And Now A Word From Our Sponsors:

Are America’s Nutrition Professionals in the Pocket of Big Food?
(An Interview with Michele Simon)

By Dr. Joseph Mercola

DM: Dr. Joseph Mercola
MS: Michelle Simon

Introduction:

DM: Welcome, everyone. This is Dr. Mercola, and today I am joined by Michele Simon, who has been practicing public health law since as long as I’ve been doing this site. Many of you may not be aware that public health law even exists as a specialty, but it does. She’s been a real white-hat advocate for protecting us and really using strategies to fight corporate tactics that deceive and manipulate us. She’s written a really great report that we’re going to get to in more detail.

It’s really great to connect with the good guys who are really seeking to strategize to help us stay healthy and really compete in a level playing field, because it’s so difficult to do that otherwise. So, welcome and thank you for joining us.

MS: It’s my pleasure. Thanks for having me. It’s great to be here.

DM: Can you perhaps give us a little history as to how you became interested in this area, and what compelled and motivated you? Because from our perspective, it’s always helpful to understand your motivation and your background to help us understand how you came to your conclusions.

MS: I was actually graduating from law school, decided to change my own diet for personal reasons, and just discovered all these books out there that were talking about the benefits of eating a plant-based diet. I had learned about that even though I’ve been to a public health school and certainly didn’t learn about good nutrition or the impacts of our food choices in law school.

It was really eye-opening to me. I realized that there weren’t really many people at that time making the connection between what we eat and our government policies. I’m kind of really looking at the politics of food and then applying my legal background to exposing the various ways the industry influences our government policies and so forth. It was really realizing that there was a need for lawyers to be working on these issues.

And then in the late ‘90s, I got really inspired by discovering Marion Nestle’s work, who had to put up with the politics of food. But she hadn’t written a book yet. It was really still in the early
days. And now, of course, the issue has exploded. It’s been really fun to watch everyone kind of catch up to where we’ve been for a while.

**DM:** Well, terrific. You’ve been really active with this area for about 16 to 17 years or so – 17 years. Your most recent adventure into exposing these corporate politics is the exposé on the American Dietetic Association. I’m wondering if you could expand on the history of that, what’s involved, and what you’ve uncovered.

**MS:** Sure. Well, I’ve been hearing for years about the annual meeting of the American Dietetic Association. Now they’ve changed their name to the Academy of Nutrition and Dietetics. People have been sending me photos and showing me that there was this problem going on at the annual meeting where there were all these big junk food companies exhibiting there.

So, I decided two years ago, it was time for me to kind of check it out for myself. It was quite eye-opening. I mean, you walk into this expo show floor, and you think you’re in the wrong place. You think you can’t possibly be in a nutrition conference. It actually looks like one big junk food expo.

After that first year of writing about it, just an article on the influence of the various presenters there, I took a much deeper dive over the last six months or so to really uncover exactly how these relationships work between these major junk food companies and the very influential trade group.

**DM:** Can you detail some of the specifics of how they are actually sponsored by many of these big food groups that really control the bulk of the food that is being offered to the Americans?

**MS:** Yeah. The way it works is at the annual meeting, the various food companies like Coca-Cola, General Mills, Nestlé, Kraft Foods, and all of the major junk food purveyors buy sponsorships to be at these annual meetings and have the largest booths at the expo floor.

In addition to just showcasing the junk food, they get to sponsor or give educational sessions at the meeting. For example, Nestlé paid 50,000 dollars for the benefit of doing a special session in which they talked about optimum hydration. It’s probably no coincidence that Nestlé is also the largest bottled water company in the world.

So, it’s basically a pay-to-play operation, where these companies pay big money. In exchange, they get to teach essentially these registered dieticians in exchange for continuing education units also. So, the R.D.’s are there in part to, you know, make sure they get their continuing education units. They can do that by learning about optimum hydration from the nation’s biggest bottled water company. That’s just one example.

