

Ex. 13

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Corn Processors Pay Advocates, Claiming They Are Science Experts, According to New Legal Filing From The Sugar Association

LOS ANGELES, Oct. 16, 2013 (GLOBE NEWSWIRE) -- U.S. corn processors, led by agribusiness giants Archer-Daniels-Midland (ADM) and Cargill, have paid advocates to support their controversial claims about high-fructose corn syrup (HFCS) while presenting them as scientific experts, lawyers for sugar farmers have told a federal court adjudicating a lawsuit the farmers have brought against the processors.

In a formal answer to the corn processors' counterclaim filed October 15 with the U.S. District Court, Central District of California in Los Angeles, sugar industry lawyers said that the corn processors have paid Drs. James M. Rippe and John S. White to advocate on their behalf. The corn processors have claimed the amounts paid are entitled to confidentiality.

The redacted court filing is available at <http://media.globenewswire.com/cache/17373/file/22631.pdf>

Both men have been outspoken in their support of the corn processors' marketing claim—disputed in a growing body of peer-reviewed literature—that "your body can't tell the difference" between table sugar and the various formulations of HFCS. The men's opinions were cited in the corn processors' counterclaim, filed late last year.

"The corn processors' counterclaim is larded up with alleged facts and wild distortions in order to confuse the central issue, which is that the varied formulations of HFCS are not the same as natural sugar," said Adam Fox, an attorney with the law firm Squire Sanders, co-lead counsel for the sugar farmers. "They aren't fooling anyone."

The underlying lawsuit, *Western Sugar Cooperative v. Archer-Daniels-Midland, Co.*, was filed in April 2011 by a group of sugar farmers to stop a multi-million dollar marketing campaign attempting to equate the two ingredients. The sugar farmers claim that the HFCS advertising is false and misleading because it: (1) describes HFCS as "natural" although advanced technology is used to transform corn starch at the molecular level; (2) calls HFCS "corn sugar" although the U.S. Food and Drug Administration (FDA) had reserved that term for an entirely different sweetener; and (3) claims that "your body can't tell the difference" between HFCS and sugar, although numerous scientific publications have reached the opposite conclusion.

In May 2012, the FDA rejected a petition by the Corn Refiners Association (CRA) – the trade association of ADM, Cargill, Ingredion and Tate & Lyle Ingredient Americas – to change the common name for HFCS to "corn sugar." The FDA noted that "the use of the term 'sugar' to describe HFCS, a product that is a syrup, would not accurately identify or describe the basic nature of the food or its characterizing properties." The FDA also said the name change could "pose a public health concern" to persons with fructose intolerance or malabsorption.

U.S. District Court Judge Consuelo Marshall, who is presiding over the lawsuit, has also ruled on an earlier motion that the plaintiff sugar farmers have presented evidence demonstrating "a reasonable probability of success on their argument that the statements (made by the corn processors) are false."

Judge Marshall also rejected an effort by the corn processing giants to have the case against them dismissed. The suit asks to put an end to the challenged advertising and for payment of damages suffered by the sugar industry as a result of the corn processors' ongoing efforts to promote HFCS at the expense of natural sugar.

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Attachments:

- [22631.pdf](#)

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