

# Health Insights Today

A SERVICE OF CLEVELAND CHIROPRACTIC COLLEGE

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## Battling Junk Food, Scientific Conflicts of Interest and Misleading Ads: Interview with Michael Jacobson, PhD

Interview by Daniel Redwood, DC

**M**ichael F. Jacobson, who holds a PhD in microbiology from the Massachusetts Institute of Technology, is co-founder and executive director of the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization supported largely by its 900,000 members. CSPI focuses on nutrition, food safety, scientific integrity, and alcohol policy. It publishes *Nutrition Action Healthletter*, the largest-circulation health newsletter in the world, as well as numerous studies and reports, including “Salt: the Forgotten Killer” and “Liquid Candy: How Soft Drinks are Harming Americans’ Health.” CSPI is a key player in the ongoing battle to prevent diet-related chronic diseases in America and food-borne illness outbreaks. CSPI educates consumers and encourages government and corporations to take steps to protect the public’s health.

CSPI led efforts to win passage of the 1990 Nutrition Labeling and Education Act, which requires nutrition information on most food labels, as well as a law requiring warning notices on alcohol-beverage labels and an FDA regulation requiring that trans fat be listed on foods labels. CSPI’s studies on the nutritional quality of restaurant meals generated worldwide interest and spurred major chains to add more healthful items to their menus. CSPI also has halted numerous deceptive food labels and ads, through complaints to government agencies, discussions with companies, and litigation. Jacobson and CSPI have long been concerned about junk-food marketing aimed at kids, the nutritional quality of school meals, microbial contamination of foods, and the safety of food additives.

Jacobson is author or co-author of numerous publications, including: *Six Arguments for a Greener Diet* (2006, CSPI); *Restaurant Confidential* (2002, Workman); *Marketing Madness* (1995, Westview); *What Are We Feeding Our Kids?* (1994, Workman); *The Fast-Food Guide* (1986, 1991 Workman); *The Complete Eater’s Digest and Nutrition Scoreboard* (1986; Doubleday); *Salt: The Brand Name Guide to Sodium* (1983, Workman); and *Eater’s Digest: The Consumer’s Factbook of Food Additives* (1972, 1976, Doubleday).

Jacobson is the recipient of the Food Marketing Institute’s Esther Peterson Consumer Service Award (1992) and the Food and Drug Administration’s Commissioner’s Special Citation and Harvey W. Wiley Medal.

Dr. Jacobson’s numerous media appearances include many major broadcast, cable, and radio news shows. He has had numerous technical papers and letters published in the *Journal of Molecular Biology*, the *New England Journal of Medicine*, *The Lancet*, and the *Proceedings of the National Academy of Sciences*. His popular articles have appeared in *Smithsonian*, *The New York Times*, *The Wall Street Journal*, *Chicago Tribune*, *The Washington Post*, *The Baltimore Sun*, *Christian Science Monitor*, and other periodicals.

*Please tell us about the mission and the history of the Center for Science in the Public Interest.*

Two colleagues and I founded CSPI back in 1971. We met when we were volunteers with Ralph Nader and thought that it would be interesting to start an organization that was led by scientists rather than lawyers, which is an oddity in Washington. One of our purposes was to try to get scientists involved in working on social issues. Back then, we worked on both environmental and health issues.

After a while, we ended up mainly focusing on health, food safety, nutrition, and preventive medicine. We’ve become one of the leading organizations in the country that promotes better nutrition through educating consumers.

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We do this through books, media appearances, and our Internet website ([www.cspinet.org](http://www.cspinet.org)). Our *Nutrition Action Healthletter*, which has almost 900,000 subscribers, is our main educational vehicle. Our funding comes almost entirely from our subscribers, either through subscription fees or additional donations.

We also engage in a range of advocacy efforts that focus on government policies and corporate practices, particularly marketing practices and issues related to the nature of the products that food manufacturers and restaurants offer to the public.

*This may seem like a question with an obvious answer, but shouldn't science always be conducted in the public interest?*

That's one of the reasons we were interested in founding CSPI, because so often scientists get grants from industry, serve on industry advisory committees and don't represent the public interest. Their views may be biased by those connections and when they speak out, they may not be arguing for what would be best for the public.

## Conflicts of Interest

*What do you think is the proper relationship between corporations and scientists, and also between corporations and the public, as far as health effects of their products are concerned?*

In my previous answer, I was thinking about the academic scientists. In addition, industry directly employs thousands and thousands of scientists, who are obviously working for the interests of the corporations, which may or may not coincide with the public interest. So what's the proper relationship between industry and scientists? It's a little complicated because, on the one hand, you want companies to get the best possible advice on what kind of products to make, for instance, or on how to respect the environment. On the other hand, you don't want those scientists being pawns of industry.

At the very least, an academic scientist who consults with companies should disclose those relationships when speaking to a journalist or when writing scientific papers, so that the potential bias is recognized. Currently, many scientific journals list corporate affiliations, though some of them only list the affiliation if the company paid for the specific study that's being published, as opposed to consulting or other arrangements.

