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OPINION & CONTRIBUTED ARTICLES

ConAgra Sued Over GMO '100% Natural' Cooking Oils

BY MICHELE SIMON | AUG 24, 2011

OPINION

If you use Wesson brand cooking oils, you may be able to [join](#) a class action against food giant ConAgra for deceptively marketing the products as natural.

These days it's hard to walk down a supermarket aisle without bumping into a food product that claims to be "all-natural." If you've ever wondered how even some junk food products can claim this moniker (witness: [Cheetos Natural Puff White Cheddar Cheese Flavored Snacks](#) - doesn't that sound like it came straight from your garden?) the answer is simple if illogical: the Food and Drug Administration has not defined the term natural.

So food marketers, knowing that many shoppers are increasingly concerned about healthful eating, figured: why not just slap the natural label on anything we can get away with? That wishful thinking may soon be coming to an end if a few clever consumer lawyers have anything to say about it.

While various lawsuits have been filed in recent years claiming that food companies using the term natural are engaging in deceptive marketing, a suit filed in June in California against ConAgra could make the entire industrial food complex shake in its boots.

The plaintiff claims he relied on Wesson oils "100% natural" label, when the products are actually made from genetically modified organisms.

GMOs Not Exactly Natural, So Says Monsanto

Ironically, the complaint cites a definition of GMOs by none other than [Monsanto](#), the company most notorious for its promotion of the technology. According to Monsanto, GMOs are: "Plants or animals that have had their genetic makeup altered to exhibit traits that are not naturally theirs."

The complaint also quotes a GMO definition from the [World Health Organization](#): "Organisms in which the genetic material (DNA) has been altered in a way that does not occur naturally."






Four Wesson varieties are implicated in the case: Canola Oil, Vegetable Oil, Corn Oil, and Best Blend. And it's not just on the label that ConAgra is using the natural claim, but also [online](#) and in print advertisements. (Additional silly health claims on the website include "cholesterol free"--vegetable oils couldn't possibly contain cholesterol anyway.)

The complaint describes the extent of ConAgra's deception, alleging the "labels are intended to evoke a natural, wholesome product." And further:

The "100% Natural" statement is, like much of the label on Wesson Oils, displayed in vibrant green. The "Wesson" name is haloed by the image of the sun, and the Canola Oil features a picture of a green heart.

A green heart -- you just can't get any healthier than that. However, as registered dietitian Andy Bellatti told me: "These oils are high in omega 6 fatty acids, which in excessive amounts are actually bad for your heart." Guess they left that part out of the green heart icon.



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Supermarkets Chock-full of GMOs

But what makes this lawsuit especially intriguing is its potentially far-ranging impact. According to the [Center for Food Safety](#): "upwards of 70 percent of processed foods on supermarket shelves -- from soda to soup, crackers to condiments -- contain genetically-engineered ingredients." While it's unclear how many of these products also claim to be natural, given all the greenwashing going on these days, it's likely to number in the thousands.

Specifically, up to 85 percent of U.S. corn is genetically engineered as are 91 percent of soybeans, both extremely common ingredients in processed foods. Numerous groups including the Center for Food Safety have been calling attention to the potential hazards of GMOs for years. From their [website](#):

A number of studies over the past decade have revealed that genetically engineered foods can pose serious risks to humans, domesticated animals, wildlife and the environment. Human health effects can include higher risks of toxicity, allergenicity, antibiotic resistance, immune-suppression and cancer.

Not exactly the stuff that green hearts are made of. The legal complaint also notes that on its corporate [website](#) ("but not on the Wesson site that consumers are more likely to visit"), ConAgra implies that its oils are genetically engineered. The company concludes: "Ultimately, consumers will decide what is acceptable in the marketplace based on the best science and public information available."

But by being told the oils are "100% natural," consumers can no longer make an informed decision as they are being misled.

Which reminds me of a great quote from Fast Food Nation author Eric Schlosser: "If they have to put the word 'natural' on a box to convince you, it probably isn't."

Michele Simon is a public health lawyer specializing in industry marketing and lobbying tactics. She is the author of Appetite for Profit: How the Food Industry Undermines Our Health and How to Fight Back, and research and policy director at Marin Institute, an alcohol industry watchdog group.

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Tags: class action lawsuit, ConAgra, cooking oil, FDA, natural, Wesson

Discuss (30)



DISCUSS

Doc Mudd
 08/24/2011
 1:53AM

Center for Food Safety should have trademarked the term "natural". Then they might have some authority to define it and some cause to successfully claim damages.

Oh well, the food police never has dwelt upon factual evidence in any of their enforcement.

