

Coca-Cola Summoned to Court by Sue-and-Settle Group CSPI



By *Chuck Dinerstein, MD, MBA* — January 6, 2017



Courtesy of Shutterstock [1]

The famed sue-and-settle group Center for Science in the Public Interest, founded by a former employee of Ralph Nader, are in the news again. This time they are using their "health justice" little sister Praxis Project as the lead and are going after both Coca-Cola and the American Beverage Association, claiming they knew all along that soda was harmful and covered it up. You know, like Big Tobacco in the 1950s and '60s.

[Bloomberg](#) [2] News sums it up thusly:

- Federal court complaint alleges Coke downplayed sugar effects
- Sugary drinks 'are scientifically linked to obesity, diabetes'

The Praxis Project claims to be deeply involved in "health justice", though they can't be bothered to mention it on the About page of the website that was hastily thrown together on the server of the May First activist front group.



Not Found

It looks like nothing was found at this location. Maybe try a search?

mayfirst.org/en/index.html

st/People Link

Movement

May First/People Link is a member of the [Media Action Grassroots Network](#), the [Association for Progressive Communications](#), the [US Social Forum](#) and actively participates in the [Left Forum](#), the [Allied Media Conference](#), the Mexican and International Coop movemets, and other movement coalitions and gatherings. We are committed to building movements for global transformation and emancipation.

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Tech Email: praxismedia@thepraxisproject.org  
Name Server: B.NS.MAYFIRST.ORG  
Name Server: A.NS.MAYFIRST.ORG  
DNSSEC: unsigned  
>>> Last update of WHOIS database: 2017-01-05T21:52:29Z <<<
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Still, just after election day they were blogging in preparation for their filing:

“The Praxis Project congratulates Albany, Oakland, San Francisco and Boulder (And Cook County, Illinois) on incredible wins for health justice during this past election. For Praxis, these wins are a beacon for a darkness that may soon come to the broader fight for health justice in our most vulnerable communities across the United States as the impacts on health justice policy from our most recent national election results become clear.”

Yet that is their most recent blog post. Despite being the lead plaintiff in a lawsuit against the largest soda company in the world, they don't bother to mention it. It's almost like they are just a "beard" for CSPI.

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Back to the lawsuit itself. Among the plaintiff's claims "Like the tobacco industry, Coca-Cola needs to replenish the ranks of its customers, and it tries to recruit them young."

Fine, claiming that stuff pays the bills for \$1 billion in environmental groups so Praxis can't be wrong using the CSPI business model and its millions each year thanks to lawsuits, but let's take a closer look at the 'science' they referenced in the actual document. The full text can be found [here](#).

[1] They alleged among other things that

“Studies tracking thousands of adults for years show that those who consume sugar-sweetened beverages have higher rates of obesity and obesity-related chronic diseases.

Scientific research has also established a link between the consumption of sugar-sweetened beverages and type 2 diabetes, which is only partly due to the impact of sugar-sweetened beverages on weight gain.

Scientific studies also link sugar-sweetened beverage consumption to a higher risk of other obesity-related conditions, including coronary heart disease and stroke (collectively, cardiovascular disease)”

I went to their references and pulled one paper at random, [Malik et al](#) [4]. from Harvard's T.H. Chan School of Public Health. If you don't know it, that school is the go-to source for everything that can be related to food misanthropy. Want to see if [coffee causes cancer](#) [5]? TC Chan is there to help (and CSPI has alleged for decades that coffee causes breast cancer as well.) Want to claim neonic pesticides kill honeybees, even though we have more bees than ever? [T.H. Chan.will be there for you](#) [6]. Supplement salesman Joe Mercola, D.O., absolutely loves the T.H. Chan School of Public Health for that reason, because whatever the latest fad is, they find someone to provide an element of "truthiness" to it with a paper.

If you want to believe one lone study settles health issues, you probably also love the T.H. Chan school - even more so if you are an environmental lawyer.

Their claim about obesity for adults begins with

*“To date, a large number of studies have evaluated the relationship between SSB consumption and weight gain or risk of overweight and obesity among adults. However, differences in study design, methodologies and data quality have made it **difficult to observe a consistent effect.**” (Emphasis added)*

Their claim about diabetes has this to offer

“In over 50,000 women followed for 8 years, after adjustment for potential confounders, those consuming ? 1 SSB per day had an 83% greater risk of developing T2DM compared to those consuming <1 SSB per month ... This finding suggests that BMI accounts for about half of the excess risk. Similarly, in the Black Women's Health study with over 40,000 women followed for 10 years, those who

consumed ?2 SSB per day had a 24% greater risk of developing T2DM compared to those who consumed < 1 SSB per month ... After additional adjustment for BMI, the RR [that is the 24% increase] was no longer statistically significant suggesting that in this population the majority of effect was mediated by BMI.
” (Emphasis added)

Their statement on cardiovascular risk:

“The evidence relating SSB intake to cardiovascular risk is limited, although data is starting to accumulate which suggests that greater SSB consumption may have a role in the development of hypertension, adverse lipid parameters, inflammation and clinical CHD”

Three words jump out in that last sentence, *limited*, *suggest* and *may*. None of these are words I associate with scientific evidence. Not does anyone who knows science. Lawyers for CSPI, sure, but they just want to scare the other side into cutting a check, knowing a jury *might* (another helping verb) be fooled.