I mean, there are many others such as Coca-Cola that sponsors ongoing webinars. The relationship isn’t just at the annual meeting, but throughout the year. Coca-Cola is one of the most common sponsors of educational webinars. And for C.E. units again, registered dieticians can learn things from Coca-Cola such as aspartame’s A-okay, sugar in children’s diet is not a problem, and so forth.

It really is an ongoing problem with these integral relationships between these two companies and this trade group.
DM: Yes. Anyone listening to this would be surprised and shocked to have this type of conflict of interest, the massive conflict of interest in these professionals. But I’m wondering if you could expand (because most people watching this may not recognize or realize the extent of influence that registered dieticians have) how many registered dieticians are there in the country. How many attended this conference? You know, sort of address it from that perspective, and then we’ll go into the more specifics of the conflicts.

MS: The reason I chose the Academy of Nutrition and Dietetics is they are the nation’s largest trade group for registered dieticians. They represent 74,000 of the nation’s health professionals whose job is to help explain to Americans how to eat right.

Now, in this annual meeting, there’s somewhere between 12,000 and 13,000 of these registered dieticians attending. Some have been in the profession for a while. Some are students – young and impressionable. This is a huge meeting that happens every single year, where these companies get to show off their latest, you know, slightly-better-for-you junk food and teach these R.D.’s.

DM: Most physicians, as most people watching this know, don’t really receive much training in nutrition. And that’s no surprise. Typically, the physician who is really busy in his practice and doesn’t feel it’s worth the time, effort, and energy to counsel his patients will refer them to an R.D. (either they employ in their practice through the hospital or in whatever setting they are) and then assume that they’re giving the correct and proper advice that’s being taught, because they’re properly trained, licensed, and attend these types of continuing education processes. It’s really a… Not only…

MS: It’s a nice loop.

DM: Yeah. It’s a nice loop. It’s one that we typically don’t think about as much with respect to these conflicts of interest, because typically, we think about the drug companies. But the food companies are as equally pervasive and perhaps even more pernicious in their influence on people’s health, because it’s ultimately the food choices that may have produced the disease.

MS: I know. It’s a good analogy. I think a lot of sectors of society have started to recognize the problem of the pharmaceutical industry and its influence over the medical profession, so much so that even the medical profession itself has started to put some standards around how they interact with the pharmaceutical industry. But we’re so far from that when it comes to the influence of the food industry over health professionals in general and, in this case, registered dieticians.

DM: Okay. Now, you mentioned two companies: Nestlé and Coca-Cola. Are they two of the biggest? If they are, can you add some more so that we know who the players are in this game?

MS: Right. Well, there are lots of them. What I found was if you look back over, say, the last 12 years for which I was able to find the academy’s annual reports, it turns out that the National Cattlemen’s Beef Association kind of wins the prize for having been a sponsor of this organization for all of the last 12 years.

And then other companies that are right up there are ConAgra (which is one of the biggest processed food companies) and General Mills, which is, of course, the purveyor of the awful candy cereals aimed at children. Other companies that are heavily involved are PepsiCo, the
nation’s largest food company. By the way, it’s not just a soda company, but also owns Frito Lay (the largest snack food company), Gatorade, and other junk food brands.

These are massive companies that own… I mean, it’s hard to walk down any aisle in the supermarket without running into some product made by one of these companies like Nestlé, Kraft, Coca-Cola, PepsiCo. I mean, these are the nation’s largest junk food companies.

And then on the fast-food side, we also have at the annual meeting, for example, McDonald’s. It’s no surprise. They want to make sure that they’re being viewed as a good-for-you fast food company. So, at their booth, they would be sampling salads, smoothies, and oatmeal.

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Giving away free oatmeal for the R.D.’s first thing in the morning, making you think that those are the only items that this company sells.

**DM:** Yes, indeed. You had mentioned earlier that some of these companies would spend up to $50,000 dollars to sponsor an event. That may sound a lot to many people watching this. But in relation to what their annual revenues are, I think it’s a drop in the bucket. Maybe you can address or comment on what type of revenues these companies are generating and how they can wield so much interest.