Where do I sign up to get my class action windfall check? I

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| | | | <ul style="list-style-type: none"> Food Lion Manufacturer Recalls Store Brand Hard/Soft Taco Dinner Kit Recalled Products Were Produced Under the Food Lion Store Brand Label and Sold at Food Lion, Harveys and Reid's Stores |
| | | | <ul style="list-style-type: none"> Biscomerica Issues Allergy Alert on Undeclared Milk in it's Knott's Berry Farm 12/8/2 Boysenberry Cookies #59680, Bluberry Cookies #59675, Raspberry Cookies #59670 Strawberry Cookies #59695. |

FOOD RECALLS

- E. Coli Tests Spur Recall of Tenderized Beef in Maine
- Vegetable Biryani Recalled for Undeclared Allergen
- Berry Cookies Recalled for Undeclared Milk
- Ceramic Wine Goblets Recalled

think I will buy a Land Rover with mine...and a yacht (just a medium-sized one). The rest of the cash I will just blow on "healthy" foods. Then we can sue someone for using the term "healthy" and keep the settlement checks rolling in. Now, that's the definition of "sustainable"!

Kumbaya, campers, kumbaya!!

Melinda Hemmelgarn
08/24/2011
9:47AM

As a dietitian who advises consumers on how to choose foods in their family's best best interests, I hope that more of these consumer clamor drives change in the marketplace, and I fully support these suits.

Food companies that lace their products, natural and otherwise, with undeclared GMOs deceive consumers who clearly have spoken: we don't want to eat GMOs let alone feed them to our children without adequate safety testing. We are repeatedly told about our increasing "healthful and safe" choices in the marketplace, when indeed our choices are dwindling.

What is interesting to me is how high fructose corn syrup got away with a "natural" moniker, considering the Monsanto language. Thank you for pointing that out Michele.

I recently heard marketing genius Alex Bogusky speak at Expo West. He agrees. To advance the organic label, which has third party certification, legal definitions, strict standards and Board oversight, we need to expose the lie of the "natural" label.

Consumers should also be aware just in time for Halloween that all that candy sweetened with sugar from sugar beets is GMO as well. Tricked again!

Here's a link to short article about Bogusky's talk if you'd like to read more:

<http://www.stonyfield.com/blog/>

Dan Cohen
08/24/2011
9:51AM

This is a very interesting use of jujitsu under the law.

What is so intriguing legally, is the following. "Natural" remains as undefined as it was in the early 1970's, prompting its broad misuse once corporate culture wanted in on a growing natural marketing trend and destroyed all possible meaning. [A lesson learned when it came time to legally protect the meaning of 'organic'].

"Un-natural" one might say, however, has been defined by Monsanto and the other GMO boosters.

Therefore while a lawsuit against natural cheese whiz made from non-gmo products, for example, would in all probability fail, unnatural as cheese whiz may be (but high in conjugated linoleic acid!! Put fish oil on your cheese whiz!! All Natural!!) because of the continuing nondefinition of "natural" ...

GMO has defined itself as "un-natural" (in multicellular complex organisms; the tools of biotechnology came from bacteria and fungi originally). And someone very enterprising noticed this. The lawsuit against Cargill on this basis (GMO's are not natural) might have a chance of winning.

Unfortunately the classic farmer case against GMO's, in my view, took the wrong (frontal attack approach). What Percy

Shmeiser in Canada could have done from the beginning was to sue Monsanto for contamination, where eventually he more or less "won". Get your pollen/ seeds off my farm (instead of claiming rights to what had trespassed). Later there was a longer development about GMO trespass in US courts which someone else should look at -- its not all unambiguous. Monsanto tends to claim all rights to its patented constructs wherever they occur EXCEPT when it is trespassing on your property. But they did pay for herbicides to remove GMO canola from highway borders in our county.

I always thought \$1.00 per pollen grain trespass, \$10.00 per seed or plant, plus all costs of testing and loss of organic business, or breeding program time etc would do the job pretty well of making companies answerable for the expected consequences of their releases.

Long grain rice in the South and GMO contaminated human use flax in Canada (for EU export) and the old corn contamination cases all are solid precedents for how GMO escapes can legally and economically damage an entire crop and food industry.

So the reduction to absurdity is this: whatever the ambiguity about the definition of "natural" is, it cannot possibly include ingredients who are defined as un-natural. That would seem to be basic western logic, which underlies the law. Even the definition of what "is" is.

The problem in this case is whether the self-definition of GMO's as un-natural by the industry and governmental bodies (for the benefit of the industry) has legal weight. It can certainly testify to the un-natural claim but it does not conclusively define the characterization of the entire technology, especially as applied in a different context for marketing. But it looks like a case that can be argued.

Dan Cohen

krissy
08/24/2011
10:03AM

yea kumbaya. We pay top dollar for regular unaltered foods called organic and the unlabeled food was spliced in a lab with botulinium toxin and fish genes. I want it to go back to the way it was when regular food was a organic and my food wasnt grown by a chemist and living things couldn't be patented.

