



# CSPI YEAR-END REPORT

**TO: CSPI MEMBERS**

**FROM: MICHAEL F. JACOBSON, PH.D.**

**DATE: NOVEMBER 28, 2008**

**SUBJECT: 2008 HIGHLIGHTS & 2009 CHALLENGES**

*Here are some of the accomplishments your support helped make possible in 2008 and the challenges we face in 2009 ...*

## **MAKE YOUR FOOD HEALTHIER**

### **Deceptive Food Labeling: What's Really in That Product?**

Last December, when CSPI threatened to sue the Sara Lee Company, its package advertising read "Soft & Smooth Made With Whole Grain White Bread." That suggested that its product had as much fiber as 100 percent whole-wheat bread – until CSPI forced the company to clearly state that the product is only 30 percent whole grain. Sara Lee is just one of many companies that twist or conceal the truth in order to give their products a "healthy halo" – and we're dedicated to stopping these bogus claims!

Then there are the industry giants who are ripping off consumers with bogus health claims.

- Kraft's Crystal Light Immunity Berry Pomegranate drink falsely claims that its vitamins A, C, and E will help "maintain a healthy immune system."
- Green Giant Immunity Boost, a General Mills product, consists of frozen broccoli, carrots, pepper strips, and seasoning. While it's certainly a healthful food, there is no evidence to support the claim that it's going to give anybody the promised "immunity boost." Yet when surveyed, almost half of the health-oriented consumers we contacted thought this product would help prevent colds and flu.

- Dole's Wildly Nutritious Tropical Fruit is another decent food, but the label makes it sound like nothing short of a medical miracle, claiming its vitamins supposedly support "white blood cell function" and the cells lining the "airway, urinary, and digestive tracts" – none of which is substantiated scientifically.

Food manufacturers know that they can get away with this kind of consumer deception because the FDA under President Bush has let the industry play by the same lax rules followed by dietary-supplement manufacturers. The result is that the deceptive statements that are commonplace on dietary-supplement labels have now spread to the much larger food industry.

CSPI is committed to protecting the public from unscrupulous marketers, and in 2008 we spearheaded efforts to cut off Congressional funding for a controversial FDA program allowing food companies to make health claims based on weak scientific evidence. Can you believe that your tax dollars were supporting silly health claims like a "weak and limited study suggests that drinking green tea may reduce the risk of prostate cancer"? Outrageous! We also filed a formal complaint asking the FDA to adopt new rules that would stop the bogus claims.

And we sued some of the worst offenders. The court-approved settlement for Airborne – a "cold remedy" as phony as a three-dollar bill – ordered the company to pay about \$20 million in refunds

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to consumers who were tricked. But lawsuits are always our last resort because suing company-by-company is expensive and time consuming. What is needed are industry-wide reforms that can only come through legislation and increased regulatory powers. In 2009, CSPI will step up our efforts to win them.

### **Stopping the “Salt Assault”!**

A can of Bumble Bee solid white albacore tuna has more than twice the sodium of Crown Prince’s product. Why is that? Burger King’s fries have twice as much sodium as the same size order of McDonald’s fries. We think Burger King could fix that. In fact, we know that companies can reduce sodium levels because they vary so widely from brand to brand of the same product.

Halting the “salt assault” has been a top priority for CSPI for the past four years, because research shows that cutting sodium levels in half would prevent 150,000 fatal heart attacks and strokes each year. Beginning with the release of two major reports to alert companies – and the public – to the harmfulness of high-sodium foods, our creative efforts have gotten the salt issue on the radar screens of the FDA, food manufacturers, and restaurants ... and on the to-do lists of state and local health officials.

We petitioned the FDA to revoke the “generally recognized as safe” (GRAS) status of salt and to limit sodium levels in various food categories. When the agency sat on our petition, we went into action ourselves. Last year, CSPI and the Grocery Manufacturers Association cosponsored a conference to impress upon the industry how important it is to lower sodium levels. The National Restaurant Association followed suit with a similar conference this year. And in July, CSPI organized a meeting of local and state health officials, who discussed options for lowering sodium levels and helped us create a groundswell of pressure on the FDA to implement a national program to reduce salt consumption.

