
MSN Money

Judge finds fault with Vitaminwater

Federal judge rules against Coca-Cola and allows a lawsuit challenging Vitaminwater's labeling to go on.

Posted by Karen Datko, Thursday, July 29, 2010 12:35 PM

Vitaminwater's claim to fame -- that it's a healthy alternative to water and other sports drinks -- is about to get some serious scrutiny.

A federal judge shot down Coca-Cola's attempts to dismiss a lawsuit claiming the drink's labeling is deceptive, setting the stage for further litigation.

Judge John Gleeson, of the U.S. District Court for the Eastern District of New York, wrote a 55-page opinion asserting that Vitaminwater's name could potentially "reinforce a consumer's mistaken belief that the product is comprised of only vitamins and water" and ignores "the fact that there is a key, unnamed ingredient [sugar] in the product."

Gleeson also said that labels touting the beverage as "healthy" violate the Food and Drug Administration's so-called "jelly bean rule." That rule, enacted in 1994, prohibits manufacturers from labeling a product "healthy" just because it has low levels of fat, cholesterol and sodium. Rather, the "healthy" moniker is acceptable only if the product contains minimum levels of certain vitamins, protein and fiber, among other things.

Long line of CSPI suits

The Center for Science in the Public Interest <<http://www.cspinet.org/>>, which is representing the plaintiffs, issued a statement about the court's decision.

"Vitaminwater is no more than non-carbonated soda, providing unnecessary added sugar and contributing to weight gain, obesity, diabetes, and other diseases," the statement says. "We look forward to representing all Americans whom Coke has deceived."

The suit is the latest in a long line filed by CSPI, which touts itself as the "organized voice of the American public on nutrition, food safety, health and other issues." The group gained publicity in June when it filed a lawsuit <http://www.consumeraffairs.com/news04/2010/06/happy_meal_suit.html> alleging that McDonald's heralded Happy Meals violate consumer protection statutes in several states by using toys to lure kids to eat "unhealthy junk food."

And last November, the organization named the Regal movie theater chain the "Best Supporting Actor in the Obesity Epidemic," after a CSPI-commissioned lab analysis found that

a medium popcorn and soft drink from the theater contained 1,610 calories and 60 grams of saturated fat -- comparable, CSPI said, to "three McDonald's Quarter Pounders with 12 pats of butter."