



## 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 food adulterants?

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

- Activated charcoal
- Cannabinoids such as cannabidiol (CBD), and cannabis that has more than 0.3% tetrahydrocannabinol (THC), in any form
  - A business must have a specific license from NYS Office of Cannabis Management (OCM) to produce, to sell or to offer foods with CBD or cannabis.
  - Food service establishments (FSEs) cannot produce or offer food containing CBD or cannabis. FSEs cannot add CBD or cannabis to food.
  - FSEs may **not** allow on-site consumption of CBD or cannabis.
  - Foods containing these substances may only be sold by businesses licensed to sell CBD or cannabis products. CBD and cannabis must be tested at an NYS-approved laboratory, packaged and labeled following NYS requirements and obtained from a distributor or processor with a NYS OCM license.
- Synthetic cannabinoids, such as delta-8, also known as delta-8-THC
- Dietary supplements for humans or animals to include multimineral, multivitamins, vitamins, proteins, minerals, hormone activators, oil supplements and herbs, such as Kava Kava
- 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.
- Kratom (mitragynine and 7-hydroxymitragynine). The FDA has no approved uses for kratom and continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds.

For more information about which substances can be added to food, visit [fda.gov/food/food-additives-petitions/food-additive-status-list](https://www.fda.gov/food/food-additives-petitions/food-additive-status-list). This list is updated regularly.

For more information on cannabinoid licensing and the NYS OCM, visit [cannabis.ny.gov](https://www.cannabis.ny.gov).