In 2009, CSPI will be working closely with local and state health officials to press industry directly to lower sodium levels in food and to devise targets for food manufacturers to meet. And we will keep the pressure on the FDA. You need only look at Great Britain, whose government has made sodium a major issue, to see what government leadership can achieve: Great Britain’s salt initiative has already lowered sodium consumption by 10 percent and reduced strokes and heart attack deaths in the UK by approximately 6,000 a year. If they can do it, so can we!

### **Adios to Trans Fat**

On a gram-for-gram basis, trans fat is the most harmful fat in the food supply, causing tens of thousands of heart-attack deaths each year. It’s got to go – and I’m delighted to tell you that CSPI is half-way to our goal of getting trans fat out of the American diet. Since CSPI started to shine a spotlight on this heart-clogger, four billion pounds of trans fat per year have disappeared from the food supply – almost all of it replaced by healthier oils. Our success in getting the FDA to require trans fat to be disclosed on packaged-food labels has spurred most of the major food companies to eliminate trans fat in thousands of their products.

Still, many products continue to contain harmful amounts of trans fat: Pepperidge Farm Apple Turnovers still have 5 grams of trans fat. A serving of Pop Secret Old Fashioned Kettle Corn Popcorn weighs in at 6 grams of trans fat. Those amounts are several times more than someone should consume in an entire day. CSPI will bring public pressure on those companies in the year ahead to stop using this lethal fat. We’ll press the FDA to act on our petition asking the agency to revoke its approval to use partially hydrogenated vegetable oils – the source of artificial trans fat – in food.

In restaurants, where there are no labels to tell consumers how many grams of trans fat they are consuming, progress has been slower. Burger King, where a regular-size order of Chicken

*Please read on to discover what CSPI has done this year ...*

Tenders with a large order of fries has more trans fat than a person should consume in four days, is kicking and screaming all the way to the courthouse – where CSPI is suing them. Countless thousands of smaller restaurants continue to use trans-containing oils. Fortunately, Wendy's, McDonald's, Starbucks, KFC, and many other companies have largely eliminated the use of partially hydrogenated oil. And CSPI's grassroots work has led to local trans fat bans in restaurants across the nation, and the biggest nail yet was hammered into the coffin of trans fat when California recently became the first state to get most of it out of restaurants.

In the year ahead, CSPI's grassroots campaigners will work hard to convince more local governments and state legislatures to follow California's example, especially in New York and Massachusetts, where bills almost passed this year. We will also shine a spotlight on the makers of processed foods that continue to use trans fat. Trans fat belongs in history books, not recipe books!

### **Menu Labeling: Tell Us What We're Eating!**

Why is the restaurant industry fighting so hard against menu-labeling laws? Because the companies are afraid that if customers knew about the 1,000-calorie smoothies and 1,500-calorie desserts and 3,000-calorie appetizers, they would start sharing a menu item, skipping dessert, or ordering a small instead of a large drink. In fact, that's exactly what's already happening in New York City, where the first law has gone into effect. CSPI has been fighting so hard for laws that require menu labeling because such laws are absolutely vital to preventing obesity and diet-related diseases. In September, we scored another major victory when California, home to 37 million people, enacted a law to require more than 17,000 restaurants to provide calorie information on menus and boards.

Take New York City, where diabetes, hypertension, and heart disease are all major problems.

New York requires that calories be listed on menus and menu boards of chains with 15 or more restaurants. But the New York State Restaurant Association sued the city twice to prevent implementation of the law before it finally lost. The big guys – McDonald's, Burger King, Starbucks, and others – held out until they lost in court. Yet there has been tremendous popular support in New York for menu labeling: Not only are consumers choosing lower-calorie meals, but restaurants are shaving off calories and offering new, lower-calorie offerings.

In 2009, CSPI will work to get additional menu-labeling laws passed, both locally and nationally. Amazingly, the corporate owner of KFC, Pizza Hut, and Taco Bell may become a new, powerful ally because in October it became the first company to announce that it will provide calorie labeling in all its company-owned stores nationwide ... *and* it called for federal legislation. We know we will face long, costly battles to fend off the restaurant industry's attempt to kill or severely weaken the bills. The industry counters by offering to provide information, but only where it is hard for consumers to find – in brochures, on placemats, or on a poster hidden behind the ice machine. We want the calorie counts to be clear and visible and at the point of ordering on menus and menu boards, so that consumers have the information they need to make the best choices.

