

# In California, Coffee Causes Cancer and Lawyers Collect the Fee



By Alex Berezow, PhD — January 29, 2018



Credit: Storyblocks [1]

A judge in California is going to determine whether or not coffee causes cancer.

Think about that. We live in a society where judges and lawyers -- not medical doctors, scientists, or even a group of really clever AP biology high school students -- get to determine the credibility of biomedical research. The stakes are high: If coffee is deemed carcinogenic, then the State of California will be required to give up all pretense at common sense and sanity.

To give just a small flavor of the level of insanity California has reached, attorney Raphael Metzger and his group's trial lawyer NGO Council for Education and Research on Toxics (CERT - founded by U.C. Berkeley [Professor Martyn Smith](#) [2] in 2002, who then got himself into IARC and lobbied for Environmental Defense Fund) (1) sued several coffee companies, alleging that their product causes cancer. For restitution, they want to slap a Proposition 65 label on coffee cups and, as you probably guessed, a giant bag full of money.

If you've been to California, you've almost certainly seen the Proposition 65 warning. The signs ominously warn, "This area contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm," and they can be found just about everywhere, including [airports](#) [3] and [Disneyland](#) [4].

According to [Bloomberg](#) [5], "the Council for Education and Research on Toxics needed only to allege that coffee contains trace amounts of one of almost 1,000 Proposition 65 chemicals to pursue its lawsuit." Then, as is so often the case, unscrupulous lawyers use well-intentioned but overly broad laws to shake down innocent companies. Last year alone, [Wall Street Journal](#) [6] reports that \$25.6 million in cash and prizes were handed out in 681 settlements. Lawyers took

home 75% of it.

7-Eleven has already surrendered and forked over \$900,000. Starbucks has placed Proposition 65 signs in its store, but they might be required to place the warning directly on cups. If they don't comply, "[f]ines can run up to \$2,500 for each cup sold without a proper warning," says Bloomberg.

### **What Happens in Cali Doesn't Stay in Cali**

One may be tempted to conclude that Californians deserve the government that they get. That might be true, but the rest of the country doesn't deserve it.

Because California is such a large state, what happens in California doesn't stay in California. Manufacturers don't want to print different food labels for different states. So, in order to comply with California law, a company like Starbucks might just decide to slap cancer warnings on every single cup of coffee sold in America. (This is one of the reasons why the GMO label debate in California drew national attention.) The notion that a handful of activists in California can dictate science and health policy for 320 million Americans is, quite frankly, obscene.

Yet, that's where we find ourselves. [Lawyers who are hellbent on destroying science](#) [7] to make a quick buck can find plenty of fertile ground and ample opportunity in California.

Note:

(1) Similar to discredited IARC activist Chris Portier. They even worked together on a monograph for IARC, which did not regard their lobbying for EDF or their financial relationship with trial lawyers as a conflict of interest, because they made sure to change IARC criteria so only for-profit corporations were a conflict.

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#### **Links**

[1] <https://www.storyblocks.com/stock-image/coffee-and-cookies-sqgli79wmuzj6gtmgav>

[2] <https://www.deniersforhire.com/deniers-for-hire/martyn-t-smith/>

[3] [https://www.realclearscience.com/blog/2014/10/getting\\_cancer\\_at\\_san\\_francisco\\_airport.html](https://www.realclearscience.com/blog/2014/10/getting_cancer_at_san_francisco_airport.html)

[4] [https://upload.wikimedia.org/wikipedia/commons/7/7d/Disneyland\\_Prop\\_65\\_Warning\\_crop.jpg](https://upload.wikimedia.org/wikipedia/commons/7/7d/Disneyland_Prop_65_Warning_crop.jpg)

[5] <https://www.bloomberg.com/news/articles/2017-10-25/starbucks-is-in-hot-water-over-california-s-toxic-warning-law>

[6] <https://www.wsj.com/articles/if-you-drink-coffee-in-california-be-warned-it-may-cause-cancer-1516795200>

[7] <https://www.acsh.org/news/2017/12/29/will-lawyers-destroy-science-12340>