



# CSPI YEAR-END REPORT

**TO: CSPI MEMBERS**

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

**DATE: NOVEMBER 29, 2010**

**SUBJECT: 2010 HIGHLIGHTS & 2011 CHALLENGES**

“In America, it’s easy to be unhealthy and hard to be healthy.” That is what food champion Senator Tom Harkin (D-Iowa) said recently after his doctor advised him to lower the sodium in his diet. CSPI agrees. Whether it’s revealing the massive amounts of salt hidden in our food, making food safer, or blowing the whistle on deceptive labeling, we’ve been working hard for the last 40 years to improve America’s food and to give consumers the information they need to make healthy choices.

CSPI wants *you* to be healthy. Here are some of the accomplishments toward that goal that your support helped make possible in 2010, along with the challenges and opportunities we confront in 2011.

## **SALT: WE’RE SHINING THE LIGHT ON A HIDDEN KILLER**

If I asked you to name some major sources of salt in the American diet, would you include bread on your list? Most people wouldn’t, but you should. Salt is the deadliest ingredient in our food supply and it is hidden in so many unlikely foods – from bread to fresh chicken to breakfast cereals – that you have to be a detective to find it and protect yourself from its deadly effects. Here are some sobering salt facts:

- Studies have shown that reducing sodium levels in processed and restaurant foods by 50 percent would prevent more than 100,000 deaths per year from strokes and heart attacks.
- Reducing sodium levels by one-third would save at least \$18 billion in medical costs annually.
- A major report issued in April by the Institute of Medicine (IOM) – a study that was funded by Congress at the urging of CSPI – had as its number-one recommendation that the Food and Drug Administration (FDA) should set mandatory limits on sodium levels in processed foods!

But the FDA, which has the power to get the salt

out of our food, is moving too slowly. And, in spite of the IOM’s recent recommendation, the agency may only seek *voluntary* action. CSPI’s goal in 2011 will be to join forces with other health and medical organizations to make sure the FDA moves aggressively to protect the public’s health.

Since early in our 40-year history, CSPI has been advocating for lower sodium levels in foods. Way back in 1978 we petitioned the FDA to set limits. We published a book on salt, sued the FDA, debunked the industry’s claims that they were voluntarily reducing sodium, and published studies showing that sodium levels were as high as they ever were. For the last six years, CSPI has made salt reduction a top priority – and I’m excited to tell you today that we have made great strides.

While the FDA drags its feet, several major food manufacturers see the writing on the wall and, often under pressure from CSPI, are beginning to lower sodium levels. Kraft, Con Agra, Frito-Lay, and others have said they will lower sodium levels by 10 to 25 percent in key products over the next several years. That’s good ... but not enough.

And restaurants are even harder to regulate. If restaurants won’t lower sodium, we’ll push them – or sue them – to put warning notices on menus for meals containing huge amounts of sodium.

*Please turn the page ...*

And we'll continue to publicize the scandalously high sodium levels in many meals.

Here's where our National Food Day will give us the perfect forum to reach and educate millions of Americans. We're betting that if people knew that the Chicken Parmagiana at Olive Garden is loaded with 3,380 mg of sodium – *more than two days' worth* – they'd choose something else. We think people might pass on Denny's Meat Lover's Scramble if they know it serves up 3,180 mg of sodium. And if they do, these restaurants, and other offenders, might – just might – find a way to make their meals healthier. Last year we sued Denny's for serving meals with as much as 6,000 milligrams of sodium – *five days' worth for most of us* – without telling their customers. With your support, we'll keep the pressure on in the year ahead.

Ultimately, though, the broader solution will require government action. To drive home to FDA officials the urgency of the matter, CSPI will continue to monitor and compare the sodium content of the food supply. In 2005, we identified the average sodium content of more than 500 foods. In 2008, we re-checked them and found no change. We'll check again in 2011 – and use that information to help persuade the FDA to act. At the same time, CSPI is working with Senator Tom Harkin for passage of legislation to light a fire under the FDA to lower sodium levels.

To carry out all these actions to halt the “salt assault” on America's diet, we need your support.

### **TRANS FAT: LET'S PUT THE LAST NAIL IN THE COFFIN**

For the makers of partially hydrogenated oil, the source of artificial trans fat, 2010 was another bad year. But it was a good year for your heart, as food manufacturers and restaurants continued switching to healthier oils. On a gram-for-gram basis, trans fat is the most harmful fat for your heart.