*What do you feel is the proper role of government in terms of regulating those relationships between corporations and scientists?*

It depends on the venue. If, say, a scientist applies for an NIH grant, then the NIH should know about potential conflicts of interest so that they're not indirectly helping companies market their products. The government has hundreds of advisory committees that should be as free from conflicts of interest as possible. They should have as their members scientists who don't consult for or receive research funding from the companies whose products or profits might be affected by the advice of the advisory committees.

*How do you respond to the argument that it's sometimes difficult or impossible to find enough members for these committees who do not have financial relationships with the involved companies?*

Industry is always bringing that up but there are a lot of scientists in this country who are knowledgeable about these things. Occasionally, there might be an obscure area of research that is only understood by scientists who work for

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or consult with industry; where conflicts are unavoidable they should be disclosed. But there are some government advisory committees that totally reject conflicts of interest. They say you just can't do it! The organizers of committees may have to work a little harder to find bona fide experts who don't have conflicts of interest.

*Recent court cases have shown that pharmaceutical companies sometimes manipulate scientific studies in a variety of ways, such as not permitting the publication of studies that show their products do harm or offer no benefit. Do you feel that more robust regulations are needed to change this pattern?*

In some cases there might have to be legislation. The conventional wisdom is gradually becoming that drug and medical device companies should not be giving gifts to doctors at all. Not even prescription pads or pens. I don't know whether Congress will get involved in that, but government could certainly encourage at least voluntary compliance.

Senator Grassley has discovered that doctors are not complying with disclosure laws, such as disclosure to the university or to NIH about their outside income. Universities or state governments certainly should crack down on the violations and require simple disclosure. The universities may not do anything with the information, but at least there would be a record of receipt of industry money.

There are strong tools available. For example, if a scientist doesn't provide full information, that scientist could be prohibited from receiving a grant for three years from a government agency. With scientific journals, *Environmental Health Perspectives*, which is published by the National Institute for Environmental Health Sciences, has a policy whereby if an author fails to disclose a conflict of interest and this is discovered later, the scientist isn't allowed to publish in that journal for three years. Over the last ten years, there has been a remarkable enlightenment regarding conflicts of interest. Ten years ago, it was kind of an iffy subject that wasn't discussed very much. Then, medical journals began setting some restrictions. While there has been some backsliding, the International Committee of Medical Journal Editors has adopted a policy on what information must be disclosed.

## **Soda and Other Junk Foods**

*Speaking of conflicts of interest, Coca-Cola recently signed what amounts to a sponsorship agreement with the American Academy of Family Physicians, similar to one Coke had several years ago with the American Academy of Pediatric Dentists. What are your thoughts about such arrangements?*

It's clever marketing by Coca-Cola. They are seeking what I call "innocence by association." Here we have the world's biggest purveyor of liquid candy needing to bolster its reputation. So what better way is there than by cozying up to a medical association? Coca-Cola officials can then say how much their company is doing for the public's health by giving money to the American Academy of Family Physicians or Pediatric Dentists. So it's smart marketing on their part.

But it's suicidal for medical organizations that purport to advocate for the public health to accept money from a company that promotes disease. I hope that the American Academy of Family Physicians will just return the money. But meanwhile, they've got a real black eye.

*Do you endorse taxes on soda and is soda worse than other junk food?*

There's a lot of junk out there but soda pop rises to the top for two reasons. One is that we consume such huge

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volumes of it compared to just about any other food. Second, it's particularly conducive to obesity because its calories are in a liquid form, which the body does not compensate for the way it compensates for calories from solid foods. Soda pop is the only food or beverage that has been shown by multiple scientific studies to promote weight gain and obesity.

*So people don't feel full after drinking soda the way they do from other sweets and fats.*

That's right. They just keep on having more. So it's an appropriate food, or beverage, to be taxed. It's not the only one that could be taxed. Many states tax snack foods as well as soft drinks. But soft drinks are a more easily defined category than snack foods. It's for that combination of reasons that legislators have looked to taxing soft drinks. A couple of dozen states have taxes for soft drinks and a smaller number for snack foods. A tax can bring in a lot of money. New York State, for instance, already has a sales tax on soft drinks—but an additional tax would bring in hundreds of millions of dollars a year.

Soda-tax revenues could be used for health purposes, to fund Medicaid, to fund bike paths, to have media campaigns to encourage healthier eating habits. Besides raising money, the higher prices that would result from a tax would modestly reduce soda consumption. It's not going to end soda sales but it would have a dampening effect.

*If you look at the diet consumed by most Americans, what do you see as the major problems?*

Obviously, one thing is sugar-sweetened beverages. Carbonated soft drinks and fruit drinks are the two most prominent ones. The high sodium content of the American diet is an enormous problem. High sodium intake contributes to high blood pressure, which causes heart attacks and strokes. In fact, salt is probably the single most harmful substance in our food supply, worse even than animal products with saturated fat.

