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# Food Politics

*by* [Marion Nestle](#)



*Jan 6 2011*

## Wikileaks plays food politics: US vs. EU agbiotech policies

I'm still catching up on what happened during the weeks I was out of Internet contact, so I've only just heard about the [Wikileaked diplomatic cable about U.S. food biotechnology policies](#).

In December 2007, the U.S. Ambassador to France, [Craig Robert Stapleton](#), wrote the White House to demand retaliation against European Union countries that refused to allow import of genetically modified (GM) corn from the United States.

Ambassador Stapleton's [confidential memo](#) of December 14, 2007 explained that the French government was attempting to

circumvent science-based decisions in favor of an assessment of the "common interest"... Moving to retaliation will make clear that the current path has real costs to EU interests and could help strengthen European pro-biotech voices. In fact, the pro-biotech side in France — including within the farm union — have told us retaliation is the only way to begin to begin to turn this issue in France.

...France's new "High Authority" on agricultural biotech is designed to roll back established science-based decision making...The draft biotech law submitted to the National Assembly and the Senate for urgent consideration...would make farmers and seed companies legally liable for pollen drift and sets the stage for inordinately large cropping distances. The

publication of a registry identifying cultivation of GMOs at the parcel level may be the most significant measure given the propensity for activists to destroy GMO crops in the field.

The Ambassador's recommendation?

Country team Paris recommends that we calibrate a target retaliation list that causes some pain across the EU....

Retaliation? Against friends? Even the Bush administration knew better. The Obama administration also has not taken this advice.

The product at issue was a variety of Monsanto's GM corn. Could Monsanto have had anything to do with the Ambassador's pointed interest in this matter? Wikileaks: any chance for more documents on this matter?

Tags: [Corn](#), [GM \(Genetically Modified\)](#), [Monsanto](#)

*Jan 5 2011*

### **Pepsi's answer to "eat natural": snackify beverages and drinkify snacks**

Over the holidays, Pepsi announced two changes to its products.

**"All Natural" Frito-Lay:** First, [the company announced](#) that half its Frito-Lay chips would now be made with "all natural" ingredients.

"Natural," you may recall, has no regulatory meaning. Companies pretty much get to define for themselves what the word means, provided what they say is "truthful and not misleading."

By "natural," Pepsi means removing MSG, artificial colors, and other chemical additives from some—but by no means all—chips and other snacks. This is a good start, but Cheetos and Doritos? Not a chance.

As to worries that the word "natural" is a calorie distractor and might encourage overeating, a Pepsi spokesperson said: "It's meant to say: made with natural ingredients....It's not meant to say: eat more." Really? I'm not convinced.

**Tropolis Squeezable Fruit:** Next, Pepsi announced the latest innovation in kids' products: [Tropolis pouches of squeezable fruit](#).

I learned about Tropolis from a reporter at the *Wall Street Journal*, Valerie Bauerlein, who forwarded Pepsi's press release:

Each fun-flavored 3.17 fl oz (90g) pouch provides a smooth blend of real squeezable fruit, is a good source of fiber, and offers 100 percent of the recommended daily value of vitamin C – all for less than 100 calories.

Tropicana Tropolis is made with no added sugars, artificial sweeteners or high fructose corn syrup; and no artificial flavors, colors or preservatives.

"Fun-flavored" is a euphemism for sugar. The press release explains what's *not* in the product. So, what does it contain? It took some doing to find out, but it arrived eventually along with some further background information from Pepsi:

The issue is kids aren't getting enough fruit, so Tropicana Tropolis is trying to help solve that problem in a fun, nutritious way...Studies show that families are not getting enough fruit and vegetables in their diets, and the health experts we talked to (registered

dietitians and pediatricians) when developing Tropolis also raised this issue.

As you might imagine, I was not one of the experts they talked to. Here are the ingredients:

- **Grape World:** Apple puree, filtered water, banana puree concentrate, fibersol-2 fiber (maltodextrin), grape juice concentrate, apple juice concentrate, lemon juice concentrate, natural flavor and ascorbic acid (vitamin C).
- **Cherry World:** Apple puree, filtered water, banana puree concentrate, fibersol-2 fiber (maltodextrin), apple juice concentrate, cherry juice concentrate, lemon juice concentrate, natural flavor and ascorbic acid (vitamin C).
- **Apple World:** Apple puree, filtered water, banana puree concentrate, fibersol-2 fiber (maltodextrin), apple juice concentrate, lemon juice concentrate, natural flavor and ascorbic acid (vitamin C).

