

# The Two Faces of the Food Industry



Stung by accusations that it is causing the obesity epidemic, the food industry is fighting back.

Whatever the reason—genuine corporate responsibility, fear of lawsuits, or gaining favorable publicity—some prominent companies are improving their products

or policies. But, in other ways, the industry is undercutting the public's health.

Among the positive steps:

- After a California attorney charged that Kraft, the biggest American food manufacturer, had not disclosed the artery-clogging trans fat in Oreo cookies, the company removed almost all of the trans fat from its foods. Then it promised to stop advertising to children under 6 and to advertise only healthier foods to kids aged 6 to 11.
- McDonald's has introduced several healthier salads, grilled chicken sandwiches, and fruit dishes. The chain is putting nutrition information on its wrappers and says (actually, it has been saying for the past four years!) that it is working to get rid of the trans fat from its fried foods, even though McDonald's restaurants in some countries already fry in trans-free or low-trans oils.
- To help rebut charges that they're just making kids fat, some companies—including Coca-Cola and Pepsi—and the sugar industry are spending a few million dollars a year on physical-activity programs. McDonald's has even retooled Ronald McDonald as an exercise guru.
- Some chains are using their purchasing muscle to force changes up the food chain. McDonald's has insisted that livestock producers improve the living—and dying—conditions of chickens and cattle. Whole Foods and WalMart are creating huge markets for organically grown foods.

At the same time, the food industry is quietly, but aggressively, lobbying Congress for two laws that might as well be called "Food Industry Protection Acts." They would:

- **Gut state food-safety and food-labeling laws.** Industry's top priority is the National Uniformity for Food Act, which would preempt California's Proposition 65. That law requires foods and other products to bear a warning if they increase the risk of cancer or birth defects. Companies see the current business-friendly Congress and Administration as their best chance to get rid of Prop. 65, as well as scores of other state labeling and safety laws.
- **Ban lawsuits.** The food industry is campaigning for the Orwellian-named Common-sense Consumption Act, which would bar citizens from suing companies on grounds that foods caused obesity or an "associated health condition" (like heart disease). The bill's chief sponsors, like Republican Senator Mitch McConnell of Kentucky, are backed by companies like KFC, which is based in Kentucky. The industry pretends that it only wants to ban "frivolous" lawsuits, but it can't point to a single lawsuit that courts have labeled as such. We have sued KFC for selling trans-fat-laden foods that cause heart disease and we have threatened to sue Kellogg and Viacom/Nickelodeon for advertising junk foods to kids.

(As of early September, both bills had passed the House. By now, the Senate may have already approved one or both.)

Which is the real food industry? They both are. Our job is to make sure that when the industry acts in its own interest, the public doesn't get hurt.

Michael F. Jacobson, Ph.D.  
Executive Director  
Center for Science in the Public Interest

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