**MS:** Well, these are multibillion-dollar companies. And remember, these are international companies. A company like Nestlé, I mean, I don’t even know what their annual revenues are, but they’re in tens of billions of dollars. The same thing with PepsiCo: 60 billion dollars in revenue for PepsiCo alone. These are companies that have plenty of money to play with when it comes to just sprinkling a few thousand dollars here and there at these types of groups.

It’s a big return of investment for them, right? Because they just have to put out 10, 20, or even 50,000 dollars. And then in return, they get the audience of these front-of-the-line nutrition professionals. They’re basically, you know, trying to use these professionals to carry their message to their clients, right? That’s the name of the game here.

To make sure the next time an R.D. talks to a client, they’ll say, “Gee, you should really try this better-for-you, baked, glazed potato chip, because it has a few or less grams of salt or grams of fat.” It’s to make sure that R.D.’s are recommending these still highly processed, nutrient-deficient junk foods to their clients.

**DM:** Yes, indeed. In fact, the type of information they’re dispensing, I think, is probably best characterized by a story that I can remember about 10 years ago now, where I believe the president of this organization was quoted saying that sugar has nothing to do with diabetes. Do you remember that one?

**MS:** I think that was… It’s actually in my book. And it was from the American Diabetes Association.

**DM:** Oh, I’m sorry. You’re right. I got the “diabetes” and “dietetics.”

**MS:** Yeah. It’s hard, because they’re both ADA.
DM: Yeah, that’s right. They’re both…

MS: “Diabetic” and “dietetic.” Now, that was the diabetes association who claimed there’s no connection between sugar and diabetes, which was a rather hilarious exchange with a reporter and the scientific officer actually of the American Diabetes Association. Now of course, we have some evidence to the contrary. I don’t what he would have to say about that now.

But that was another example of industry influence. In that case, it was the company, Cadbury-Schweppes that was giving a lot of money to the American Diabetes Association. And this was the response from them that “Oh, what’s the problem?”

DM: Yeah. That is pretty obvious. I mean, anyone with a small amount of commonsense can figure that one out. But what becomes more complex is when you introduce these chemical derivatives like artificial sweeteners. I don’t know if there was much of that at the event that you attended. But it would seem that there’s a probability that it was, because they’re even more pernicious than the sugar.

MS: Right. Well, you know, it’s very interesting because the Academy of Nutrition and Dietetics has basically taken a position that they don’t see a problem with artificial sweeteners. That’s their official position. And you know, that is the opinion of some other health professionals, too; it’s not just them. But the point is that this possibly could be influenced, or at least connected to the fact, again, that Coca-Cola is offering these webinars, where they’re giving R.D.’s continuing education units.

In one webinar, the entire subject matter was artificial sweeteners. It’s sort of, you know, the usual rhetoric of “The Industry’s Myth-Busting” or “The Truth Behind Artificial Sweeteners” to try to get underneath the type of information that you’re putting out there about the problems with artificial sweeteners. So, an entire webinar brought to you by Coca-Cola saying things like, “Oh, there’s no problem in it. There’s no science that supports the idea that aspartame or other artificial sweeteners are bad for you.”

Of course, these are the messages that R.D.’s are getting, in which case they can then continue to recommend Diet Pepsi and Diet Coke as “good alternatives” to the full-calorie, sugary beverages. And you know, obviously, this is a problem.

DM: It is. I’m wondering why there aren’t more independent, objective, free-thinking R.D.’s who can look critically at the research. I mean, they are trained professionals. Why do they have to rely on these messages? Or is it the same response that we could really apply to physicians?

MS: I don’t like to paint with too broad a brush with the entire registered dietician profession. In fact, I was really clear in my report that I’m not attacking the profession of R.D.’s generally. Of course, there are many independent-minded, scientifically trained R.D.’s who are able to ferret out the good information about – if that even exist – these types of products. There are many R.D.’s, in fact, that have rejected membership in the academy, mostly because of these relationships.