Translation: “Juice concentrates” is another euphemism for sugar. You don’t believe me? See the [list of sugar euphemisms](#) in the 2005 Dietary Guidelines (Table 14).

**My translation:** this is watery apple and banana sauce, artificially thickened, sweetened with fruit sugars, flavored with additives, and with added vitamin C.

As Valerie Bauerlein’s [Wall Street Journal account](#) explains, this product is about expanding Pepsi’s profits in the “better-for-you” category as captured in a quotation that is sure to become a classic.

Ms. Nooyi [Pepsi’s CEO] has said she wants to build the nutrition business to \$30 billion from \$10 billion by 2020.... **We see the emerging opportunity to ‘snackify’ beverages and ‘drinkify’ snacks as the next frontier in food and beverage convenience,**” Ms. Nooyi said.

I ’m also quoted in her article (I did the interview while stranded in Miami trying to get back to snowbound New York):

Marion Nestle, a professor of nutrition at New York University, said that the fruit concentrates are simply sugar. “They start out with real food, so let’s give them credit for applesauce and mashed-up bananas,” but “the rest of it is sugar,” she said. “Kids would be better off eating an apple or a banana.”

PepsiCo said Tropolis should get kids to eat more fruit, which is what’s most important.

Tropolis raises my favorite food philosophy question: Is a “better-for-you” product necessarily a *good* choice? Is this a good way to get kids to eat more fruit?

You decide.

Tags: [Natural](#), [PepsiCo](#), [Soft drinks](#)

*Jan 4 2011*

## **Obama signs food safety bill today, at last**

I listened in on yesterday’s White House conference call announcing that President Obama would sign the Food Safety Modernization Act [today](#).

Speakers said the new bill will give the FDA the tools and authority it needs to help prevent the [CDC’s new estimates](#) of the annual burden of foodborne illness: 48 million cases, 180,000 hospitalizations, and 3,000 deaths.

But they barely mentioned the elephant in the room: funding. The estimated cost of the new provisions is \$1.4 billion, which will certainly require new appropriations at a time when Republican lawmakers balk at the mere thought.

Fortunately, reporters pressed hard on this issue. Where, asked Sheryl Gay Stolberg of [the New York Times](#), is the money coming from?

The FDA's not-quite-satisfactory answer: the agency already has resources available from increased funding over the last several years and it "will work closely with industry in partnership."

As reporters for [the Washington Post](#) explain today:

Rep. Jack Kingston, who hopes to become chairman of the agriculture subcommittee of the House Appropriations Committee, said that "our food supply is 99.999 percent safe"....He questioned giving the agency more money.

"I think we'll look very carefully at the funding before we support \$1.4 billion," he told The Associated Press in an interview Monday, speaking of Republicans who will control the House when Congress comes back into session Wednesday.

[Lyndsey Layton of the Washington Post](#) noted that Republicans say we already have the safest food supply in the world and don't need more money. What, she asked, can FDA do without additional funds? And when?

But nobody talked about the timing. New laws require the FDA to engage in interminable rulemaking procedures: writing rules, opening them for public comment, commenting on the comments, re-writing rules, opening them for public comment, and, eventually, arriving at final rules.

What is FDA supposed to do in the meantime? It can move more quickly by issuing "guidance" or "interim final rules."

I'm hoping that the FDA is ready for this and will issue such things soon.

Tags: [Food safety](#), [Obama](#)

*Jan 3 2011*

## **[Bipartisan support for obesity prevention?](#)**

To my pleasant surprise, editorial writers in the conservative press defended Michelle Obama's Let's Move campaign against attacks by even more conservative critics (I'm still catching up with what I missed on vacation).

**December 26 *Washington Post*:** Op-ed: "[How did obesity become a partisan fight?](#)", by Fred Hiatt, editorial page editor:

Well, yes, if Michelle Obama is for it, someone will be against it. Someone like Glenn Beck, for example, [who was moved to rail against carrot sticks](#), or Sarah Palin, [who warned that Obama wants to deprive us all of dessert](#).