The more successes we have at the local and state levels, the sooner the industry will come around to supporting a national law that standardizes the information required on menu boards nation-wide. And that's our goal!

*At the same time we fight to make your food more nutritious, CSPI is at the forefront of efforts to...*

### **MAKE YOUR FOOD SAFER**

#### **Forcing the FDA To Do Its Job**

The FDA is responsible for ensuring the safety of important high-risk fresh foods, like produce, seafood, and eggs, along with countless processed

*Please turn the page to learn how CSPI is helping consumers ...*

foods. But living up to its job has become “mission impossible,” as Congress has heaped more and more responsibilities on the agency while the White House and Congress have kept its funding on a “starvation diet.”

When FDA Commissioner Andrew von Eschenbach came clean about the FDA food division’s desperate need for more money, that signaled a sea change – one that CSPI played a major role in helping to bring about. The commissioner’s admission gave Congress the green light to provide the FDA with more than \$100 million in new food-safety appropriations for this year, and CSPI is pressing Congress to double that budget in 2009. This is an enormous victory at a time when other agencies are undergoing budget and staff cuts. While we shouldn’t expect the change to bring quick relief, it demonstrates that Congress is beginning to zero in on major reforms. And not a moment too soon when you look at the string of food-poisoning outbreaks that plagued Americans in 2008.

Contaminated Produce. Last summer, the largest food-poisoning outbreak due to *Salmonella* in history swept the country. More than 1,400 people were sickened, nearly 300 hospitalized, and several died due to contaminated tomatoes and Serrano peppers imported from Mexico. As the FDA failed week after week to track down the food culprit, the outbreak clearly demonstrated how urgently we need a national system that can quickly track poisoned food back to its source.

The irony is that the traceability tools that Congress adopted in the 2002 Bioterrorism Act – in which CSPI played a major role – were significantly watered down by the Bush Administration after a series of closed-door meetings, where food-industry lobbyists prevailed by complaining that the requirements were overly burdensome. That’s not what the industry is saying now – after U.S. American growers, processors, and retailers lost an estimated quarter-billion dollars during the recent *Salmonella*-related scare, and public

trust in their products eroded even further. Now even the industry agrees that outbreaks can only be stopped by strong, mandatory federal regulations, and they’ve started working with us to obtain them.

We are pressing Congress to give the FDA strong traceback authority – and the good news is that the technology for it already exists. To build support for this, CSPI held a press conference this past summer to demonstrate how codes could be added to the little scanning stickers on most produce to record which farm grew the food, where the produce was packed, and which distributors and supermarkets handled and sold it. But that’s not all we need to make food safer. Farms must be required to have written plans to prevent contamination. The FDA must develop standards for manure application, irrigation water, and worker hygiene. High-risk packers of salad greens must be inspected at least once every season – instead of once every five or ten years.

Tainted imports. China made food-scandal headlines again in September, this time for baby formula and milk products tainted with melamine, the same industrial chemical in the contaminated pet food that killed thousands of dogs and cats in the U.S. just last year. While the chances of the tainted infant formula products reaching supermarkets in our country were slim, FDA officials were worried enough that some might have slipped across our borders that they issued a health advisory.

Whether it’s poisoned pet food from China or illegal antibiotics in seafood from Asia or tainted cantaloupes from Honduras or contaminated peppers from Mexico, one thing is clear: The FDA is not keeping us safe from unsafe imported foods. Nor is it realistic to think that with the skyrocketing number of imports we will ever be able to inspect our way to food safety.

That’s why CSPI is advocating a fundamental change in the system. We want inspection to go back to the source, with foreign governments or

*Please read on to find out what else CSPI is doing ...*

agencies certifying that their exporting farms and factories observe safety procedures equivalent to ours.

