

Sesame One Step Closer to Big

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Note: This is an update to our November 11, 2020 [client alert](#) regarding voluntary disclosure of sesame.

A new federal bill hoping to make food safer for those with allergies - especially those with a sesame allergy - is on its way to President Joe Biden's desk.

The Food Allergy Safety, Testing, Education and Research ([FASTER](#)) Act of 2021 zoomed past the U.S. House of Representatives on April 14 on its way to Biden. The act passed a Senate vote in March.

The FASTER Act seeks to make America's food system safer for more than a million Americans who are allergic to sesame, according to the organization Food Allergy Research and Education. If approved, sesame will join eight other foods - milk, eggs, peanuts, tree nuts, fish, crustacean shellfish, wheat and soy, the so-called "Big 8" - as foods that must be included on a label if they are part of the food.

The FASTER Act also hopes to make the food supply safer for Americans living with any food allergy, by requiring the secretary of Health and Human Services to undertake a myriad of studies related to food allergies, and make tangible recommendations.

While the requirement to specifically label sesame as part of the "Big 9" if it is included in a food product doesn't go into effect until January 1, 2023 (assuming Biden signs), we remind clients that the Food and Drug Administration's [November 2020 draft guidance](#) seeks to encourage manufacturers to voluntarily label sesame as any other allergen, and may be considered a standard of care even before the effective date of the FASTER Act. You should confer with your insurer and counsel about the best way to reduce your liability.

If you have any questions about whether your company's labeling is compliant with the most up-to-date labeling requirements and guidance, please [contact me](#) or anyone in the [Barley Snyder Food & Agribusiness Industry Group](#).

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EmmaRose Strohl

Associate

Tel: (484) 318-2494

Email: estrohl@barley.com