And when you look a little deeper, it's not surprising that a crusade seemingly beyond questioning would become a political battle.

Interests that might feel threatened by Let's Move include the fast-food industry, agribusiness, soft-drink manufacturers, real estate developers (because suburban sprawl is implicated), broadcasters and their advertisers (of sugary cereals and the like), and the

oil-and-gas and automotive sectors (because people ought to walk more and drive less).

Throw in connections to the health-care debate (because preventive services will be key to controlling the epidemic), race (because of differential patterns of obesity) and red state-blue state hostilities ([the reddest states tend to be the fattest](#)), and it turns out there are few landmines that Michelle Obama didn't trip by asking us all to shed a few pounds.

Hiatt's piece ends with "It's not going to be easy," Michelle Obama says. She's right – but also right to keep pushing."

**December 27 *Wall Street Journal*:** Editorial: "[Palin's Food Fight](#)."

President Obama's indiscriminate expansion of federal power has inspired a healthy populist rebellion, but his opponents sometimes seem to lose their sense of proportion. Take Sarah Palin's mockery of Michelle Obama's childhood antiobesity campaign.

The first lady has emphasized more nutritious school lunches but mostly encourages parents to make sure their kids eat healthy and exercise. Mrs. Palin sees a big government plot.

...No one hates the nanny state more than we do, but Mrs. Obama isn't exactly ordering up Lenin's Young Pioneers. Adults do have an obligation to teach children how to live, and that includes adults who are role models by dint of their national prominence.... Telling kids to eat their vegetables and run around the block is merely instructing them to take responsibility for their own choices.

With this kind of support, real progress is possible. How's that for an optimistic note on which to start the new year?

Tags: [Obesity](#), [Obesity policy](#)

*Jan 1 2011*

### **Predictions: national nutrition issues for 2011**

My first [San Francisco Chronicle "Food Matters" column](#) for the new year deals with some predictions:

**Q: Whatever you used as a crystal ball last year turned out to be a pretty good predictor of the most prominent food issues of 2010. How about trying again: What food matters will we be hearing about in 2011?**

**A:** It doesn't take a crystal ball to figure out what's coming up with food issues. I'm happy to make predictions, especially since most seem fairly safe.

**Dietary guidelines will be released this month.** By law, they were due last year and are already late. What will they say? The 2010 guidelines advisory committee recommended eating more fruits, vegetables and whole grains, but introduced a new euphemism – SOFAs, or Solid Fats and Added Sugars – for the "eat less" advice. SOFAs really mean "cut down on fatty meat and dairy products" and "avoid sugary sodas."

Will government agencies have the nerve to say so? Let's hope.

**The U.S. Department of Agriculture will issue a new food guide.** The 2005 pyramid's rainbow stripes proved impossible to teach and useless to anyone without a computer. I've heard a rumor

that I will love the new design. I'm skeptical. I liked the original 1992 pyramid. It showed that bottom-of-the-pyramid foods were healthiest, making it unpopular with companies selling top-of-the-pyramid products. But it is healthier to eat some foods than others (see: dietary guidelines).

Will the USDA improve on the 1992 design? We will soon find out.

**The fights over food safety will continue.** At the last possible moment, Congress passed the food safety bill by a large majority. Now the fights really begin.

Funding will be most contentious, with the actual regulations not far behind. The Congressional Budget Office absurdly considered the bill's provisions to be "budget neutral." They are anything but.

The bill's provisions require the Food and Drug Administration to hire more inspectors just at a time when Republican lawmakers have sworn to cut domestic spending. The FDA also must translate the bill's requirements and exemptions for small farmers into regulations.

Rule-making is a lengthy process subject to public comment and, therefore, political maneuvering. Watch the lobbying efforts ratchet up as food producers, large and small, attempt to head off safety rules they think they won't like.

