

## 7-Up To Stop Selling Drinks With Antioxidants

CANDICE CHOI and MAE ANDERSON, Associated Press

NEW YORK (AP) — 7-Up with antioxidants will soon be off the market, after an advocacy group accused the drink maker of making misleading health claims.

Dr Pepper Snapple Group said Thursday its 7-Up varieties that tout antioxidants will be off the market by early 2013. The company, based in Plano, Texas, said the decision to reformulate the drinks was not related to the lawsuit. It said the drinks were being taken off the market for consistency across its brands.

The company commented about the decision after an advocacy group on Thursday filed a lawsuit saying the drink's claims are misleading because they give the impression that the antioxidants come from fruit rather than added vitamin E. The Center for Science in the Public Interest, which advocates for food safety and nutrition, also noted that the Food and Drug Administration prohibits companies from fortifying candies and soft drinks with nutrients.

The lawsuit was filed in U.S. District Court in California on behalf of a California man who bought the drinks but says he didn't know the antioxidants didn't come from juices.

7-Up Cherry Antioxidant, Mixed Berry Antioxidant, and Pomegranate Antioxidant were launched in 2009. Despite the pictures of cherries, blackberries, cranberries, raspberries and pomegranates on various 7-Up labels, the drinks do not contain any fruit or juice.

"It's an implied claim of healthfulness without any evidence," says Mike Jacobson, executive director of the Center for Science in the Public Interest. Although there are many packaged foods that tout antioxidants, Jacobson said this was a particularly egregious example because regulations prohibit companies from fortifying junk foods.

Even if added antioxidants provided any benefit, Jacobson noted that people "shouldn't be getting them from a soda."

In a statement issued Thursday, Dr Pepper said its 7-Up Cherry is a "cherry-flavored soda that does not contain juice ... and it says so right on the label." The company says it had decided to reformulate the 7-Up drinks in 2011 and had met with the Center for Science in the Public Interest over the matter this summer.

The FDA did not immediately respond to requests for comment.

It's not the first time a soft drink maker has run into trouble for nutritional claims. In 2008, the FDA sent The Coca-Cola Co. a warning letter for placing inappropriate nutritional claims on its Diet Coke Plus soft drink. The agency had objected to the

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product's labeling, which described the drink as "Diet Coke with Vitamins and Minerals." The FDA said at the time that it is inappropriate to add extra nutrients to "snack foods such as carbonated beverages."

A Coca-Cola representative said the drink was taken off the market in 2010 because it wasn't performing well.

In 2009 the Center for Science in the Public Interest also sued Coca-Cola for what it said were deceptive claims about its Vitaminwater. The group said Coca-Cola was selling what it said is basically sugar water by claiming it has vitamins that boost immunity and reduce the risk of disease. That case is still pending, according to Steve Gardner, litigation director for the center.

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