SSBs may have an effect, sure, but there is no scientific consensus, we just have our common sense. Common sense that tells us that increasing calories increases weight, the same way common sense tells us, if we narrow it to just what we see obviously, that the world is flat. Yet stopping there would lose a big part of the story. Increasing calories is associated with weight increase but in a more complex way than calories in and out; there is our metabolism and energy expenditure to consider - the reality is that obesity is just more complex than can be easily scientifically explained. That is why we can't just pick a calorie number for all people and have it work as a diet.

Obviously this lawsuit wants to make it look simple: Coke must have known about these papers and they hid the truth. They should be punished by writing a big check to the plaintiffs. It's for the kids.

Also telling is where the suit was filed. Coca-Cola is based in Atlanta, the American Beverage Association is in Washington D.C, as is CSPI and Praxis. The attorney CSPI loves to use is in New York.

Why file in Oakland, California, specifically the United States District Court Northern District of California Oakland Division, when their attorney has a U.S. District court much closer in New York and there is a District Court in D.C. as well?

Well, why use an attorney who works out of his apartment? Here is the address for

REESE LLP

Michael R. Reese (SBN 206773)

100 W. 93rd Street, 16th floor New York, New York 10025



He doesn't want to depose Coke on his living room, we can speculate.

Perhaps this other passage within the suit also helps shed light on the choice of venue.

“Consistent with these conclusions and recommendations, and after entertaining key expert testimony, this Court found that the warning required on certain sugar-sweetened beverage advertisements in San Francisco—which reads, “WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay”—is “factual and accurate.”

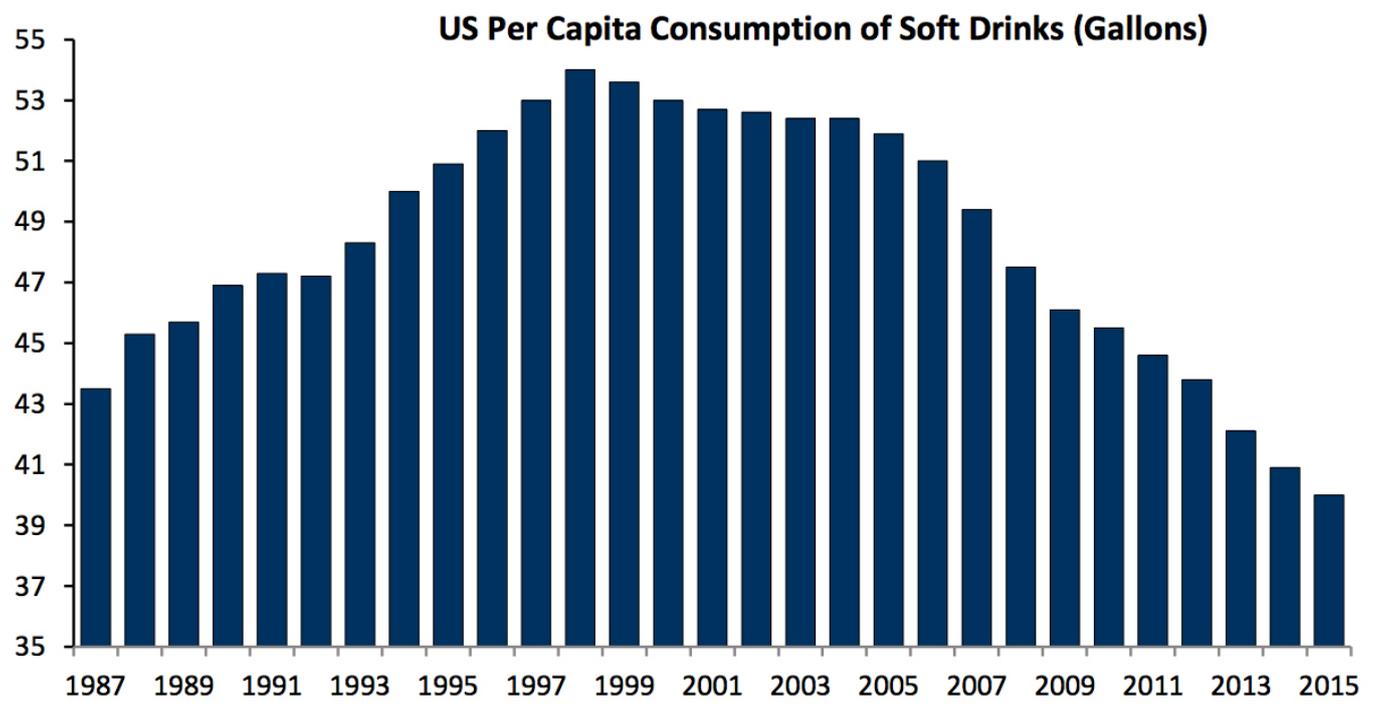
Once scary warning labels are in place, can lawsuits about the impacts of soda be far behind? No, it is lawsuit savvy to file in the most friendly ideological venue you can, and when it comes to anti-science beliefs, the coast of California leads America. They feel certain to win, and even on appeal, because the Ninth Court is the most overturned by the Supreme Court in America. That means they feel certain they can force Coke into cutting them a check before it gets to trial.