**Expect more lawsuits over the scientific basis of health claims.** The Federal Trade Commission just settled a \$21 million claim against Dannon for advertising that yogurt protects against the flu. The agency also has gone after scientifically unsubstantiated claims that omega-3s in kiddie supplements promote brain development and that pomegranate juice protects against prostate problems. POM Wonderful has already countersued the FTC on grounds that the First Amendment protects commercial speech. I'll be watching this case carefully.

**The FDA will issue new front-of-package label regulations.** The FDA has promised to propose an at-a-glance symbol to indicate the overall nutritional value of food products. Food companies like the Guideline Daily Amount spots they are using in the upper corners of food packages because the symbols are factual but nonjudgmental. The FDA, however, is considering red, yellow and green traffic-light symbols that do convey judgments. Food companies say they will not voluntarily use a symbol that tells people to eat less of their products.

Will the FDA have the courage to make traffic lights mandatory? It will need courage. The new British government dealt with the traffic-light idea by summarily dismantling the food agency that suggested it.

**Corporations will seek new ways to co-opt critics.** Under the guise of corporate social responsibility, food companies have been making large donations to organizations that might otherwise criticize their products. The most recent example is the decision by Save the Children, formerly a staunch advocate of soda taxes, to drop that cause coincidentally at a time when its executives were negotiating funding from Coca-Cola.

Such strategies remind me of how the Philip Morris cigarette company distributed grants to leading arts groups. Expect food companies to use generosity to neutralize critics and buy silence.

**School meals will make front-page news.** Congress passed the Healthy, Hunger-Free Kids Act last month. Now the USDA must implement it by setting nutrition standards, adding fresh fruits and vegetables (some locally grown) and expanding eligibility.

President [Obama](#) has promised to restore the \$4.5 billion "borrowed" from the SNAP (food stamp) program to fund this act. The scrambling over the regulations and financing should make excellent spectator sport.

**Farm bill advocates will be mobilizing.** You might think it too early to be worrying about the 2012 Farm Bill, but I've already gotten position papers analyzing commodity and food-assistance issues from groups gearing up to lobby Congress to bring agricultural policy in line with nutrition and public health policy.

I have a personal interest in such papers. I will be teaching a course on the Farm Bill at New York University next fall. Please get busy and write more of them!

Happy new year, and let's see how my guesses play out.

Tags: [CSR \(Corporate social responsibility\)](#), [Dietary guidelines](#), [Farm policy](#), [Food safety](#), [Health claims](#), [Labels](#), [Pyramid](#), [San Francisco Chronicle](#), [School food](#)

Dec 31 2010

## **FoodPolitics catches up: USDA's meat labeling**

After a snow-induced stranding in Miami, the vacation ends, and FoodPolitics.com resumes by catching up on missed events.

Other missed events will follow, but let's start with [USDA's announcement](#) that it is requiring Nutrition Facts labels on meat and poultry products.

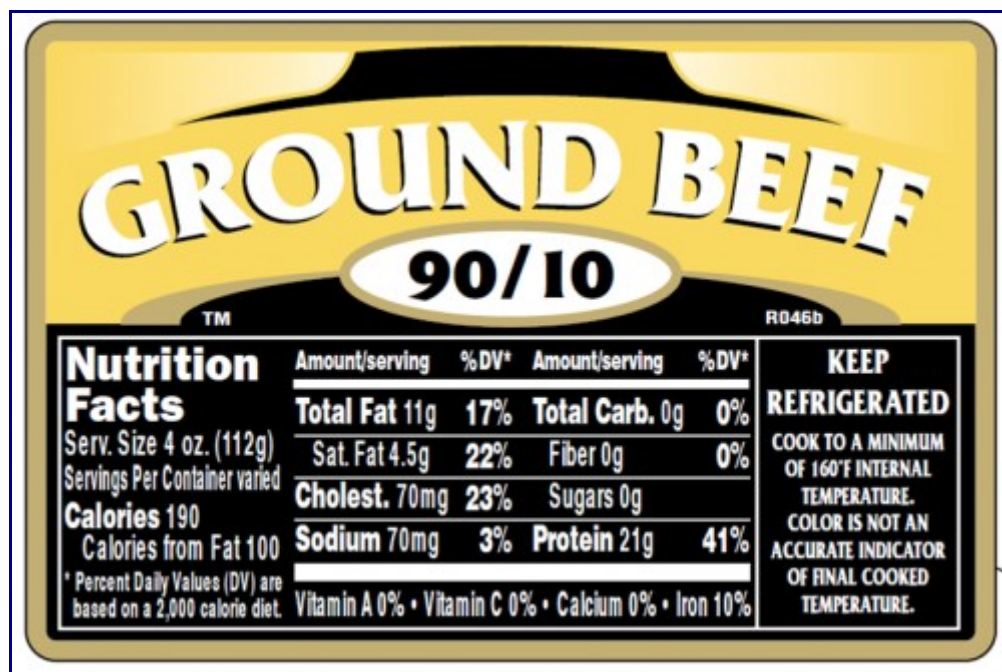
In the [Final Rule published on its website](#), USDA says it will require labeling of fat and calorie content on all industrially packaged intact or ground, single-ingredient, raw meat and poultry by January 1, 2012. USDA's rule exempts small producers, however.