No one knows exactly how much trans fat is in the food supply or average diet. But U.S. Department of Agriculture (USDA) data show that production of shortening – the main source of trans fat – declined by almost 50 percent between 2004

and 2008. And trans fat has continued to decline since then. That's exciting progress and translates into about 25,000 fewer deaths due to heart disease each year!

In 2004, CSPI petitioned the FDA to ban partially hydrogenated oil. The agency knows that that oil is toxic, but has failed to take action. In the months ahead, we will press Congress to tell the FDA that its “generally recognized as safe” rating for partially hydrogenated oil is wrong and to change it.

While the FDA sits on its hands, CSPI has been leading the march in other arenas to banish this major killer from the food system. We've worked with state governments (such as California) and local governments (New York City and others) to get most of the trans fat out of their restaurant foods, and we continue to work with local legislators and health departments across the country who are interested in protecting their citizens from this scourge.

A successful National Food Day will advance our “trans fat-free agenda” even more. First, we can build citizen support to spur the FDA to action and to petition Congress if necessary. Second, there are still dozens of companies that have ignored the call to dump trans fat. We'll ensure that Food Day makes people aware of those companies that continue to thumb their noses at the public's desire for more healthful food.

Pop Secret microwave popcorn, Marie Callender's Chocolate Satin Pie, and Pillsbury's Oven Baked Southern Style Biscuits all contain about twice as much trans fat in a single serving as is recommended for a whole day. While McDonald's was able to remove all seven grams of trans fat from its large fries, some fairly large restaurant chains, like Long John Silver's and White Castle, are still dishing out meals laden with trans fat. There are healthier substitutes, and your support today will help CSPI put the final nail in the coffin of trans fat.

### **FOOD LABELING: TELL THE TRUTH OR WE'LL SEE YOU IN COURT**

You can't make good choices at restaurants if you don't know what's in the food. Former President

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

Bill Clinton, who changed his eating habits after a health scare, is a perfect example of how effective it is to have information at the point of purchase. Clinton says that he used to treat himself to a raspberry scone at Starbucks after a long walk, but once the company posted the calorie content, he never bought another one.

Now, thanks to years of work by CSPI, that kind of information will be posted in thousands of eateries. I'm proud to tell you that this year we won a huge victory for consumers with the passage of a federal law that requires calories to be listed on chain-restaurant menus, menu boards, and drive-through displays, as well as on vending machines in movie theaters.

One reason that American bodies are becoming supersized is that portions at many chain restaurants are supersized, even though they are sold as a regular meal. For example, Panera's smoked ham and cheese sandwich weighs almost 14 ounces and packs 710 calories! But FDA considers the standard serving size for a sandwich to be approximately five ounces. As a result of the new law, consumers will soon have the information they need to downsize their restaurant portions – and their bodies!

In 2011, we'll continue to be the “food cops” who ensure that shoppers at grocery stores have accurate, honest label information. For all of its 40 years, CSPI has fought to stop deceptive labeling. But profit-driven companies big and small continue to use sneaky techniques to trick consumers into buying their products. These days, with all the interest in nutrition, companies often deceive people by offering bogus health-related benefits or using unrealistic serving sizes that obscure the true amount of calories, fat, and sodium and that make the product look better. For example ...

- The label for Minute Maid Active Orange Juice claims “to help protect healthy joints.” But the type of glucosamine added to this product has proven ineffective in relieving joint pain.
- The website for Diamond Walnuts inaccurately states that omega-3 fatty acids in its

nuts “inhibit ... tumor growth.”

- Foods labeled “made with whole grains,” such as Thomas' Hearty Grains Bagels, often have far more white than whole-wheat flour.
- Some labels reading “No Trans Fat,” such as Hot Pockets Meatballs & Mozzarella, pretend to be heart-healthy, but contain high levels of *saturated* fat.

Green Giant, Dannon, Campbell, Healthy Choice, Kellogg, and many others are also part of the problem.

Last winter, CSPI published and sent to the FDA a 158-page report – “Food Labeling Chaos” – that identified more than 60 deceptive labels. Shortly after we issued our report, the FDA sent warning letters to 17 companies concerning about 22 deceptively labeled products. Most of those products have been relabeled or are in the process of being relabeled or discontinued. But I guarantee you that other deceptively labeled products made by other companies will take their place. Stopping dishonest labels will be an endless treadmill unless the FDA issues rules to make it clear to companies which claims are legal and which aren't. (That worked when the FDA defined the term “low-fat”; since then deceptive “low-fat” claims have virtually disappeared from the marketplace.)