The problem really lies with the leadership of this organization and the fact that they’re putting their stamp of approval on these types of webinars and companies that obviously are contributing to the very problem that the profession is trying to address. I think it’s important to separate the
individuals, just like there are good M.D.’s out there that are doing the right thing and reject the sort of company lines, so to speak. There are many good R.D.’s and other nutrition professionals that are doing the right thing.

**DM:** Well, that’s a very important distinction. Thank you for pointing that out. Hopefully, we can inspire the R.D.’s to understand this at a deeper level. The power is in the membership and their numbers. They clearly outnumber the leadership. They have the power, potential power, to change that – those positions – and to really stop those types of sponsorships.

So, can you provide some additional examples of some of the outrageous behavior that you saw there that really have been written about in your book?

**MS:** Yes.

**DM:** It’s a report; it’s not a book.

**MS:** What was really troubling, even more than the size of the expo floor, was attending several of the educational sessions (as they’re called). For example, one I attended wasn’t sponsored by McDonald’s. That’s partly what made it troubling. If you look in the program, it will say: here’s a session on fast food. So, I attended it.

There was basically a big PR infomercial for McDonald’s with Cindy Goody, the head of nutrition, that was someone who was actually the director of nutrition at McDonald’s. She gave the big song-and-dance about how wonderful McDonald’s is doing.

I sat next to an R.D. who afterwards was disappointed, because she herself thought it was one big infomercial and came to actually hear substantive information. I later had an interesting conversation with another R.D. who told me that McDonald’s was not in the program and had not sponsored any kind of educational session, even though I was telling her that I had sat in the session and McDonald’s was indeed educating the R.D.’s in the audience.

That was because there was no disclosure in the program that McDonald’s was even going to be speaking there. You had to kind of dig through and see who the speakers were. But this was just an example of some of the ways that a company like McDonald’s can even get on the program without sponsoring a session. And it’s, you know… How in the world they were able to do that without even apparently paying for the privilege is pretty troubling right there.

And then other sessions were… For example, the National Dairy Council, which is also, by the way, a huge sponsor of the academy, had one sponsored session. It was clear in the program that they were sponsoring the session. They would talk about how even people who were lactose-intolerant or allergic to milk were perfectly fine, you know. For the majority of the world ethnic groups who are lactose-intolerant or others who happened to be allergic, it’s perfectly fine to eat dairy, because of course, it’s so important for calcium. The dairy industry has done such a good job of brainwashing us into thinking milk equals calcium.

Several registered dietitians in that session were so upset about these messages, that they actually got up and walked out. I tried to ask them later. “Well, gee, shouldn’t you get your money back from your own trade group?” Because they came to hear scientific information
about what to do with people who have allergies and so forth, and yet they were given this company line from the dairy industry that they should just keep it in dairy.

**DM:** Yeah. That’s really sad. When was your report released?

**MS:** In January.

**DM:** In January of 2013. So, since your report has been released, I’m wondering if you can comment on the feedback you’ve received from members of the Academy of Nutrition and Dietetics and what their comments were.

**MS:** Sure. Well, they weren’t too happy about it, to say the least. They engaged in what I would call typical industry tactics such as shooting the messenger. They made me the problem as opposed to my criticism of them. They said that I was biased and I had an agenda.

And then they accused me of inaccuracies. This went on for several weeks, where they claim there were inaccuracies in the report without naming them. Until I finally said, “Well, tell me what they are, because I certainly like to correct them.” Then they finally came out with this supposedly damning list of inaccuracies. And there really weren’t any. They were just arguing with me over opinion-related matters.

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It was really disappointing, not surprising. The membership, I will say the R.D.’s that get it, were embarrassed and really outraged by this response.

For example, one of the points of research that I brought out in the report talked about how the registered dieticians themselves are not happy with these sponsorships. Some 80 percent of R.D.’s have said they don’t like some of the top sponsors of the academy. And yet one of the responses the academy came out with was to say, “Our R.D.’s support our sponsorship program.” Meanwhile, the R.D.’s are up here saying, “No, we really don’t.”

