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**Trust is Elusive in Soda Battle as Industry-Funded “Experts”
Testify**

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Editorial

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Pity consumers-or legislators-trying to figure out who stands for what when making up their minds on controversial issues like whether sugar-filled sodas should be sold in our schools.

Last month at a hearing in Sacramento, Lisa Mosing, a dietitian from Fullerton, testified against SB677, a bill by Sen. Deborah Ortiz restricting on-campus soda sales. Mosing's central message: lack of exercise, not sodas, causes obesity.

But Mosing is hardly a disinterested dietitian. She runs her own consulting firm (see www.mosingnutrition.com), and regularly consults for the soda and food industry. In fact, she was paid by the California Nevada Soft Drink Association to testify at the hearing, something she neglected to disclose in her public testimony.

She did reveal she is on the advisory board of the American Council on Fitness and Nutrition. It is one of a slew of tax-exempt organizations in Washington, D.C., with wholesome names-the Center for Consumer Freedom and the American Council on Science and Health are others-that are actually funded wholly or in part by corporate interests to defeat threatening legislation or discredit potentially damaging research.

We have no problem with any corporation making its best case for its products, in whatever forum. But it pollutes the arena of discourse when charitable organizations they create or support obscure their sources of funding while posing as objective sources of information.

In June, for example, the Center for Consumer Freedom sent out a press release attacking Ortiz' bill, alleging it was based on "fizzy science." It contended that "no causal link between soda and obesity has ever been produced." In an op-ed piece in our newspaper, the group trashed a seminal 2001 Harvard study co-authored by Dr. David Ludwig, director of the obesity program at Children's Hospital Boston, as "dubious science." The study found that every additional can of soda kids drink daily increases their risk of becoming obese by 60 percent.

The group also attacked a study by Harvard professor Grace Wyshak showing that physically active girls who drink sodas regularly are more likely to suffer from bone fractures. "Wyshak never came close to proving that soda pop had anything to do with broken bones," wrote David Martosko, the center's "research director." He criticized Ortiz for "using this hollow 'study' " in the text of her bill.

But like Mosing the dietitian, the Center for Consumer Freedom is hardly an unbiased source. Originally known as the Guest Choice Network, and begun with funds from the tobacco giant Philip Morris, the organization is the brainchild of Washington lobbyist Richard Berman, who is also the group's executive director. Berman also founded the American Beverage Institute, which fights drunk-driving laws, and the Employment Policy Institute, which works against minimum-wage legislation opposed by the restaurant industry.

Berman runs all three organizations out of his offices in downtown Washington, which we visited last month. Some of the same staff members work for all three organizations. Not only does Berman draw a salary from at least one of the organizations, all three, in turn, pay huge fees to his lobbying firm for a range of services.

We called Boston researcher Ludwig, who told us that Berman and his staff never contacted him to clarify his research before widely attacking it. The group, he said, engages in "highly selective quoting," and "missed the main point" of his research. And he dismissed their critique of his peer-reviewed study, published in the highly respected journal *Lancet*. "These are commonly used research techniques, whose methodology has been validated, and can provide important and useful information if used accurately," he said.

If anything, he said, his work may underestimate the impact of drinking sodas on obesity.

Wyshak was equally dismissive of the center's criticisms of her work. "I showed there was a relationship between soda consumption, especially cola drinks, and bone fractures in physically active teenage girls," she said. "It is consistent with what is known, consistent with what we call biological plausibility."

Center for Consumer Freedom staffers also maintain that a resolution to ban soda sales by the Los Angeles Unified School District beginning next January was instigated

by a bunch of left-wingers at the Center for Food and Justice at Occidental College in Los Angeles.

For instance, Martosko told us, its director Bob Gottlieb was a member of the activist Student for a Democratic Society in the 1960s.

Gottlieb, a professor of urban and environmental policy, dismissed the allegations as erroneous or irrelevant. "It's guilt by association, without looking at the substance of the issues," he said. Rather than the work of a left-wing cadre, the L.A. schools soda ban was the outcome of lobbying by a coalition of organizations, some of whose work was even praised by the Bush administration. As to his own background, he said, "I was a student activist, and I'm proud of it."

After hearing from Mosing and others, the Assembly Health Committee watered down Ortiz's bill to exclude high schools, where most soda sales occur. The full Assembly will vote on it later this month. The bill's uncertain fate can't be tied directly to the input from industry-sponsored groups or their representatives. But they play a key role in obfuscating the issues, and confusing the debate by consistently challenging established science.

"They are part of the necessary arsenal that corporations use to squash any regulation or reform," said Andrew McGuire, director of the Trauma Foundation in San Francisco, an advocate for tougher drunk-driving laws. "Ultimately, what they do is confuse consumers, who eventually say, 'forget about the whole thing.'"

We hope the Legislature won't be as easily dissuaded. Organizations with warm and fuzzy words in their titles can't hide the underlying truth: research-and common sense-make clear that excessive soda consumption contributes to children becoming overweight. And schools have no business exacerbating the problem by selling sodas to captive, and gullible, consumers.