Nutrition Facts on meat and poultry have been a long time coming. USDA seriously considered such labels in 1990 when Congress passed the Nutrition Labeling and Education Act. That act only required Nutrition Facts labels on FDA-regulated foods, which include pretty much everything except USDA-regulated meat and poultry.

By the time the USDA finally got around to proposing [its own version in 2001](#), the agency made labeling *voluntary*.

You can guess what happened. Meat and poultry producers happily volunteered *not* to label their products.

Why not? Meat producers greatly prefer that you remain ignorant of the amount of fat and calories meat contains.



As is evident from this label example, meat labeling raises issues related to calories, fat, saturated fat, and serving size.



**Calories:** this particular ground meat contains 21 grams of protein and 11 grams of fat. These provide 190 calories, *per serving*.

**Fat:** Fat is the major determinant of calories (9 per gram as compared to 4 per gram for protein). That is why more than 50% of the calories in this ground beef come from fat.

**Saturated fat:** The 4.5 grams of saturated fat in this meat account for 22% of the Daily Value, a lot or a little depending on what else you eat.

**Serving size:** The serving size is a quite reasonable 4 ounces (like a quarter-pounder). It represents, however, a substantial *increase* over previous USDA serving size suggestions. Since 1958, the USDA has considered a meat serving to include just 2-to-3 ounces.

As I discuss in Food Politics, pressures from meat producers over the years induced government agencies to steadily increase the amount of meat (or meat substitutes) recommended for daily intake.

- 1958 to 1989 (USDA food guides): two daily servings of 2-3 ounces for a total of 4-to-6 ounces
- 1990 (Dietary Guidelines): two daily servings of 2-3 ounces for a total of 6 ounces
- 1992 (Food Guide Pyramid): two-to-three daily servings for a total of 5-to-7 ounces
- 1995-2005 (Dietary Guidelines): two-to-three daily servings for a total of 4-to-9 ounces

If advice to consume two-to-three daily servings of meat (or meat substitutes) still holds, the recommendation will now be 8-to-12 ounces.

The 2010 edition of the Dietary Guidelines is overdue and should be released any day now. In its [report last June](#), the Dietary Guidelines Advisory Committee said:

Shift food intake patterns to a more plant-based diet that emphasizes vegetables, cooked dry beans and peas, fruits, whole grains, nuts, and seeds. In addition, increase the intake of seafood and fat-free and low-fat milk and milk products and consume only moderate amounts of lean meats, poultry, and eggs.

What will the new guidelines say about the amount of meat we should all be eating? I can't wait to find out.

Happy new year to all!

**Addition, 1-1-11:** I forgot to cite the [USA Today story](#) on this (I'm quoted).

Tags: [Dietary guidelines](#), [Labels](#), [Meat](#), [USDA](#)

**Dec 17 2010**

## **FoodPolitics is on vacation**

Dear readers: I am leaving town and will not have Internet access until the end of the year. May your holidays be warm and delicious—and politically active, of course.



*Dec 17 2010*

## **Food corporations buy silence from “partners”**

Does corporate social responsibility pay off for corporations? Indeed it does. Corporate money buys silence, if nothing else.

William Neuman of the [New York Times](#) provides a perfect example of how corporate sponsorship gets precisely what it is intended to do.