The good news is, like I said before, there are a number of registered dieticians who are speaking out. In the wake of my report, I’m happy to say a group has formed more formally. They call themselves Dieticians for Professional Integrity. They have so far formed a Facebook page. I know we’re kind of working behind the scenes to plan some activities to really tell the leadership that this is not okay.

I’m really encouraged by that, because as you say, the membership does outnumber the leadership. That will change over time. The leadership will have to get that message. Otherwise, the membership’s going to go away.

**DM:** Well, I applaud those efforts. We certainly can hopefully support those efforts and encourage anyone who’s watching this, who knows an R.D. or encounters one in their healthcare setting, to have them view this and perhaps get a copy of your report. What’s the best way to access your report?

**MS:** It’s right on the home page of my website, which is EatDrinkPolitics.com.
DM: Okay, EatDrinkPolitics.com (no space). Excellent. I’m wondering if you can also comment on some other recommendations. Clearly, I think sending the message to the leadership is going to be one of the most important ones and encouraging them to have this transparency that clearly wasn’t there with the McDonald’s example you provided.

But do you have any other recommendations to encourage changing them to a more important and useful organization that’s going to provide strategies and therapies that will, in fact, move people toward health? Because they’re working with the tool that’s probably with the most power than any at the physician’s disposal.

MS: Right. Well, yeah, they had several recommendations, including transparency. As you’ve said, listening to their R.D.’s who are clearly trying to tell them a different message than they want to hear.

Also, another aspect we didn’t talk about was their policy positions. What I found was that this group is really not willing to take some of the more controversial positions that might upset their sponsors. I really strongly recommended that this group reconsider that and get engaged in this very important policy matters such as marketing to children and GMO labeling, issues that the academy is just sort of, you know, turning a blind eye to probably because they don’t want to kind of upset their sponsors. That’s another really important aspect.

But overall, to really do the due diligence to really listen to its members and be more responsive to the members who are speaking out.

DM: There is another organization, the Center for Science in the Public Interest or CSPI, who ostensibly has similar goals as you as a public health attorney. They wrote recently in the New York Times that they disagree with your report and felt that there were significant leadership changes already in place at the association. I’m wondering if you could comment on that.

MS: Well, I actually did point out in my report that there are positive leadership changes. For example, in Washington, D.C., there are several staff members there who are doing their level-best to advocate in a positive way. I think that’s what CSPI was referring to, you know, that they have a good relationship with the lobbyists for the academy in D.C. And that, I’m totally on board with. That’s great.

There still is this other problem, though, which is that the headquarters of the organization remains in this sort of old, outdated mode of collaborating with industry. I happen to know that there have been some internal disagreements, where the lobbyists – the good-guy lobbyists from D.C. for the academy – are trying to do the right thing. But then if, you know, HQ says, “Oh, no, no, we can’t take that position,” then their hands are tied.

So, I think there’s a mix of developments going on here. While the leadership has tried, has made some positive steps, there’s still this tension, where the old guard kind of... They’re holding on and wanting to, you know. In some cases, they’ll do the bidding of the food industry that sponsors them.

DM: You know, it seems that the sponsorship is a crucial component. I’m wondering if you have any suggestions to them as to how to change that. Because obviously, to run their organization is going to require certain amount of funding – and to pay for the event. I mean, it’s not all paid for
by membership dues. What alternative sources of revenue would they seek to replace the ones that they’re getting from the industry?

MS: Right. Well, it’s interesting, because I actually took a specific look at their financial statements, at least the data that they release publicly in their annual reports. The way it breaks down is they certainly make most of their money from membership dues. Over the last couple of years, at least the way they report it, it appears only about nine or 10 percent of their income is from these corporate sponsorships. In the most recent year available, as little as five percent.

Now again, they may be kind of reporting that money in a strange way that doesn’t really eliminate the full percentage of money that comes from corporations. But it appears that they could easily make up that revenue from maybe an increase in number or some other sources. So, that really does raise the question: what is going on here? Is there something deeper to these relationships? Is it just this philosophy?

I mean, in any way, if your organization can only survive by taking money from the likes of Coke, Pepsi, and McDonald’s, then I think maybe it’s time to really rethink your mission and whether you should be in existence at all.