Meanwhile, CSPI will continue to employ another very effective tool – litigation – to halt deceptive labels. Our litigation team – just two lawyers – continues to work wonders against the high-powered legal talent of the giant food corporations. With federal and state watchdogs often asleep at the wheel, CSPI has used the courts to stop dishonest labeling practices. Fortunately, just the threat of litigation often leads to negotiated agreements, which spares us (and companies) the cost and time of actually going to court.

Case in point: Four years ago our threatened lawsuit against Kellogg for marketing junk foods to kids led Kellogg to agree to adopt historic – and binding – nutrition standards that prompted more than a dozen other companies to adopt similar, voluntary standards.

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

In August, we threatened to take legal action against Ben & Jerry's, which is now owned by the giant Unilever Corp. At least 48 out of 53 of their flavors of "All Natural" ice cream contain ingredients that either don't exist in nature or have been chemically modified. By September, Unilever had agreed to remove the "all natural" claims from every one of its products.

But we *will* go to court, if necessary. For instance, CSPI sued Coca-Cola Company for deceptive marketing of its VitaminWater drink, a multi-million-dollar-a-year product. VitaminWater's website advertising and labels claim that VitaminWater is healthy and that, for example, "balance cran-grapefruit" has "bioactive components" and that the nutrients in "power-c dragonfruit" will "enable the body to exert physical power by contributing to the structural integrity of the musculoskeletal system." Balderdash!

The judge in the case agreed with us that VitaminWater advertising is in violation of FDA requirements when he denied Coca-Cola's motion to dismiss the case. CSPI looks forward to representing all Americans whom Coke has deceived by hawking as healthy a product that is little more than sugary, non-carbonated soda pop.

In the year ahead, CSPI will keep the pressure on companies and on the FDA for improved food labels. To strengthen our efforts, we have organized a coalition that includes the American Heart Association, the American Cancer Society, and other major groups to meet with White House and agency executives. We will ensure that the FDA has a mandate from the highest levels to crack down on deceptive food labels.

As always, CSPI will continue to monitor deceptive labels and we will use Food Day to publicize the worst deceivers, exposing their trickery to millions – and helping people make choices that truly do lead to better health.

## **CHILDREN: PROTECTING OUR INVESTMENT IN AMERICA'S FUTURE**

Approximately one-third of U.S. children aged 2 to 19 are overweight or obese. Yet school hallways are still lined with snack machines, virtually

no school limits sodium to safe levels or serves adequate whole grains, and McDonald's uses toys to induce children to clamor for foods that may harm their health.

CSPI has been a strong advocate for children since the late 1970s, when we petitioned the Federal Trade Commission (FTC) to stop companies from advertising sugary junk foods to children. Four years ago, we threatened to sue Coke and Pepsi if they didn't stop the sale of their sugary drinks in schools. That threat, along with six months of negotiations, helped persuade the industry to remove regular soda pop from schools.

I'm very proud of the tremendous progress we've made this year toward enactment of a child nutrition bill that will make historic improvements to address childhood obesity and nutrition. Those include increases in reimbursements to school systems for healthy lunches and more training to help schools serve healthier meals. As First Lady Michelle Obama said, "The last thing we want is to see the progress parents are making at home lost during the school day." This groundbreaking bill passed the Senate in August and is scheduled to be taken up by the House of Representatives before the end of 2010.

When that important bill passes, our challenge for 2011 will be to get the U.S. Department of Agriculture (USDA) to write regulations that translate the law into effective practices in schools. We worked hardest to include in the bill a section giving the USDA the authority to ban sugary sports drinks (which the industry refused to remove voluntarily) and all kinds of junky chips, candy bars, cookies, and other such rubbish from school vending machines and hallway stores. With your support, I am confident that 2011 will be the year we will expel sodas and snacks from our schools.

Voluntary commitments, like Kellogg's, to stop marketing the least-healthy foods to kids are a good start. But we need stronger commitments. That's why CSPI successfully pressed Congress to pass legislation that ordered several agencies (FDA, FTC, USDA, and Centers for Disease Control) to come up with voluntary national nutrition standards for marketing to children.

*Please read on to find out about CSPI's work on food safety ...*

Draft standards revealed by the agencies would, if adopted, eliminate countless ads for junky foods and encourage companies to advertise foods and meals that include fruits, vegetables, and whole grains. While the standards will only be voluntary, there's a strong implication that, if companies don't adhere to them, the federal government might adopt strict, mandatory standards. But when the food industry got a peek at the proposals last December, it kicked and screamed and has delayed progress for almost a year. That's why CSPI must be vigilant in the months ahead to make sure the agencies issue strong standards that haven't been watered down by industry pressure.