In this particular case:

- The corporations are soda companies, Coke and Pepsi.
- The social responsibility is donations of millions of dollars to a good cause.
- The cause is [Save the Children](#), a group devoted to child health and development projects internationally and domestically.
- The intention? Get Save the Children to *stop advocating in favor of soda taxes*.

Not long ago, Save the Children was a strong advocate for soda taxes. Now it is not. How come? The group's website explains:

[about a minute ago](#) we said, Corporate donors support us but do not pressure us. Our focus is children not soda tax policy. Back to saving more children now.

The *Times*, however, suggests a different explanation:

executives at Save the Children were seeking a major grant from [Coca-Cola](#) to help finance the health and education programs that the charity conducts here and abroad, including its work on childhood obesity. The talks with Coke are still going on. But the soda tax work has been stopped. . . . In interviews this month, Carolyn Miles, chief operating officer of Save the Children, said there was no connection between the group's about-face on soda taxes and the discussions with Coke. A \$5 million grant from [PepsiCo](#) also had no influence on the decision, she said. Both companies fiercely oppose soda taxes.

A mere coincidence? I don't think so. This is a clear win for soda companies, just as was Coca-Cola's sponsorship of the educational activities of the [American Academy of Family Physicians](#). You can bet those activities do not involve telling parents not to give sodas to their kids.

Is this a win for Save the Children? The *Times* reports that the Robert Wood Johnson Foundation, which funds some of the group's anti-obesity initiatives, is disappointed. Evidently, its \$3.5 million donation wasn't enough to convince the group to continue its anti-soda activities.

In the meantime, soda taxes continue to stay on the radar as a weight control strategy. A new study [in the Archives of Internal Medicine](#) suggests that soda taxes could lead to a small but potentially significant weight loss.

According to FoodNavigator's [report about the study](#), the authors say that applying such taxes throughout the United States could generate a billion dollars or more. It quotes lead researcher Eric Finkelstein: "*Although small, given the rising trend in obesity rates, especially among youth, any strategy that shows even modest weight loss should be considered.*"

This kind of study is a challenge to soda companies. Watch Coke and Pepsi continue donations to charitable and health groups and watch those groups say not one word about the contribution of sodas to obesity. Cigarettes, anyone?

Tags: [Conflicts of interest](#), [CSR \(Corporate social responsibility\)](#), [Soft drinks](#), [Taxes](#)

*Dec 16 2010*

## **CDC halves foodborne illness count. But why now?**

**Food politics in action:** The CDC announced yesterday that its scientists had recalculated the extent of foodborne illnesses in the United States and cut the estimates by nearly half.

The *old mantra (1999)*:

- 76 million cases of illness
- 325,000 hospitalizations
- 5,000 deaths

The *new mantra (2010)*:

- 48 million illnesses
- 128,000 hospitalizations
- 3,000 deaths

But no, the new figures do not mean that the food supply is safer. The reduction, says the CDC, is no cause for celebration. Instead, it only means that tracking methods have improved. As the [editorial](#) accompanying the CDC reports puts it,

Bottom line: with the exception of *Vibrio* spp., things don't seem to be getting worse; however, after the initial decline since the USDA regulatory changes in 1995, one does not see evidence of sustained improvement.

### **The Politics**

OK. Very interesting. The old estimates weren't as good as the new estimates. But why announce what appears to be a huge reduction in foodborne illness *now*, especially if it really isn't a reduction?

Is the CDC unaware that a highly contentious food safety bill still lingers in Congress, with only days to go until the congressional term ends?

I sat in on the press conference call yesterday and heard CDC's weak attempts to minimize the drop in numbers and maximize the fact that foodborne illnesses are still way too high ("one in six Americans").

I'm not the only one concerned about the timing. The headline and first sentence in *Food Chemical News*:

*Lower CDC foodborne illness numbers could undercut food safety bill.* Just as Congress seems to be on the edge of passing the biggest food safety bill in decades, the Centers for Disease Control and Prevention released today two new studies that reduce the previous estimates of people suffering from foodborne illness in the United States.

CDC officials must be worried. I hear rumors that CDC press people are complaining to reporters who lead off their stories with the reduced numbers, as most did.

