being developed with special efforts to reach the local Hispanic community.
- Public Health Nurses make home assessments of children with elevated blood lead levels who are reported by their physicians to the WCDHD, Community and Clinical Health Services (CCHS) Division. CCHS is currently providing home assessment for eight children with elevated blood lead levels. All are of Hispanic ethnicity.
- The Epi Center will analyze data from follow up of reported cases to determine the scope of the problem locally; plan and evaluate effective interventions; and provide information to the community.

## RECOMMENDATIONS FOR HEALTH CARE PROVIDERS

- Maintain heightened awareness that candies and seasonings from Mexico can be a significant source of lead ingestion in children.
- Advise parents not to allow children to eat candies made in Mexico that contain chili, tamarind candies in glazed ceramic containers from Mexico, and Lucas® seasonings that are not intended to be eaten as candies.
- Add questions about these products to your childhood lead screening protocol.
- Screen and test appropriately, according to identified signs, symptoms and risks.
- To request a home assessment for a child patient with an elevated blood lead level, please call CCHS at 328-2441.

The Oregon Department of Human Services, Childhood Lead Prevention Program has an excellent website with information, screening tools and case management recommendations for health care providers.<sup>17</sup> Another excellent resource with similar information is the website of the California Department of Health Services, Childhood Lead Poisoning Prevention Branch.<sup>18</sup>

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<sup>1</sup> FDA. FDA Statement on Lead Contamination in Certain Candy Products Imported from Mexico. April 9, 2004. Retrieved 16 Sept. 2004 <http://www.fda.gov/bbs/topics/news/2004/NEW01048.html>

<sup>2</sup> Centers for Disease Control and Prevention. Managing Elevated Blood Lead Levels Among Young Children. Recommendations from the Advisory Committee on Childhood Lead Poisoning Prevention. Atlanta: CDC; 2002

<sup>3</sup> Centers for Disease Control and Prevention. A Review of Evidence of Health Effects of Blood Lead Levels <10 µg/dL in Children. Draft Final for ACCLPP Review. 23 Feb. 2004. 27. Retrieved 16 Sept. 2004. <http://www.cdc.gov/nceh/lead/ACCLPP/meetingMinutes/lessThan10MtgMAR04.pdf>

<sup>4</sup> Rogan Walter J., Ware James H. Exposure to Lead in Children – How Low is Low Enough? N Engl J Med 2003; 348: 1515-16, Retrieved 20 Sept. 2004  
[http://www.ecy.wa.gov/programs/tcp/area\\_wide/Rogan%20and%20Ware%20Perspective.pdf](http://www.ecy.wa.gov/programs/tcp/area_wide/Rogan%20and%20Ware%20Perspective.pdf)

<sup>5</sup> Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report. Lead Poisoning Associated with Imported Candy and Powdered Food Coloring—California and Michigan. 11 Dec. 1998. 47(48); 1041-1043. Retrieved 17 Sept. 2004 <  
<http://www.scdc.gov/mmwr/preview/mmwrhtml/00055939.htm> >.

<sup>6</sup> FDA. FDA Import Alert #33-10, Revised 4/8/04. Detention Without Physical Examination of Candy from Mexico and the Philippines Due to Lead.

<sup>7</sup> The results presented in the Washoe County District Health Departments graph and tables were obtained from samples collected at the retail level. In each case where detected lead levels are reported, the source of lead contamination is uncertain. The amount of lead in a particular Lucas product may vary greatly from sample to sample based on the manufacturing techniques and/or ingredients used, and/or the handling of the Lucas product after its manufacture.

<sup>8</sup> California Department of Health Services. California Department of Health Services Lead in Candy Laboratory 2004 Results. Retrieved 17 Sept. 2004.  
<[http://www.dhs.ca.gov/ps/fdb/PDF/Lead%20in%20Candy%20Result%20Final%20\(revised%207-8-04\).PDF](http://www.dhs.ca.gov/ps/fdb/PDF/Lead%20in%20Candy%20Result%20Final%20(revised%207-8-04).PDF)>

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<sup>9</sup> The results presented in the California graph and tables were obtained from samples of candies collected from individuals, and at the wholesale or retail level. In each case where detected lead levels are reported, the source of lead contamination is uncertain. The amount of lead in these Lucas products may vary greatly from sample to sample based on the manufacturing techniques and/or ingredients used, and/or the handling of the Lucas product after its manufacture, including handling by the consumer.

<sup>10</sup> *People of the State of California, et. al. v. Alpro Alimento Proteinicos, S.A.de C.V., et. al.*, Los Angeles Superior Court, Case No. BC318207

<sup>11</sup> California Health and Safety Code, Section 25249.6

<sup>12</sup> 22 CCR Section 12000

<sup>13</sup> Ayala Leticia. Corporate Greed Wins Over Children's Health in Sacramento. Environmental Health Coalition. 2 July 2004. Retrieved 15 Sept. 2004  
[http://www.environmentalhealth.org/PR\\_LeadCandyBillFails.htm](http://www.environmentalhealth.org/PR_LeadCandyBillFails.htm)

<sup>14</sup> California Assembly Bill 2451. Retrieved 16 Sept. 2004 [http://info.sen.ca.gov/pub/bill/asm/ab\\_2451-2500/ab\\_2451\\_cfa\\_20040824\\_090121\\_asm\\_floor.html](http://info.sen.ca.gov/pub/bill/asm/ab_2451-2500/ab_2451_cfa_20040824_090121_asm_floor.html)

<sup>15</sup> Gittelsohn John, Sharon Keith, Godines Valeria. Candy Bill Dies in Caucus. The Orange County Register. 28 Aug. 2004. Retrieved 15 Sept. 2004  
[http://www.environmentalhealth.org/News\\_CandyBillDiesInCaucus.htm](http://www.environmentalhealth.org/News_CandyBillDiesInCaucus.htm)

<sup>16</sup> California Department of Health Services. State Health Department Advises Consumers About Lead in Seasonings Imported From Mexico. 4 Aug. 2004. Retrieved 15 Sept. 2004  
<http://www.applications.dhs.ca.gov/pressreleases/store/PressReleases/04-42.html>

<sup>17</sup> Oregon Department of Human Services, Childhood Lead Prevention Program. Retrieved 17 Sept. 2004  
<http://www.ohd.hr.state.or.us/lead/>

<sup>18</sup> California Department of Health Services, Childhood Lead Prevention Branch. Retrieved 17 Sept. 2004  
<http://www.dhs.ca.gov/childlead/>