Then there's McDonald's, which says, "We are proud of our Happy Meal, which gives our customers wholesome food and toys of the highest quality and safety." CSPI sees it differently. In a threatened lawsuit against the food giant, we are contending that it is unfair to dangle toys in front of 4-year-olds to induce them to plead with their parents to take them to McDonald's – when those kids are innocent victims of manipulative advertising.

Of course, if McDonald's were encouraging kids to eat apples, broccoli, and cantaloupe, we wouldn't be concerned. But typical Happy Meals feature white bread, salt, fried potatoes, fried chicken nuggets, and soda. Encouraging that kind of diet in a toddler can establish eating patterns that last a lifetime and lead to hypertension, diabetes, and other diet-related diseases. McDonald's has refused so far to negotiate with us, so we will probably have to go to court to persuade the company to stop using a powerful marketing technique – tempting kids with "free" toys – to get them to pester their parents to buy them Happy Meals.

In 2011, CSPI will also step up its work to ban certain food dyes (such as Yellow 5 and Red 40), which have been shown by numerous studies to cause hyperactivity in children. That's why the British food-safety agency asked companies to replace most dyes with safe, natural colorings and why the European Parliament requires most dyed foods to carry a warning label. Even worse,

some dyes pose cancer risks.

Multinational companies like Kraft, Mars, and McDonald's make dye-free products for the British and European market, but not here in the United States. What's more, officials at a number of major companies have told me that they won't switch to natural colorings until the FDA forces them to. (One major exception: Frito-Lay deserves applause for moving to eliminate dyes from its snack foods.) And, notwithstanding sound science to the contrary, the FDA has played down the likelihood that dyes affect behavior. In the year ahead, CSPI must enlist medical and health organizations to join the battle. We will use Food Day to raise the public's awareness, and we will cultivate more support in Congress. America's children have been exposed to toxic food dyes for far too long!

## FOOD SAFETY: EGG ON LAWMAKERS' FACES

Mice, maggots, and eight-foot-high manure piles. That's what inspectors found in the henhouses that caused last summer's *Salmonella* outbreak. Tens of thousands of people likely were sickened from the bacteria lurking in the eggs from two huge Iowa producers, and more than half a billion eggs were recalled – though most of them had already been eaten.

And here's what is so infuriating: The outbreak and the suffering could have been avoided.

Ironically, new egg-safety regulations, which CSPI spent more than a decade fighting for, went into effect on July 9. But the outbreak started in May. CSPI first petitioned for the regulations in the 1990s. In 1999, President Clinton set the goal of eliminating *Salmonella* in eggs by 2010. But for the next ten years the rules languished due to turf battles between the FDA and USDA – and because of total neglect during President George W. Bush's eight years in office. At long last, the Obama Administration finalized the rule in 2009 and gave egg producers one year to clean up their act.

But when tracing the recent outbreak to its source, FDA inspectors discovered horrific con-

*Please turn the page to learn about CSPI's remarkable successes ...*

ditions in the Iowa henhouses. It was clear that the companies had made little effort to comply with the regulations – likely because FDA inspections have been so rare that companies see the agency as just a paper tiger.

This outbreak demonstrates the need for a food-safety cop-on-the-beat – which is what the FDA will be if the Senate follows the House and passes the Food Safety Modernization Act. We had hoped for earlier passage this year by the Senate, but electoral politics trumped the safety of consumers.

How short are legislators' memories? Why is it that some of them can look ahead to election day, but can't look back and remember all the people who have been sickened or died because our food-safety system is antiquated and ineffective? Has Congress forgotten the victims who died or suffered paralysis because they ate spinach or cookie dough contaminated with *E. coli*? Have they forgotten the disgusting plant conditions that led to *Salmonella*-contaminated peanuts that sickened 700 and killed nine? Or the dozens of other outbreaks caused by tainted lettuce, sprouts, tomatoes, peppers, and ground beef?

Apparently. The food bill has safety measures that CSPI has been working on for years – especially those giving the FDA more power and funding to carry out its job. It even has the support of the food industry, which finally recognizes that everyone will benefit by putting an end to the avalanche of outbreaks. And it continued to have strong bipartisan support until one anti-regulation senator – Tom Coburn of Oklahoma – threatened to filibuster it.

We are disappointed with Congress' convoluted process, but far from defeated. The bill is scheduled to be taken up by the Senate before the end of 2010 and, with your help, CSPI will push this bill through to passage to make your food safe from farm to table. All our lives depend on it.