Shellfish. Here the problem is homegrown. As a CSPI member, you may know that, pound-for-pound, shellfish from the Gulf of Mexico is the most dangerous food on the market. Each year, about 20 people die an excruciating death due to eating raw shellfish tainted with *Vibrio vulnificus*. But this year saw an alarming new trend, as thousands of illnesses – from the Gulf states to New Jersey to Washington State – were reported due to *Vibrio parahaemolyticus*. This bacteria causes a less severe (but still miserable) form of food-borne illness than *vulnificus*, but infections are far more common.

People are getting sick because the FDA has abdicated its responsibility to protect us and allowed the shellfish industry to virtually regulate itself. Death and illness are the result! Despite CSPI's intense pressure on the FDA to protect consumers, it gave the industry seven years to meet a goal of reducing foodborne illness by 60 percent. Time's up – and the industry has failed. So we're redoubling our efforts to force the FDA to make the shellfish industry accountable for the safety of its products and to ban untreated Gulf Coast oysters harvested during warm months.

### **Dirty Dining: Let's Clean Up Our Restaurants!**

Americans eat nearly one-third of their meals in restaurants – and almost half of foodborne-illness outbreaks are due to foods prepared in restaurants. That makes eating out risky business – and CSPI has made it our business to minimize *your* risk.

In our new report, *Dirty Dining*, CSPI exposes the causes of tainted restaurant food – some of which may surprise you. While rats and cockroaches are disgusting, the most common causes of outbreaks are undercooked food, employees not washing their hands, and the germs on raw meats contaminating other foods in the kitchen.

Our report also rates efforts in 20 cities to protect consumers' health. (If you're dining in Tucson, Arizona, enjoy your meal; if you plan to eat in Boston or Austin, let's hope the inspectors have visited recently!)

Now we're advocating that state and local governments require food-safety letter grades to be posted in restaurants' front windows. After all, if you can walk by a restaurant and see at a glance which credit cards it accepts, then you should also be able to see how the local health authority rates it. Who wants to eat at a "C" restaurant if the restaurant next door earned an "A"?

Los Angeles County has required the posting of letter grades for more than a decade and this has provided a powerful incentive for restaurants to clean up their act – and keep it clean. Just this year, Las Vegas and St. Louis have also begun requiring restaurants to post letter grades. CSPI's goal for 2009 is to wage a grassroots campaign to persuade many more local and state government to require public-inspection grading and to ultimately put an end to dirty dining.

### **Where's the Beef – and How Safe Is It?**

Illness caused by *E. coli* O157:H7 is on the rise again. After years of steady decline in *E. coli* outbreaks – partly the result of CSPI's efforts to win more stringent meat and poultry inspection rules in the late 1990s – rates began to rise again in 2007. Bacteria are getting past control systems that had been working well and, while no one is yet exactly sure why, the bottom line is that we need to halt this scary new trend.

Part of the problem is that regulators do not monitor meat sold for steaks and roasts as closely as meat sold for ground beef. Even though those "primal cuts" are contaminated, the bacteria are most likely on the outside and are killed during cooking. However, if the primal cuts are later ground up, the *E. coli* bacteria are mixed throughout and can sicken or even kill people if the ground beef is not thoroughly cooked. That

*Please turn the page to learn about other CSPI successes ...*

is exactly what happened last summer when Whole Foods customers fell ill with a strain of *E. coli* in its ground beef.

CSPI has long advocated that the USDA use the same strict standards for primal cuts as for ground beef, but the beef industry has resisted vehemently. To its credit, USDA moved quickly in the most recent outbreak, and the supplier, Nebraska Beef, recalled 1.2 million pounds of beef. That was a sign that USDA is taking a tougher stand with meat packers that put contaminated meat into distribution – and it could have a huge positive effect on public health. CSPI will keep up the pressure to provide a counterweight to the stranglehold the meat industry has on the USDA.

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As we step into the new year, CSPI is ready to build on the momentum of our 2008 victories to make your food safer and more nutritious – and to provide you with the information you need to make the best choices for yourself. Please let me know that I can count on you for the financial support we need to do that.

Take a moment now to send CSPI your year-end gift – and don't forget to share your opinions on the issues with me by filling out the short survey. As soon as I hear from you, I will be delighted to send you, in appreciation for your support, the special gifts described on your reply form.

Thank you for all you have done in the past and for your continued support and confidence in CSPI to get the job done.

