

PART 564 [RESERVED]**PART 570—FOOD ADDITIVES****Subpart A—General Provisions**

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AUTHORITY: 21 U.S.C. 321, 341, 342, 346a, 348, 371.

SOURCE: 41 FR 38644, Sept. 10, 1976, unless otherwise noted.

Subpart A—General Provisions**§ 570.3 Definitions.**(a) *Secretary* means the Secretary of Health and Human Services.(b) *Department* means the Department of Health and Human Services.(c) *Commissioner* means the Commissioner of Food and Drugs.(d) As used in this part, the term *act* means the Federal Food, Drug, and Cosmetic Act approved June 25, 1936 (52 Stat. 1040 *et seq.*, as amended; 21 U.S.C. 301–392).(e) *Food additives* includes all substances not exempted by section 201(s) of the act, the intended use of which results or may reasonably be expected to result, directly or indirectly, either in their becoming a component of food or otherwise affecting the characteris-

tics of food. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food packed in the container. *Affecting the characteristics of food* does not include such physical effects, as protecting contents of packages, preserving shape, and preventing moisture loss. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. A substance that does not become a component of food, but that is used, for example, in preparing an ingredient of the food to give a different flavor, texture, or other characteristic in the food, may be a food additive.

(f) *Common use in food* means a substantial history of consumption of a substance by a significant number of animals in the United States.

(g) The word *substance* in the definition of the term *food additive* includes a food or feed or a component of a food or feed consisting of one or more ingredients.

(h) *Scientific procedures* include those human, animal, analytical, and other scientific studies, whether published or unpublished, appropriate to establish the safety of a substance.

(i) *Safe* or *safety* means that there is a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use. It is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of the use of any substance. Safety may be determined by scientific procedures or by general recognition of safety. In determining safety, the following factors shall be considered:

(1) The probable consumption of the substance and of any substance formed in or on food because of its use;

(2) The cumulative effect of the substance in the diet, taking into account any chemically or pharmacologically related substance or substances in such diet;

(3) Safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the