At the same time, we will step up our work on another hazard to our food supply: the widespread use of antibiotics in livestock, which is leading to the emergence of antibiotic-resistant germs. Some *Salmonella* infections are now resistant to more than five antibiotics – and we may be nearing the bottom of our medicine

chest. CSPI has been monitoring outbreaks to identify antibiotic-resistant strains putting us at greatest risk. But CSPI is also advocating that industry and government impose zero tolerances for strains of antibiotic-resistant germs already linked to outbreaks and illnesses. That would give the government the power to recall contaminated products, removing them from our food supply immediately – and keeping you and your family safe.

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When I look back over CSPI's 40-year history, some of our greatest victories for consumers took many years of hard work to win: 9 years to win nutrition labeling; 10 years to get calorie labeling in restaurants; 12 years to get trans fat labeling on packaged foods and to implement egg-safety regulations; and 32 years to get government and industry to take salt seriously.

CSPI is in it for the long haul. We have a long-term commitment to seeing that the government and industry do what they ought to do and a long-term commitment to keeping your food safe and healthful. So when you make your year-end contribution to CSPI, think of it as a “good-health” insurance policy.

With your support, we will reduce the salt and get trans fat and unsafe food dyes out of your food. We will make food producers and restaurants tell us what's in their food. We will protect our next generation by stopping corporations from marketing junk food to kids and by improving nutrition in schools.

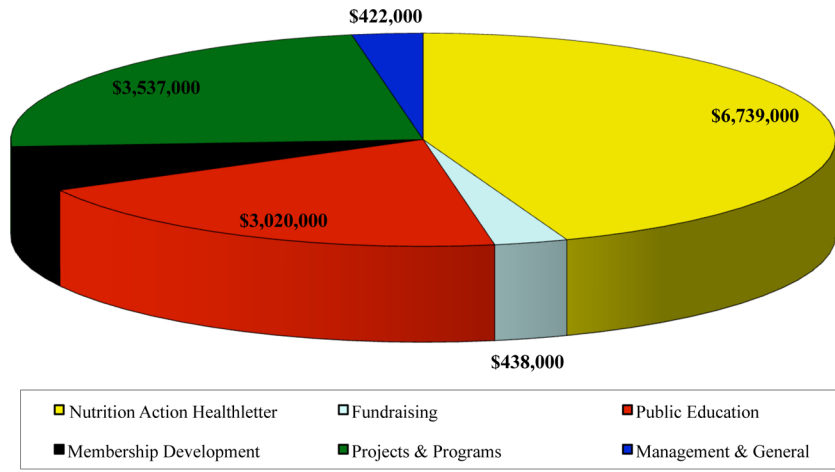
And with your generous gift, we will make our **National Food Day** a huge success and a catalyst for change, education, and engaging millions more people in our march toward healthier, safer food.

Please help us make 2011 another year of extraordinary gains. Take a moment right now to send the most generous gift you can possibly make. And please accept my thanks for helping to make CSPI's 40th anniversary a banner year.

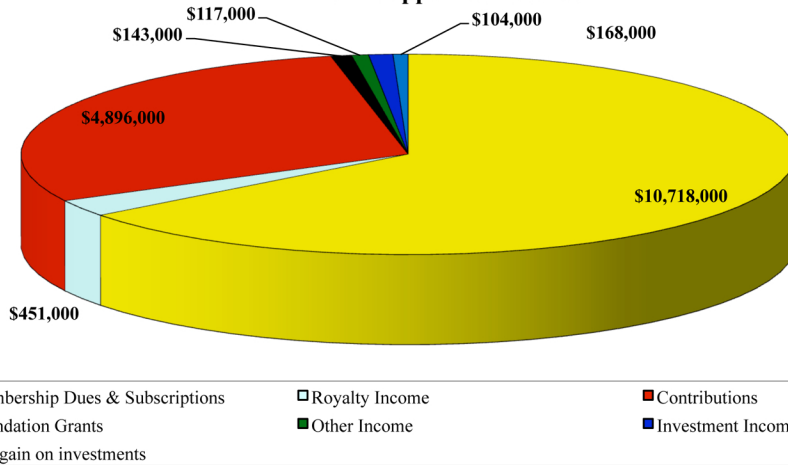
*You have my personal guarantee that every dollar you contribute will be used to its maximum effect!*

*I am deeply grateful for your support.*

### FY2010 Expenses



### FY2010 Support & Revenue



### FY2010 Statement of Financial Position