Another way to look at the issue is to look at the inadequacies of the diet such as people not consuming enough fruits and vegetables. We really ought to be filling up on fruits and vegetables, yet they are typically a side dish rather than the main course.

## **Limiting Junk Food Advertising Aimed at Children**

*CSPI has had a legal team for several years. What actions undertaken by your legal team do you consider most important?*

We threatened to sue Kellogg for junk food advertising on television and they agreed to negotiate. Over more than a year, we worked out a legal agreement by which they set limits on the nutritional quality of the products that they advertise to kids. They agreed to limits of no more than a certain amount of fat and sodium and sugar per serving of food.

That set the stage for many other companies to agree to limits. Because our agreement with Kellogg was a negotiated settlement, the limits are not optimal. But they excluded the advertising of some of their junkiest foods, which means that over the years they will not be introducing those kinds of foods as new foods for kids. Because if you can't advertise them, how do you get the word out? Also, having a precedent of nutrient limits could lead to much tighter limits set by the Congress or the government.

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Another important case was our threat to sue Coca-Cola, Pepsi, and other soft-drink companies for marketing sugar-sweetened beverages in schools. After a lengthy negotiation, the companies signed an agreement—but with the Alliance for a Healthier Generation, which was set up by the William J. Clinton Foundation and the American Heart Association. We're now trying to get an even stronger agreement approved by Congress.

## What Will Replace the “Smart Choices” Program?

*There's been a recent controversy about the Smart Choices program, which was initiated by the food industry as a way of assuring the public that their products were healthy. When non-nutritious foods like the sugary breakfast cereal, Fruit Loops, qualified for the Smart Choice seal of approval, many people noticed and objected. What's happening with that right now?*

Smart Choices is apparently dead. The FDA questioned their nutrition criteria, and Smart Choices folded, saying they would support the FDA's development of nutrition standards.

The concept of Smart Choices is quite reasonable. The idea was to have a logo that companies could put on the front of their packages to signify that this is a particularly healthy choice. Or, as the industry says, it's a “better for you” food. Meaning, perhaps, that it's not so good for you but it's better than the other junk that they market. But the concept of highlighting more healthful foods is a good one because consumers don't have to plod through a Nutrition Facts label. Most of the criteria for better-for-you products were quite reasonable, but they screwed up on several categories. One was allowing an extra-liberal limit for sugar in breakfast cereals. Another was that for cereals, bread and other grain products, they didn't require *any* whole grains in the product, even though the government recommends that at least half of the grains one consumes be whole grains.

*Is someone else, a more neutral party, picking up the ball following the demise of Smart Choices?*

Yes, the Institute of Medicine. I don't know why the food industry just decided to close up their Smart Choices program rather than change the criteria. But it has contributed something good, which is that Congress has funded the Institute of Medicine to look at a range of approaches for front-label symbols. One possibility is a better-for-you symbol. Another approach might be ratings from -100 to +100. Another would be having a red, yellow or green dot signifying whether the food is bad, medium or healthful. There are lots of approaches to providing simple means of conveying the overall nutritional value of a food. The challenge is to figure out which would be the most effective at encouraging healthier consumer choices.

So the Institute of Medicine was charged with coming up with the best approach. Industry liked the better-for-you approach because then they don't have to say anything about their “worse-for-you” foods. But a more effective system might be to say about food products, “This is worse for you” and “This is better for you.” The Institute of Medicine is just starting on this, putting together a study committee. And the Food and Drug Administration is making this a high priority, to do the research and come up with some kind of a national system. It could be either voluntary or mandatory. Hopefully, it would replace all the other systems and symbols that are out there.

## School Lunches and Vending Machines

*How might school lunch policy be changed in the interest of public health?*

When we think about foods in schools, there are two things. One is the cafeterias, which provide federally subsidized

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meals. The Institute of Medicine just gave advice to the Department of Agriculture on nutrition standards for school meals, and the Department of Agriculture will be developing regulations over the next year or so for improving the meals.

The other thing is the vending machines, school stores and other ways that foods get into kids' mouths at schools. There, Congress is considering legislation that should pass next year as part of the law that reauthorizes school breakfast and lunch programs. There, we've negotiated with manufacturers that have agreed to set nutrition standards, to get soft drinks out of schools and to keep out the foods that are highest in saturated fat and sodium.

We'll see real progress in schools over the next couple of years. Many cities and states, of course, haven't waited for the federal government but have implemented standards for school food.

*Recent surveys have shown sharp declines in the number of Americans who believe that climate change is caused by human activity. How can this disconnect between science and public opinion be addressed?*

I don't know. People used to say "education." But we have one of the most educated countries in the world and people still cling to what they wish were true, that global warming doesn't occur, rather than what is true. I'm not sure what else can be done other than strong leadership from knowledgeable concerned people, like President Obama. I think we just have to work through the messy process of education and legislation. It's something we have to keep working at.

**Daniel Redwood, DC, the interviewer, is an Associate Professor at Cleveland Chiropractic College – Kansas City and Editor-in-Chief of *Health Insights Today* and *The Daily HIT*.**