William Neuman in the *New York Times*, for example, correctly reported:

The federal government on Wednesday significantly cut its estimate of how many Americans get sick every year from tainted food. But that does not mean that [food poisoning](#) is declining or that farms and factories are producing safer food. Instead, officials said, the government's researchers are just getting better at calculating how much foodborne illness is out there.

And here is [USA Today's](#) Beth Weise, also correctly:

Food isn't making us as sick as we thought — almost 40% less, in fact. It's not that the numbers of foodborne illnesses have suddenly decreased, but the [Centers for Disease Control and Prevention](#) says its methods for counting have become more precise.

Weise noted: “The new figures are long awaited in the food industry, which believed the previous numbers to be too high.”

Right. That's why the timing isn't so good.

Why is the CDC doing this now? Maybe this is just a matter of journal publication dates but it would be painfully ironic if CDC's “better” numbers undercut enactment of the food safety bill.

### The Science

That said, the CDC has done a splendid job of making the rationale for [these estimates](#) accessible on its [main web page for this topic](#). The page links to the two scientific papers, one on estimates of illnesses caused by [major pathogens](#), and the second on [unspecified \(unidentified\) agents](#).

CDC also presents a detailed table [comparing the 1999 and 2010 estimates](#).

But the 2010 estimates, like the 1999 estimates, are still guesses—just better ones based on methods that were not available in 1999.

Much remains uncertain about the extent of foodborne illness, because they are so difficult to track:

- Many pathogenic organisms cause foodborne illness; some are characterized, some not.
- Gastrointestinal illness is not always due to food poisoning.
- Most people with foodborne illnesses do not report them to doctors.
- Doctors rarely take stool samples.
- Laboratories test stool samples for only the most frequent pathogens.
- Laboratory tests for pathogens are not always reliable.

Indeed, the CDC estimates that 80% of foodborne illnesses are due to unspecified causes, as are 56% of foodborne hospitalizations and deaths.

The CDC's conclusion: the burden of foodborne illness is high and keeping pathogens out of the food system is still a good idea.

That, of course, is precisely why it is so important that Congress enact the food safety bill. Its measures require *preventive* controls that should apply to pathogens, known and unknown.

Let's hope Congress understands that foodborne illness is still a serious problem, does not misinterpret the CDC's new numbers, and passes the legislation as its gift to the new year.

Tags: [CDC](#), [Food safety](#)

**Dec 15 2010**

### **[FTC goes after kids' vitamin claims \(yogurt, too!\)](#)**

In its continuing effort to crack down on companies making deceptive claims that omega-3 promotes healthy brain and eye development in children, the [FTC has just announced](#) deceptive advertising charges against NBTY, a marketer of children's vitamins.



In February, the [FTC issued warning letters](#) to 11 companies that make products like this one (“pediatrician recommended,” yet).

The FTC said the companies had better get busy and make sure they are not violating the law by “making baseless claims about how the supplements benefit children’s brain and vision function and development.”

The FTC cautioned the companies to make sure they had:

“scientific evidence to support claims that their products boost, improve, enhance, or support brain and vision function and development in children...[and]claims relating to intelligence, cognitive function, learning ability, focus, mood, memory, attention, concentration, visual acuity, and eye health.”

Now, the FTC has reached a [settlement](#) with the companies for \$2.1 million in refunds, not only because of the unsupported health claims but also because the products did not contain the advertised amount of omega-3’s ([see legal complaint](#)):

the [multivitamins](#) featured characters such as the Disney Princesses, Winnie the Pooh, Finding Nemo, and Spider-Man. Product packaging and print ads promoting the vitamins had bold graphics highlighting that the products contained DHA, but in reality, the products allegedly had only a trace amount of DHA.

While the vitamins’ packaging touted the purported health benefits of 100 milligrams of DHA, a daily serving of the Disney and Marvel multivitamins for children ages four years and older contained only one thousandth of that amount (0.1 mg or 100 mcg), according to the FTC’s complaint.

The settlement:

- Bars NBTY, NatureSmart, and Rexall Sundown from misrepresenting the amount of any ingredient contained in any product.
- Bars them from misrepresenting that any ingredient, including DHA, promotes brain or eye health or provides any other health benefit, unless the claim is true and backed by competent and reliable scientific evidence.
- Specifies that any violations could subject the NBTY, NatureSmart, and Rexall Sundown to civil penalties.



