

Sex, lies and pomegranate juice focus of US legal battle

October 21 2010, by Rob Lever

If the claims are to be believed, pomegranate juice can change your life, preventing prostate and breast cancer, protecting against heart disease and even alleviating erectile dysfunction.

Could it be the elixir from the original fruit of the Garden of Eden? No, says the US [Federal Trade Commission](#), which is suing the California group POM Wonderful for making "false and unsubstantiated claims" about its products.

POM has said it would challenge the FTC, setting up a high-profile battle between the maker of the popular juice and authorities over the so-called superfood which has also been purported to help fight Alzheimer's disease and arthritis and improve sperm quality.

"Any consumer who sees POM Wonderful products as a silver bullet against disease has been misled," said David Vladeck, director of the FTC's bureau of consumer protection.

The company, a unit of the Roll International group that includes Teleflora and Fiji Water, is gearing up for battle. It has filed its own lawsuit against the FTC alleging interference with its free speech rights for POM, which does not publish financial results but is believed to have sales of some 100 million dollars a year.

Even after the FTC filed its action, POM Wonderful launched a new campaign with television ads produced by French-Canadian director

Francois Girard showing the sex appeal of pomegranates.

In one ad, a nearly naked actress Sonja Kinski is lounging on a bed of greenery with a snake slithering up her body. The voiceover reads: "Some scholars believe it wasn't an apple, but a ruby red, antioxidant-rich pomegranate with which Eve tempted Adam."

Another with Swedish actress Helena Mattsson links pomegranates to the legend of Aphrodite, saying the Greek goddess of love and desire declared the fruit "an aphrodisiac."

The company says it makes no claim that its juice or supplements are drugs, but just [nutritious food](#).

"Because POM products may in fact offer the promise of better health, we believe it is important to share the research results as they become available," the company said in a statement, refusing to directly answer questions on the court case.

"This is especially true since our products do not carry the risks associated with pharmaceutical drugs. It's a shame that the government is unable to understand this fundamental distinction, and instead is wasting taxpayer resources to persecute the pomegranate."

Ivan Preston, a University of Wisconsin professor emeritus of communication and specialist in truth in advertising, said POM Wonderful appears to have overstepped the accepted bounds of advertising on the product.

"If they say in their ads, 'backed by science,' they are making a medical claim," he said.

Preston says that in order to promote medical benefits for pomegranate

juice, the makers would have to go through a rigorous testing process for clearance by the Food and Drug Administration.

Although POM Wonderful said dozens of studies support its claims, the FTC said the benefits are not supported by accepted scientific standards -- using double-blind groups including one with a placebo.

According to the FTC complaint, POM executives "knew that a large, double-blind, placebo-controlled study, funded by POM Wonderful... showed no significant difference after 18 months between consumption of pomegranate juice and a control beverage in reducing carotid arterial wall thickness."

For prostate cancer, "the evidence relied on by respondents consisted of results from an unblinded, uncontrolled study" and the scientists said it was "controversial" whether the benefits were delivered. The FTC said other health claims also were unsubstantiated.

"The aim of POM's first ever TV advertising campaign is to educate consumers in a provocative and sensual way about the intriguing history of the pomegranate," says POM company president Matt Tupper.

"POM is proud to have explored the mythic properties of pomegranates using modern science."

But Marion Nestle, a New York University nutritionist and author, said the POM case shows "how easy it is to design studies to give you the answer you want."

"POM research demonstrates that pomegranate juice has antioxidant activity and acts as an antioxidant in the body. Of course it does," Nestle writes on her blog.

"But so does every other fruit and vegetable and what this research does not do is compare the effects of pomegranate juice to those of orange juice, for example."

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