Coke may do just that, even if the science is on their side.

They say a picture is worth a thousand words. Here are three, our per capita consumption of soft drinks (NDP a marketing consultancy), our obesity rate (CDC) and whether we consider drinking soda in our diet (Gallup poll).

Soda consumption is *down* yet obesity continues to rise. We just don't think about it.

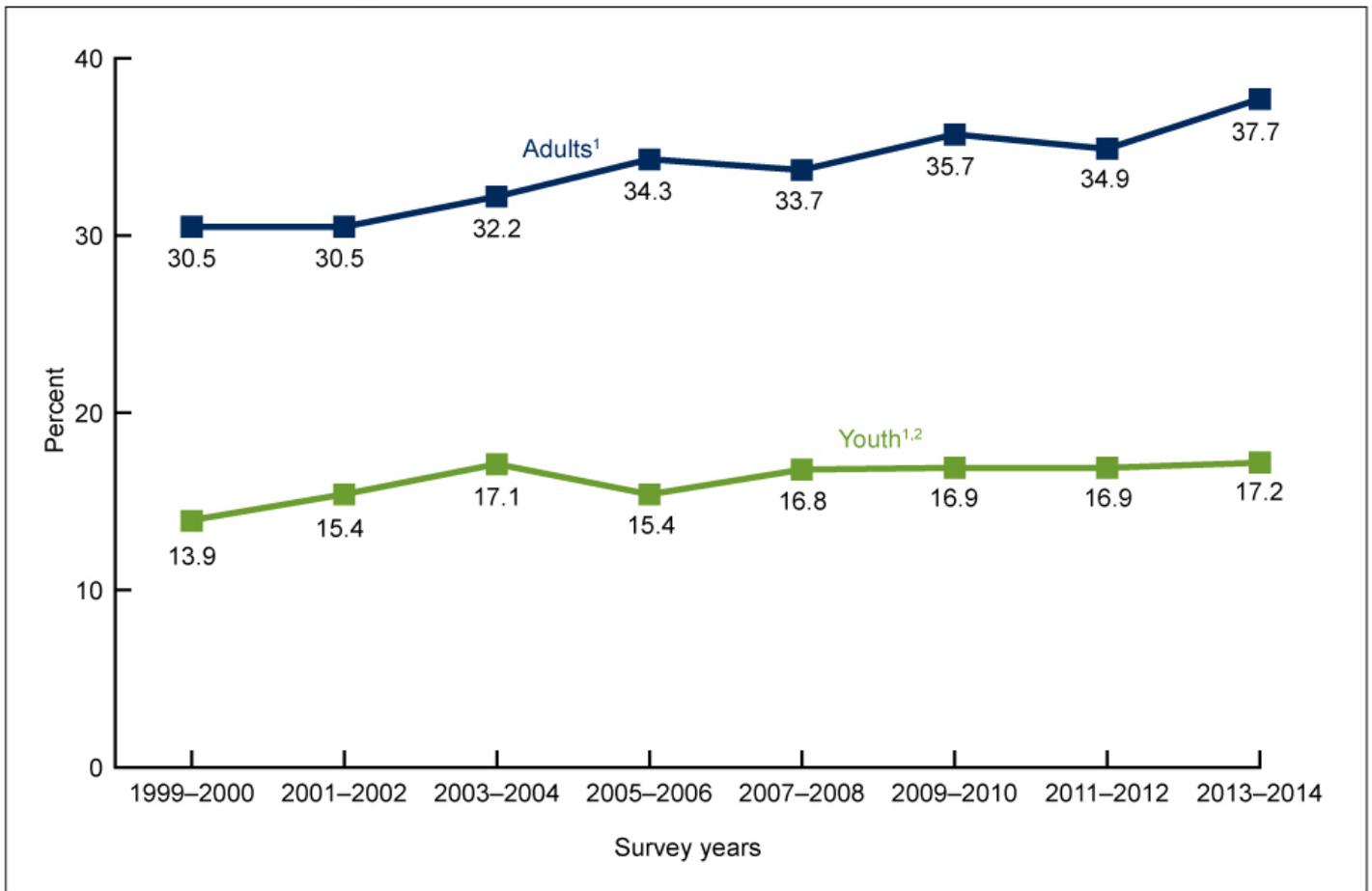
Exhibit 12: US Per Capita Consumption of Soft Drinks (Gallons)



