

FTC Upholds Decision Against POM Wonderful

WASHINGTON (AP) — The Federal Trade Commission has upheld a judge's earlier decision that POM Wonderful made deceptive claims about the health benefits of its products.

A federal administrative judge ruled in May that the company used deceptive advertising when claiming that its pomegranate juice could treat or prevent heart disease, prostate cancer and other illnesses.

POM Wonderful is credited with having started the pomegranate craze that spread to its use in products from smoothies to salad dressings. In addition to POM Wonderful juice, the company sells POMx pills and liquid extract.

The FTC filed a complaint against POM and its parent company, Los Angeles-based Roll International Corp., in September 2010. The company's health claims are a hallmark of its advertising and are seen as working to convince consumers that they are worth a premium price.

Los Angeles-based POM Wonderful and its owners had asked the FTC to overturn the earlier ruling and argued that the commission's actions would violate their First Amendment right to free speech and their Fifth Amendment right to due process.

The commission voted unanimously against their request for an appeal. The FTC said that the marketers of the juice and supplements did not have adequate support for their claims and made deceptive claims in the advertisements and promotional materials.

The FTC issued a final order that bars the POM marketers from making any future claims unless it is supported by two randomized, well-controlled, human clinical trials. It also prohibits the misrepresentation of any scientific evidence to support its claims.

POM Wonderful said it will appeal the ruling in federal court.

"This order ignores what \$35 million of peer-reviewed scientific research, centuries of traditional medicine and plain common sense have taught us: antioxidant-rich pomegranate products are good for you," the company said in a statement.

It said that with the ruling, the FTC is holding food companies to the same standards as pharmaceutical makers, a move it said will stifle research by the food industry.

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