Congress of the United States
Washington, DC 20515

April 26, 2005

Gregg A. Pane, M.D.
Director
District of Columbia Department of Health
825 North Capitol Street, Suite 4400
Washington, DC 20002

Dear Dr. Pane:

We are writing to notify you that we found a brand of Mexican candy for sale in the District of Columbia that has repeatedly tested positive for lead contamination, is banned or is the subject of consumer advisories in several states, and was withdrawn from the market over eight months ago. We recommend that you warn families in the District of Columbia about the continuing sale of this and other potentially dangerous candies.

The product is called Lucas Limón (photo). It is considered a seasoning by its manufacturer Effem Mexico, now a subsidiary of Mars Inc., but it is regularly consumed by children as a candy. We found the product in the course of an investigation being conducted on lead in candy by the Democratic staff of the Committee on Government Reform. On Friday, April 8, Committee staff purchased two small containers of Lucas Limón for 39 cents each, in a store on Columbia Road in Adams Morgan.

Lucas Limón is well known to public health authorities. Between October 2000 and November 2002, the FDA tested seven samples of the product.[1] All seven contained lead levels in excess of current FDA guidance for lead in candy, which is 0.5 parts per million.[2] In testing by the Washoe County District Health Department in Nevada in June 2004, one small 25-gram container of Lucas Limón was found to contain 23 micrograms of lead.[3] This far exceeds the federal recommended daily limit of lead from dietary sources of six micrograms per day for young children.[4]

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[1] *Toxic Treats Index: A Guide to Lead Tainted* Candies, Orange County Register (2004)(online at http://www.ocregister.com/multimedia/lead/index.shtml).

[2] *Id.* FDA announced last year that it would lower this level, but has not yet done so. U.S. Food and Drug Administration, *FDA Statement on Lead Contamination in Certain Candy Products Imported from Mexico* (Apr. 9, 2004)(online at http://www.fda.gov/bbs/topics/news/2004/NEW01048.html).

[3] Washoe County District Health Department, *Washoe County District Health Department Lead in Candy/Seasoning Laboratory 2004 Results* (2004)(online at www.co.washoe.nv.us/file_push.php?file_choice=2138).

[4] U.S. Food and Drug Administration, *Dangers of Lead Still Linger*, FDA Consumer (Jan.-Feb. 1998)(online at http://www.cfsan.fda.gov/~dms/fdalead.html).

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In the last year, Lucas Limón has been banned from sale in the state of Illinois and the City of Milwaukee.[5] Public health advisories about the product have been issued in California[6] and Nevada.[7] In August 2004, Mars Inc. withdrew Lucas Limón and several other similar products from the market.[8]

The main sources of lead in Lucas Limón and other contaminated candies from Mexico are believed to be chili, tamarind, and salt.[9] After harvesting, chili is dried before the milling process. During the drying stage, lead-containing dirt attaches to the chili. It is common practice in Mexico to process the dried chili unwashed. Consequently, the chili is milled with the dirt mixed in, incorporating the lead into the chili powder. Similarly, tamarind — which by itself does not have a significant lead content — has a sticky consistency that facilitates the attachment of lead-containing dirt, pesticides and fertilizer. Contaminated salt, ink from wrappers, and the glaze of small clay pots can also be sources of lead in Mexican candy.[10]

Several hours after finding Lucas Limón for sale in Adams Morgan, Committee staff and staff of Rep. Schakowsky met with representatives of Mars Inc. These representatives stated that Mars had stopped manufacturing Lucas Limón and the other withdrawn products and was committed to getting remaining supplies off of the shelves. Based on package markings, they estimated that the product purchased by Committee staff was manufactured five years ago. They

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[5] Illinois Department of Public Health, *Madigan and Illinois Department of Public Health Announce Embargo on Lead-Tainted Candy in Illinois* (Nov. 16, 2004)(online at http://www.idph.state.il.us/pdf/20041116.pdf); City of Milwaukee Health Department, *Health Commissioner to Issue Order for the Removal of Certain Candy from Store Shelves* (July 29, 2004)(online at http://www.ocregister.com/investigations/2004/lead/pdf/1013milwaukee.pdf).

[6] California Department of Health Services, *State Health Department Advises Consumers About Lead in Seasonings Imported from Mexico* (Aug. 4, 2004)(online at http://www.co.monterey.ca.us/health/HealthAlerts/040804LeadInSeasoningMexico.htm).

[7] Washoe County District Health Department, *Health Advisory to Retailers on Candy Made in Mexico Which May Contain Lead* (Oct. 7, 2004) (online at http://www.ocregister.com/investigations/2004/lead/pdf/1013retailletternevada.pdf).

[8] The other products were Lucas Limon con Chile, Lucas Acidito, and Super Lucas. LUCAS, *LUCAS Voluntarily Withdraws Four Seasoning Products from U.S. Market* (Aug. 7, 2004)(online at www.co.washoe.nv.us/file_push.php?file_choice=2140).

[9] Because Lucas Limón has a high salt content, it is most likely that lead contamination of this product comes from the salt. Chili and tamarind are not listed ingredients.

[10] *Special Investigations: Toxic Treats*, Orange County Register (2004-2005)(online at http://www.ocregister.com/investigations/2004/lead/index.shtml).

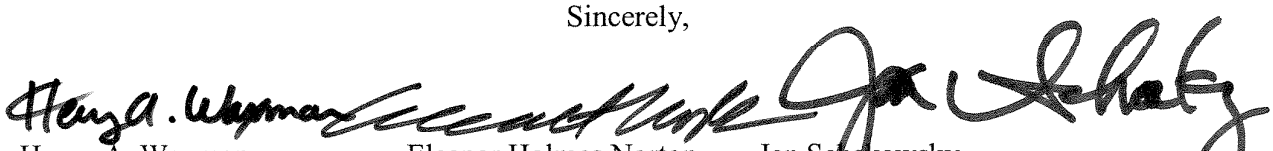
also pledged to search stores in the District of Columbia to notify merchants of the product's withdrawal from the market. With respect to candies still being manufactured under the Lucas brand, the company officials stated that Mars Inc. has reduced lead levels significantly below 0.1 parts per million in all candy.

We appreciate the company's voluntary efforts. However, the continuing availability of Lucas Limón, eight months after its withdrawal from the market, indicates to us that there may be an important role for public health authorities to protect families from this and other potentially dangerous candies.

We are sending copies of this letter to the U.S. Food and Drug Administration, which has yet to take any formal action on this product. We are also attaching a copy of a poster produced by the *Orange County Register* that includes photos and warnings about several candies found contaminated with lead, including Lucas Limón. This poster has been widely distributed by public health officials in several states.

Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman
Ranking Minority Member
Committee on Government Reform

Eleanor Holmes Norton
Member of Congress

Jan Schakowsky
Ranking Minority Member
Subcommittee on Commerce, Trade and Consumer Protection
Committee on Energy and Commerce

Enclosure

cc: Lester Crawford, D.V.M, Ph.D.
Acting Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857