DM: Yeah, I couldn’t agree more. That is actually very surprising information to me. I would have thought it was the exact reverse. To find only five to 10 percent of their reported funding is from these sponsorships would make it clearly very simple strategy of solution. I mean, all you have to do is increase membership fees relatively moderately to account for the difference – a 10 percent increase.

MS: Right.

DM: They don’t really have a good answer to that one.

MS: Yeah. Well, I guess that it’s really hard to really get to the bottom of it. That’s part of what I was recommending – through more transparency – that we need to really understand. Because for example, they have these ongoing partnerships (that’s what they call them), so several companies get the name “sponsor” for this annual relationship with AND.

So, Hershey’s, for example, is a partner. But we don’t know how much money exactly Hershey’s is paying. In other words, what does that contract look like? How much is Hershey’s paying for this partnership-level status. I mean, that’s where it gets hard to really kind of tease out. When the academy is reporting these figures, it’s not clear what bucket they’re putting it in.

DM: Here’s another interesting question for you, especially as an attorney. One of the most important legal documents is the U.S. Constitution and the Bill of Rights. The first bill, of course, is the freedom of speech. So, how do you balance that freedom of speech with the industry’s ability to advertise to manipulate and deceive the public?

MS: Well, what I’d like to say is that the food industry likes to wrap itself in the U.S. Constitution. They like to claim that they have a no-holds-barred, First-Amendment, free-speech right to advertise whatever they want anytime, anywhere to anyone. But actually, the law doesn’t really work that way. While it is true that advertising in general has been given certain free
speech protection via our Supreme Court, it’s not a blank check to advertise anytime, anywhere anything.

One of the most important limitations is that misleading or deceptive advertising is not protected free speech. In other words, it’s not okay for a company to, say, target a three-year-old as McDonald’s does with its Happy Meals. Okay, because a three-year-old cannot understand what advertising is, doesn’t have the cognitive capacity to even know what advertising is, or what persuasive intent is, which is the linchpin of advertising.

As adults, we’re not so good at it either. But at least, an argument can be made that we have a better cognitive capacity to withstand advertising messages. With small children, there is no question that they do not. That is not protected free speech.

Many lawyers have held this opinion for many years that, in fact, government can regulate – even ban – marketing to young children of any kind, by the way, not just food. It’s not that carrots or spinach is okay either. I mean, that’s another tension going on. Some advocates are saying, “Well, we just want companies to market healthy food to children.” My response to that is “Well, if a three-year-old can’t understand what a Happy Meal is, why would they understand that they’re being advertised to with a carrot?”

Marketing to children is just across-the-board deceptive. It’s not protected free speech. We absolutely can be doing something about that. Unfortunately, big surprise: there’s no political will to do so – certainly not in Washington, D.C.

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DM: All right. So, if suits are brought up to address this, they’re just rejected, not even heard? Some are early dismissed out of court?

MS: We haven’t really had much in the way of lawsuits, though. You’re talking about, say, a private lawyer bringing a law suit against a company for deceptively marketing. We’ve had one attempt actually by Center for Science in the Public Interest. They did sue McDonald’s for marketing Happy Meals.

It gets tricky because there’s this concept in law called standing. The mother is actually the one purchasing or the parent is purchasing the Happy Meal. The deception is to the child. This particular case got thrown out of court. It was followed in California. The court said, well, the mother really didn’t have standing, because the deception is to the child.

So, you know, we still have to work out these kinks. I think that we may be able to find a jurisdiction perhaps where that isn’t a barrier. Unfortunately, we don’t have enough lawyers, frankly, even willing to push this envelope, but I’m hopeful that we will someday.

DM: Here’s another good question: how many public health attorneys like yourself are there?

MS: Well, you know, when I started out way back in the mid-‘90s, there weren’t many. In fact, I didn’t even think of myself as a public health lawyer. I thought, “Oh, I was a lawyer who happens to have a public health degree.” And then over time, this field of public health law has really grown. That’s the good news. There are many more of us now than when I started. There
are whole centers and public health law groups that really work to shape law in the way to help people make healthier choices, etc. I would say it’s a growing field.

