

level(s) of use. If the ingredient is used under conditions that are significantly different from those described in the regulation, that use of the ingredient may not be GRAS. In such a case, a manufacturer may not rely on the regulation as authorizing that use but shall independently establish that that use is GRAS or shall use the ingredient in accordance with a food additive regulation. Persons seeking FDA approval of an independent determination that a use of an ingredient is GRAS may submit a GRAS petition in accordance with §170.35 of this chapter.

(2) If the ingredient is affirmed as GRAS with specific limitation(s), it shall be used in food only within such limitation(s), including the category of food(s), the functional use(s) of the ingredient, and the level(s) of use. Any use of such an ingredient not in full compliance with each such established limitation shall require a food additive regulation.

(3) If the ingredient is affirmed as GRAS for a specific use, without a general evaluation of use of the ingredient, other uses may also be GRAS.

(c) The listing of a food ingredient in this part does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the Federal Food, Drug, and Cosmetic Act (the Act).

(d) The listing of more than one ingredient to produce the same technological effect does not authorize use of a combination of two or more ingredients to accomplish the same technological effect in any one food at a combined level greater than the highest level permitted for one of the ingredients.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under part 181 of this chapter. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation

promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under part 181 of this chapter, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the Act:

(1) The name of the ingredient, except where exempted from such labeling in part 101 of this chapter.

(2) A statement of concentration of the ingredient in any intermediate mix; or other information to permit a food processor independently to determine that use of the ingredients will be in accordance with any limitations and good manufacturing practice guidelines prescribed.

(3) Adequate directions for use to provide a final food product that complies with any limitations prescribed for the ingredient(s).

[42 FR 14653, Mar. 15, 1977, as amended at 42 FR 55205, Oct. 14, 1977; 48 FR 48457, 48459, Oct. 19, 1983; 62 FR 15110, Mar. 31, 1997]

Subpart B—Listing of Specific Substances Affirmed as GRAS

§ 184.1005 Acetic acid.

(a) Acetic acid ($C_2H_4O_2$, CAS Reg. No. 64-19-7) is known as ethanoic acid. It occurs naturally in plant and animal tissues. It is produced by fermentation of carbohydrates or by organic synthesis. The principal synthetic methods currently employed are oxidation of acetaldehyde derived from ethylene, liquid phase oxidation of butane, and reaction of carbon monoxide with methanol derived from natural gas.

(b) The ingredient meets the specifications of the Food Chemicals Codex,

3d Ed. (1981), p. 8, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) The ingredient is used as a curing and pickling agent as defined in §170.3(o)(5) of this chapter; flavor enhancer as defined in §170.3(o)(11) of this chapter; flavoring agent and adjuvant as defined in §170.3(o)(12) of this chapter; pH control agent as defined in §170.3(o)(23) of this chapter; as a solvent and vehicle as defined in §170.3(o)(27) of this chapter; and as a boiler water additive complying with §173.310 of this chapter.

(d) The ingredient is used in food at levels not to exceed current good manufacturing practice in accordance with §184.1(b)(1). Current good manufacturing practice results in a maximum level as served, of 0.25 percent for baked goods as defined in §170.3(n)(1) of this chapter; 0.8 percent for cheeses as defined in §170.3(n)(5) of this chapter and dairy product analogs as defined in §170.3(n)(10) of this chapter; 0.5 percent for chewing gum as defined in §170.3(n)(6) of this chapter; 9.0 percent for condiments and relishes as defined in §170.3(n)(8) of this chapter; 0.5 percent for fats and oils as defined in §170.3(n)(12) of this chapter; 3.0 percent for gravies and sauces as defined in §170.3(n)(24) of this chapter; 0.6 percent for meat products as defined in §170.3(n)(29) of this chapter; and 0.15 percent or less for all other food categories. The ingredient may also be used in boiler water additives at levels not to exceed current good manufacturing practice.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

[47 FR 27814, June 25, 1982]

§ 184.1007 Aconitic acid.

(a) Aconitic acid (1,2,3-propenetricarboxylic acid ($C_6H_6O_6$),

CAS Reg. No. 000499-12-7) occurs in the leaves and tubers of *Aconitum napellus* L. and other *Ranunculaceae*. Transaconitic acid can be isolated during sugarcane processing, by precipitation as the calcium salt from cane sugar or molasses. It may be synthesized by sulfuric acid dehydration of citric acid, but not by the methanesulfonic acid method.

(b) The ingredient meets the following specifications:

(1) *Assay*. Not less than 98.0 percent of $C_6H_6(COOH)_3$, using the "Food Chemicals Codex," 4th ed. (1996), pp. 102-103, test for citric acid, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, and a molecular weight of 174.11. Copies of the material incorporated by reference are available from the National Academy Press, Box 285, 2101 Constitution Ave. NW., Washington, DC 20055 (Internet address <http://www.nap.edu>), or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) *Melting point*. Not less than 195 °C and the determination results in decomposition of aconitic acid.

(3) *Heavy metals (as Pb)*. Not more than 10 parts per million.

(4) *Arsenic (as As)*. Not more than 3 parts per million.

(5) *Oxalate*. Passes test.

(6) *Readily carbonizable substances*. Passes the test for citric acid of the "Food Chemicals Codex," 4th ed. (1996), pp. 102-103, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The availability of this incorporation by reference is given in paragraph (b)(1) of this section.

(7) *Residue on ignition*. Not more than 0.1 percent as determined by the "Food Chemicals Codex," 4th ed. (1996), pp. 102-103, test for citric acid, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.