



News Release

September 28, 2011. For immediate release.

No calls or emails: complete information can be found in the links.

Lead Found in Baby Foods and Children Foods; Lawsuit Filed in California to Require Warning Labels

On September 28, 2011 the Environmental Law Foundation (“ELF”) filed a lawsuit alleging lead is found in a variety of children’s and baby foods, triggering a requirement to warn consumers under California’s Proposition 65 Toxics Right to Know law. The specific food categories in which lead as found in some products include ***baby foods made of or with carrots, peaches, pears, or sweet potatoes; and foods and beverages for children and adults, including packaged peaches; packaged pears; fruit cocktail; and grape juice.*** A complete list of the companies and products named in the lawsuit appears in the lawsuit and is located on the ELF website.[\[LINK\]](#) Complete lists of all products tested and whether or not the product exceeds the level to require a warning are also located here: [\[LINK\]](#)

The suit claims each of the children’s foods products contain enough lead in a single serving to require a consumer warning under California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (aka “Proposition 65” or “Prop 65”). Toxicologist Barbara G. Callahan, PhD, DABT, of the University of Massachusetts Amherst, who has spent two

decades performing public health and environmental risk assessments, called the lead concentrations in the original ELF test results in June 2010 “alarming.”

The lawsuit was filed in Alameda County Superior Court in Oakland. A copy of the suit can be found here: [\[LINK\]](#) The lawsuit seeks required warning labels and penalties of up to \$2,500 per violation per day.

Under Prop 65, the Governor publishes a list of chemicals “known to the State to cause cancer or reproductive harm.” Lead was among the first group of chemicals listed in 1987. It is currently listed as causing both cancer and reproductive harms.

ELF identified categories of food and beverages from publicly available government-sponsored testing and published studies—focusing on foods that children eat often and which the data show had lead. ELF then collected and tested every brand in each category it could find in California, including over 400 samples of 146 different brands.

Scientists agree that there is no safe level of exposure to lead. Lead accumulates in the body from multiple exposures over time and from multiple sources. Lead exposure among children is a particular concern because their developing bodies absorb lead at a higher rate and because children are particularly sensitive to lead’s toxic effects, including decreased I.Q. Lead exposure also represents a heightened risk among pregnant and nursing women because lead passes from the mother to the developing fetus or infant. Lead already stored in the mother’s bone tissue is mobilized along with calcium, and additional lead exposure to the mother can further compromise the health of the vulnerable developing fetus or infant.

Lead continues to be released into the environment from past decades of lead-based pesticides, leaded gasoline and lead paint, and continued coal burning power plants that emit lead into the atmosphere. Lead in the environment can make its way into the food supply. But not every category of food nor even every food within any category

contains lead. The ELF study found products in nearly every category that do not have lead levels requiring a warning. The complete list of products is here [\[LINK\]](#)

Things that concerned consumers can about their families' exposure to lead:

- o Make informed choices.
- o Demand information before you buy.
- o Advocate for clean food and protect environmental health policies.

Information to help consumers make informed choices is here [\[LINK\]](#)

ELF sent formal notices of the violations in June of 2010 to law enforcement officials, including the California Attorney General, and the industry members. Those notices started a clock for the companies to comply with Proposition 65 by either (a) reducing or eliminating the lead or (b) placing "clear and reasonable warnings" on the food packages. After over a year of discussion and meeting with the Attorney General and representatives of the suppliers and retailers, ELF feels the time has come to enforce the law and protect consumers. Apple juice was among the items in the original notices, but are not included in the lawsuit at this time as further investigation is ongoing.

"ELF has fought to protect families from lead exposures for two decades," said Jim Wheaton, President of the Environmental Law Foundation. "We know the risk these exposures pose for children, and we know that our efforts can help keep children safer."

More information about lead and Prop 65 can be found in a Frequently Asked Questions document, also on ELF's website. [\[LINK\]](#)

In addition to its own in-house staff, ELF is represented by Laura Baughman and Thomas Sims of Baron & Budd, P.C., www.baronandbudd.com, and April Strauss of the Law Offices of April Strauss. ###