However, for me, the missing piece is sort of the political part, right? We have smart lawyers who can draft all the laws they want. But we really have to, of course, create the political movement to support those efforts and also kind of play defense.

One of the good news/bad news things that are happening is as we’re getting local laws passed and state laws passed, the industry can get preemption laws passed. Preemption is where, let’s say, a state government passes a law to wipe out local laws. For example, the city of Cleveland got a law passed to ban trans-fat in restaurants. Well, the rest of the industry went to its defense in their capitol in Ohio and said, “We want to wipe out that local law.” Now there’s actually a legal battle over that.

It’s important, as lawyers, that we realize that there’s always the politics involved, and we have to stay on top of these types of sort of trump-card efforts by the food industry.

**DM:** And then we see another one just happen this week with Monsanto just sliding it under the carpet. It was written anonymously as a writer to a bill that gets passed and immunizes them from any federal prosecution. I mean, that is just beyond insane how this type of legislation gets passed.

**MS:** Yeah.

**DM:** But it’s understandable, considering the power that they have and influence with their lobbying efforts.

**MS:** Right. That’s a good example of advocates using the courtroom successfully, in this case, to stop Monsanto and other biotech companies from planting GMO crops that are found to be essentially illegally approved by the USDA. Because they had some success with using the court in that way, Monsanto did this [inaudible 33:28] went to its friends in Congress to essentially say the USDA has to ignore any court decision that says that the approval has been done illegally.

I wouldn’t call it “complete immunity.” I would say it’s an [inaudible 33:42] for now. The good news is this would definitely be fought in court, and at least the provision that was just passed is only good for six months, the length of the budget bill that it got attached to. So, there’s still more fighting to come on this issue.

**DM:** Well, that’s good. So, it’s not as bad as it would appear to be ostensibly.

**MS:** And of course, it’s not just the public health lawyers that need to kind of wake up and realize…

**DM:** Sure.

**MS:** They have a political battle in our hands really.

**DM:** The public is our hope.
MS: And really the entire sort of public health world and food activists. I mean, frankly even the food movement doesn’t always realize they’re on a political battle. They’re sort of distracted with some of these sorts of happier projects of farmers’ markets and so forth, which are important. And yet this sort of processed food, conventional food paradigm remains in place, they’re just going to be minor victories.

I think our work is cut out for us: to get everyone involved in these issues to understand that we are up against a massive, massive industry – several industries, if you think about biotech, pesticides, pharmaceutical, junk food industry, etc.

And yet I think there is strength in numbers. Even though we don’t have obviously the resources of these industries, we absolutely have the numbers on our side. It is a matter of coming together and working together in more coordinated ways to be stronger against these powerful interests.

DM: I couldn’t agree more. I want to get back to the First Amendment issue. Would you expand on it and use as an example on fairness of advertising to children, because they don’t really have the discernment capabilities to differentiate the truth from the nonsense?

MS: Unfortunately, over the years, schools have sort of opened their doors wide to junk food purveyors of every kind. All the same companies we’ve been talking about one way or another have found their way into schools. This is an ongoing controversy and challenge, where schools are just, you know. Walk through the halls of any random high school these days, and there’s just chock-full of vending machines of Coke, Pepsi, Gatorade, etc.

There have been many efforts by some of the nation’s largest school districts like New York, L.A., Chicago, and Boston to try and change that situation. In many cases, they’re sort of, you know, replacing the products with allegedly “healthier” versions that you and I would probably not agree to be so much healthier. But that’s kind of where we’re at with the issue.

There are some examples of school districts and states that have gotten rid of vending foods or what are called competitive foods, foods that actually compete with the school meal program. School meals, of course, are a whole other challenge. But competitive foods are particularly a problem. In some cases, they have been gotten rid of mostly in elementary schools.

