

Ex. 17



September 13, 2011

Mark Flegenheimer
Chairman of the Board
The Sugar Association
1300 L Street, NW, Suite 1001
Washington, DC 20005

Re: Sugar Association Support for Citizens for Health
Campaign Against Food Identity Theft

Dear Mark:

Thank you very much for your support of Citizens for Health's Campaign Against Food Identity Theft. A copy of the letter contract and Messaging Guidelines is attached.

Sincerely,

A handwritten signature in dark ink, appearing to read "James S. Turner", written over a light gray circular background.

James S. Turner
Chairman



**THE
SUGAR ASSOCIATION**

1300 L Street NW, Suite 1001
Washington, DC 20005
(202) 785-1122
Fax: (202) 785 5019

August 29, 2011

James S. Turner
Chairman of the Board
Citizens for Health
Thomas Circle NW, Suite 500
Washington, D.C. 20005

**Re: Sugar Association Support for the Citizens for Health
Campaign Against Food Identity Theft**

Dear Jim:

This letter confirms and sets forth the bases for The Sugar Association's agreement to provide Citizens for Health ("Citizens") with financial support for its public education campaign against food identity theft (the "campaign").

As you know, The Sugar Association and several of its members and other organizations recently were compelled to sue the big processors of high fructose corn syrup ("HFCS") and their captive marketing arm, the Corn Refiners Association ("CRA"), because of their false and misleading advertising. That advertising falsely portrays HFCS as "natural" despite the fact that HFCS is a man-made product, created through the molecular transformation of starch with methods and technology known only for the last 40 years. The advertising also falsely presents HFCS to be the same as real sugar despite clear differences in their chemistry and functionality, and conceals the fact of emerging science showing potential metabolic differences, too. Finally, the advertising attempts to re-brand HFCS as "corn sugar"—a blatant attempt to steal sugar's identity and goodwill, particularly in the context of the marketing's other falsehoods.

We asked the big HFCS processors and the CRA to stop their false advertising, even telling them that its continuation would simply require plaintiffs in the lawsuit to spend money to combat and correct these falsehoods (money for which defendants would be liable). Not only did they refuse, but used the false statements in their advertising to convince several Members of Congress to lobby the FDA for permission to re-label HFCS on ingredient labels as "corn sugar." The FDA, of course, is a government

agency charged with protecting public health. It should be making determinations such as this one based on science, not based on political pressure exerted by the CRA and its members through Members of Congress. This tactic convinced The Sugar Association that we need to take additional steps to ensure that the public and our political leaders have the real facts.

Because Citizens' planned campaign—to educate the public by exposing makers and sellers of foodstuffs and food additives who are deceiving consumers by misappropriating the names and goodwill of other foods or additives—resonates with us, The Sugar Association agrees to donate \$350,000 to Citizens to help fund its campaign. As discussed, our donation agreement is subject to the following conditions and covenants.

1. The Sugar Association has agreed to donate a total of \$350,000 toward Citizens' campaign. This amount shall be donated over time as follows:

Pmt. No.	Amount	Date
1	\$50,000	already made
2	\$50,000	10/01/2011
3	\$50,000	11/01/2011
4	\$50,000	12/01/2011
5	\$50,000	01/05/2012
6	\$50,000	02/01/2011
7	\$50,000	03/01/2011
Total	\$350,000	

2. The Sugar Association's agreement to provide financial support is based on Citizens' representations to our Board about the planned campaign. In particular, we are relying on Citizens' representations:

- a. About the campaign's purpose, goals, structure and methodology;
- b. That the campaign will focus initially (but not exclusively) on a "call to action" encouraging concerned individuals to contact their elected representatives, the FDA and/or the FTC to urge them the FDA should be left to consider the "corn sugar" petition based on science, not on political lobbying by the HFCS industry;
- c. That the campaign will adhere strictly to the "Messaging Guidelines" that Citizens has developed for its campaign. The Sugar Association places particular reliance on the Messaging Guidelines' admonitions that Citizens' campaign will be a fact-based public education campaign, based on the truth, with the goal of protective the public; it will neither be a "mud slinging" campaign nor will it merely promote the products of any commercial interest that provides financial support to the campaign.

The Sugar Association reserves the right to terminate its support for the campaign and to withhold any unfunded portion of its donation in the event that Citizens' campaign is or becomes inconsistent with its representations.

3. We have discussed the lawsuit in U.S. District Court that The Sugar Association and other plaintiffs were compelled to file against the big HFCS processors and the CRA to stop their false advertising ("HFCS false advertising action"). While the lawsuit is in its early stages, in virtually every lawsuit the parties explore the possibility of an agreed settlement. We must therefore consider the possibility of settlement discussions with the defendants on the HFCS false advertising action, and the further possibility that the defendants may insist that Citizens' campaign end as part of any settlement. As part of the consideration for The Sugar Association's donation to the campaign, Citizens agrees that, in the event of a settlement of the HFCS false advertising action that so requires, Citizens will, upon The Sugar Association's formal written request, halt that part of its campaign directed at the efforts of the big HFCS processors and the CRA to steal real sugar's identity and goodwill.

4. Subject to paragraph 3, The Sugar Association shall not have the ability to review or otherwise supervise Citizens' campaign, including statements made or actions urged as part of the campaign. The campaign must adhere to the Messaging Guidelines, but it is Citizens' to run as it sees fit. It is not a campaign run or controlled by The Sugar Association or its members.

To ensure our agreement is mutual, please countersign the duplicate original of this letter where indicated below and return it to me.

We are pleased to support Citizens in this important effort to expose food identity theft in general and as exemplified by the attempted theft by the big HFCS processors and the CRA of real sugar's identity and goodwill in particular.

Very truly yours,



Mark Flegenheimer
Chairman of the Board
The Sugar Association

So agreed.

By 

James S. Turner
Chairman of the Board
Citizens for Health