



Adulterated Foods: What Food Service Operators Need to Know

Under the New York City Health Code, food service operators cannot add substances that may be harmful to health to food. This is called adulterating food and these substances are known as adulterants.

Who decides which substances are adulterants?

A substance is considered an adulterant if the New York City Health Department, New York State Health Department, New York State Department of Agriculture and Markets or the U.S. Food and Drug Administration determines that adding it to food may be harmful to health.

How does the Health Department enforce this part of the Health Code?

During an inspection, the Health Department will check ingredients, labels and menus. If the inspector identifies adulterated food, the food may be embargoed — it will need to be discarded or returned to the supplier.

Will I receive a violation if I adulterate food?

Yes, you may receive a summons subject to fines, as well as violation points that count toward your letter grade.

What substances are considered adulterants?

There are many substances that cannot be added to food or drink. See the Food and Drug Administration's [Food Additive Status List](#) for more information. The Health Department also recently identified these prohibited substances during inspections:

- Activated charcoal [Note: activated charcoal can be used as a filtration device]
- Cannabidiol (CBD) and tetrahydrocannabinol (THC)
- Dietary supplements for humans or animals
- Liquid nitrogen*
- Dry ice*
- Kava-Kava
- Kratom

What should I do if I am not sure whether a substance is an adulterant?

If you are unsure whether you can add something to food, please call the New York City Health Department's Office of Food Safety and Community Sanitation at 646-632-6001 or email infobfscs@health.nyc.gov.

* Liquid nitrogen or dry ice may be added to food if allowed to evaporate or vaporize completely before it is served to customers. **No fog or smoke should be present when served or eaten.**