This is important right now, because the USDA, which has jurisdiction over school food, is getting ready to promulgate new nutrition standards for these so-called competitive foods. Again, these are vending machine foods and what’s called a la carte items. These are foods that are sold outside the school meal program, but are things like fast food items that compete with the reimbursable school meal. This is an issue that’s heating up right now.

We know the food industry is gearing up to make sure those new federal standards are going to be as weak as possible. In contrast, some groups are saying, “Well, we want better nutrition standards.” I’m actually taking a whole different approach to this. My comment to the USDA is that we should get rid of the competitive foods altogether, because I don’t really think replacing Coke with Diet Coke is such a great idea. And there are many reasons that we should not allow these types of foods in schools at all.

DM: That makes a lot of sense. So, you know, you’ve done a great effort here in helping expose some of the corruption, deceit, and the lack of transparency in this organization with your report.
You’ve got many, many years in front of you, I might guess. I’m wondering what the next project down the line is. What do you hope that you might be able to facilitate or catalyze?

**MS:** Sure. Well, I do have a couple of reports in the works. In fact, there’s one probably on the dairy industry. I think there’s a lot of work to be done exposing the real brainwashing that that industry has done on the American psyche. And I’m hoping to work with groups in a stronger way on really countering corporate tactics.

I have a whole new talk I’m doing now that looks at how the food industry lies and how it engages PR professionals, really unpacking the types of messaging that the industry engages in in these policy battles.

I feel like there’s really a role for assisting people who advocate – policy makers or whoever is going up against the industry. What I envision from my long-term plan is really, you know, workshops, trainings (training the trainers), and really thinking about countering corporate tactics as a legitimate field of study even for academics to look at and also as a specific skill. We need to build the skills in advocacy, first of all, even just learning how to lobby, just at that basic level.

But then in addition, really building the skills of advocates and countering corporate tactics, exposing the front groups, exposing the PR, exposing everything the industry is doing, so that you can be better equipped when you start down the road. I mean, too many advocates are just jumping in, right? They want to see a soda tax. That’s their latest sort of bandwagon that a lot of my colleagues are jumping on. I want to take a step back and say, “Wait a minute, is that even the best policy to go forward with?” I’m not even convinced.

First of all, we need to be really strategic when we’re thinking about proposing policies. And then of course, what are we up against when we want to propose something like a soda tax or a restriction on marketing to children? Really plotting out what to expect, then figuring out a strategic plan, and of course, gathering the proper resources to be able to counter this massive, massive industry.

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That’s what I see really developing much more.

**DM:** What do you perceive to be the factor that’s going to enlighten their consciousness to this type of strategic intervention once you expose them? Because it seems like there’s a whole shift in consciousness that needs to occur to get the bigger strategic picture.

**MS:** Right. Well, that’s right. There’s sort of I guess different… I think there are audiences that need help along the way. There are people who, like I said, don’t even understand that this is a political fight that we’re in, or that the food industry is at the heart of the problem. Clearly, those people need just kind of the basic education or information. And then there’s a lot of that out there.

But then for people who have kind of come to that point, where, okay, they understand that the food industry is the problem and we need to really counter their marketing and lobbying, that’s, to me, where the critical intervention is needed to say it’s not enough to just recognize that we have a problem in our hands.
It’s not enough to just expose the problem. It’s really not enough to be doing research reports on yet more marketing-to-children problems. I’m so tired of reports about this problem. We know this is the problem. Let’s really get much smarter and more strategic about how to counter the industry and how to beat them at their own game. That’s where I feel like there’s just a tremendous opportunity.

**DM:** I couldn’t agree more. I’m excited. I’m excited that we connected, can help share your message, and work together in the future in these projects. This change is certainly desperately needed, because so many people’s lives and the quality of lives are at stake. It’s really being sacrificed at the expense of corporate profits.

**MS:** Yeah. I’m with you there.

**DM:** All right. Well, I guess the best way, if people want more information about this report, is to go to your website again, which is…

**MS:** Yes, EatDrinkPolitics.com.

**DM:** EatDrinkPolitics.com. Okay.

*[END]*