Source: NPD Group. 2015 estimate

[7]

Figure 5. Trends in obesity prevalence among adults aged 20 and over (age-adjusted) and youth aged 2–19 years: United States, 1999–2000 through 2013–2014



¹Significant increasing linear trend from 1999–2000 through 2013–2014.

²Test for linear trend for 2003–2004 through 2013–2014 not significant ($p > 0.05$).

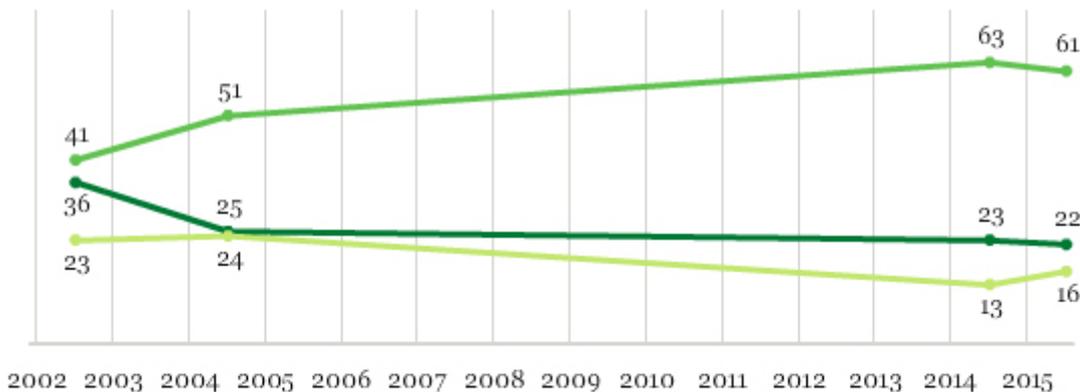
NOTE: All adult estimates are age-adjusted by the direct method to the 2000 U.S. census population using the age groups 20–39, 40–59, and 60 and over.

SOURCE: CDC/NCHS, National Health and Nutrition Examination Survey.

Americans' Dietary Habits of Drinking Soda

Thinking about the food you eat, for each of the following please say if it is something you actively try to include in your diet, something you actively try to avoid or something you don't think about either way. How about soda or pop?

■ % Include ■ % Avoid ■ % Don't think about



Specified regular vs. diet soda or pop in 2015, regular soda findings shown

Here is what the [CDC states](#) [8] in their review of consumption:

More than one-half of sugar-drink kilocalories (52%) are consumed in the home. Of these sugar-drink kilocalories, the vast majority is purchased in stores (92%), and just over 6% is purchased in restaurants or fast-food establishments. Of the 48% consumed away from home, 43% are purchased in stores, 35.5% in restaurants or fast-food establishments, and 1.4% in schools or day-care settings. Over 20% of sugar-drink kilocalories consumed away from home are obtained in other places such as vending machines, cafeterias, street vendors, and community food programs, among others*

Kilocalories is the scientific term, we know them as simply calories. Basically, CSPI and Praxis and that attorney working from his apartment in the upper west side of Manhattan don't want you to think about any of this, and especially not that even though soda consumption has gone down, obesity has risen.

Maybe they are saving that kernel of truth for their lawsuit on diet soda.

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Source URL: <https://www.acsh.org/news/2017/01/06/coca-cola-summoned-court-sue-and-settle-group-cspi-10684>

Links

[1] <http://www.shutterstock.com>

[2] <https://www.bloomberg.com/news/articles/2017-01-04/coca-cola-accused-of-tobacco-industry-like-deception-in-lawsuit?source=acsh.org>

[3] <https://cspinet.org/sites/default/files/attachment/coca%20cola%20complaint.pdf>

[4] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2862465/>

[5] <http://monographs.iarc.fr/ENG/Monographs/vol51/>

[6] <https://www.hsph.harvard.edu/news/press-releases/colony-collapse-disorder-pesticide/>

[7] <http://www.businessinsider.com/americans-are-drinking-less-soda-2016-3>

[8] <https://www.cdc.gov/nchs/products/databriefs/db71.htm>