



## Adulterated Foods: What Food Service Operators Need to Know

Adulterants are additives, colorants and other substances **not** approved by the New York State (NYS) Department of Health, NYS Department of Agriculture and Markets, U.S. Food and Drug Administration (FDA) or U.S. Department of Agriculture to be added to food.

### What substances are adulterants?

Many substances are considered adulterants and cannot be added to food. Some examples include:

- Activated charcoal
  - Activated charcoal can only be used as a filtration aid.
- Cannabidiol (CBD)
  - Food service establishments must have a specific license from NYS to produce, sell or offer foods with CBD. For more information, including how to get the license, visit [health.ny.gov/hemp](http://health.ny.gov/hemp) and click on **Frequently Asked Questions**.
- Cannabis that contains more than 0.3% tetrahydrocannabinol (THC)
- Dietary supplements for humans or animals
- Dry ice and liquid nitrogen
  - Solid dry ice cannot be served.
  - All liquid nitrogen must be evaporated or drained from food before it is served.
  - Dry ice or liquid nitrogen cannot be added to food before service if there will be fog or smoke when the food is served or being eaten.
- Kava kava
- Kratom

For more information about which substances can be added to food, visit [www.fda.gov](http://www.fda.gov) and search for **Food Additive Status List**. This list is updated regularly.

### What should I do if I do not know whether a substance is an adulterant?

Contact the New York City Department of Health and Mental Hygiene's (NYC Health Department) Office of Food Safety and Community Sanitation at 646-632-6001 or [infobfscs@health.nyc.gov](mailto:infobfscs@health.nyc.gov).

### How does the NYC Health Department check for adulterants during inspections?

Inspectors check ingredients, food labels and menus for substances that are not approved to be added to food. If an inspector finds any adulterated food, it will be embargoed. This means the adulterated food will have to be discarded or returned to the supplier.

### Can I receive a violation for having adulterated food in my food service establishment?

Yes. If you adulterate food or have adulterated food in your food service establishment, you may receive a summons subject to fines as well as violation points that count toward your letter grade.