I wonder if the FTC is taking a look at the DHA “brain development” claims for Nestlé’s Juice Juice? Just a thought.

**This just in:** The [FTC announces a settlement](#) with Dannon Yogurt to stop making unsubstantiated, exaggerated health claims for activia. Dannon may no longer claim that:

- Any yogurt, dairy drink, or probiotic food or drink reduces the likelihood of getting a cold or the flu (unless FDA says it’s OK)
- Activia yogurt will relieve temporary irregularity or help with slow intestinal transit time, unless the ad conveys that three servings of Activia yogurt must be eaten each day.
- Any other yogurt, dairy drink, or probiotic food or drink will relieve temporary irregularity or help with slow intestinal transit time unless the company has two well-designed human clinical studies that substantiate the claim.
- The health benefits, performance, or efficacy of any yogurt, dairy drink, or probiotic food or drink, unless the claims are backed by competent and reliable scientific evidence.

The FTC wants *science* to back up health claims. What a concept!

Tags: [FTC](#), [Omega 3 Fats](#), [Supplements](#), [Yogurt](#)

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## NEXT PUBLIC APPEARANCE

*Jan 28 2011*

### [Amsterdam: Katan Symposium](#)

This is a talk at a symposium in honor of the retirement of Martijn Katan on “Evidence-based nutrition: When is evidence proof?” My talk is on “The politics of evidence-based nutrition.” This will be at the Vrije Universiteit, Amsterdam, beginning at 11:30 am.

## [by Marion Nestle](#)

### About Marion Nestle

Marion Nestle is Paulette Goddard Professor in the Department of Nutrition, Food Studies, and Public Health (the department she chaired from 1988-2003) and Professor of Sociology at New York University. Her degrees include a Ph.D. in molecular biology and an M.P.H. in public health nutrition, both from the University of California, Berkeley (continues below).



Her first faculty position was in the Department of Biology at Brandeis University. From 1976-86 she was Associate Dean of the University of California San Francisco (UCSF) School of Medicine, where she taught nutrition to medical students, residents, and practicing physicians, and directed a nutrition education center sponsored by the American Cancer Society.

From 1986-88, she was senior nutrition policy advisor in the Department of Health and Human Services and managing editor of the 1988 Surgeon General's Report on Nutrition and Health. She has been a member of the FDA Food Advisory Committee and Science Board, the USDA/DHHS Dietary Guidelines Advisory Committee, and American Cancer Society committees that issue dietary guidelines for cancer prevention. Her research focuses on how science and society influence dietary advice and practice.

She is the author of *[Food Politics: How the Food Industry Influences Nutrition and Health](#)* (2002, paperback 2003) and *[Safe Food: The Politics of Food Safety](#)* (2003, paperback 2004), both from University of California Press. In 2003, *Food Politics* won awards from the Association for American Publishers (outstanding title in allied health), James Beard Foundation (literary), and World Hunger Year (Harry Chapin media). *Safe Food* won the Steinhardt School of Education's Griffiths Research Award in 2004.

Her book, *What to Eat*, published by North Point Press/ Farrar, Straus & Giroux (2006, paperback 2007), was named as one of Amazon.Com's top ten books of 2006 (Health, Mind, and Body) , and a "Must Read" by *Eating Well* magazine; it won the Better Life Award (Wellness) from the National Multiple Sclerosis Society, and the James Beard Foundation book award for best food reference in 2007. *Pet Food Politics: The Chihuahua in the Coal Mine* was published by University of California Press in 2008 and in paperback in 2010. *Feed Your Pet Right*, co-authored with Malden Nesheim also came out in 2010 (Free Press/Simon & Schuster, May 2010). Her current book project, also with Malden Nesheim, is a book about calories for University of California Press scheduled for publication in 2012.

She writes a monthly [Food Matters column](#) for the San Francisco Chronicle, and blogs daily (almost) at [www.foodpolitics.com](#) and at the [Atlantic Food Channel](#). She also twitters @marionnestle.



Photo: Arthur Perley, May 23, 2010



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