Doc Mudd
08/24/2011
12:59PM

While you have all the idle geniuses assembled perhaps you can also resolve, once and for all time, just how many angels can dance on the point of a needle.

GMKnowBoulder
08/24/2011
8:09PM

All food descriptions whether FDA or USDA are legal constructs. I read a 100+ page USDA industry working group document about what constitutes "natural." It's a mishmash of special interests vying for a toehold advantage enabling them to push more "false claims" into the consumer pipeline.

Sadly, consumers are always the last consideration. The criminal conduct in allowing untested Genetically

Engineered Organisms in the US food supply, I believe, it the main cause behind the epidemic rise in illness in both children and adults. These mutant protein, all patented, don't claim improved human nutrition or nourishment. They're about improving the delivery of pesticides, which the GMO companies gladly sell to the farmer along with their seeds. It's the equivalent of selling razor handles and blades. The GMO companies actually enjoy selling new seed over and over again, plus ever-increasing amounts of pesticides. You see, because their GMOs can withstand being sprayed with powerful weed killers, the weeds have come to develop poison resistance. The farmers are being forced to use more and more varieties of pesticides to deal with the problem. Unfortunately, since we're at the end of the food chain we're getting all the residues of this chemical-genetic cocktail. Perhaps everyone will think twice about buying "conventional foods" if they're aware of the toxic ingredients?

Doc Mudd
08/25/2011
7:46AM

"Human health effects can include higher risks of toxicity, allergenicity, antibiotic resistance, immune-suppression and cancer."

A blatant prevarication; no scientific validation that these purported ill "human health effects" of GMO have occurred or are occurring, none whatsoever.

But, proudly preserve your scientific illiteracy and instinctively fear what you don't understand...

...duck and cover, campers!

<http://www.youtube.com/watch?v=IKqXu-5jw60>

Be afraid, be very afraid!

Terminator the Great
08/25/2011
9:51AM

Doc Mudd... 5th columnist for the GMO gang. Hilarious!

Doc Mudd
08/25/2011
11:17AM

Ah, yes. Just one more damned thing silly anti-GMO cultists must wring their hands over.

<http://www.youtube.com/watch?v=OZZ2k5pXFOU>

Be afraid, be very afraid, campers!

Steve
08/25/2011
3:42PM

RE: the Muddian misstatement -- "no scientific validation that these purported ill "human health effects" of GMO have occurred or are occurring, none whatsoever."

Actually, there's plenty of evidence of negative health effects, injury and harm resulting from the widely expanded use of Roundup herbicides brought about by transgenic stacked trait crop varieties, including farmworker illness and (once suppressed) reports of birth defects. Severe allergenic reactions to GMO "novel proteins" are also well documented as are negative effects from genetically engineered Bovine

Growth Hormone in milk.

And -- while over 70% of foods on supermarket shelves contain GMOs -- they're still completely unlabeled -- rendering further documentation of health effects handily untraceable while protecting the patent holders from liability. Also, thanks to early on governmental favoritism and boosterism, the biotech industry also handily bypassed safety testing in the 1990's under the fictions of "Generally Regarded As Safe" and the ruling of a so-called "substantial equivalence" to regular foods (but all the while substantially un-equivalent enough to be able to get novel patents).

And also, thanks to those Biotech patents, independent scientists are prohibited from testing their proprietary germ plasm for safety or efficacy. Not to worry though -- the industry actually does the testing -- and reporting -- to their sub-divided regulatory FDA, USDA and EPA "overseers".

Meanwhile, thanks to Biotech's buying up of the world's major seed companies, farmers have fewer and fewer choices in the seed market -- their older tried and true regional varieties are now gone -- replaced by GMO varieties where the seed cost is now by the kernel -- not the sack or bushel -- and pricey indeed. Finally, the Biotech industry has spent over a half a billion dollars on lobbying alone in the last decade to expand and protect its hegemony to perpetuate all this.

Doc Mudd
08/25/2011
5:15PM

Heh, more strained dithering and agitated butt clenching over groundless tangential GMO worries. More to the point; no documentation of direct harm in the form of "toxicity, allergenicity, antibiotic resistance, immune-suppression and cancer" (because there is none). Just more of the same old whining, quaking and complaining. You righteous health freaks do realize all this pointless worry and anxiety will shorten your grim, pious lifespans, do you not?

There is, however, a silver lining within this fog of professionally scaremongered GMO histrionics: when "natural" is concisely defined to everyone's satisfaction there will be no further need for overpriced "certified organic" schlock. All that meaningless elitist nonsense will finally go away. And good riddance!

Martin
08/26/2011
9:07AM

Kills insects but healthy for people. Sounds right to me! And remember never argue with an idiot or an ignorant know it all.

Toni Reita ND
08/26/2011
10:52AM

Healthy food is either pure, unprocessed, healthy, natural food, without additives, extenders, fillers, coloring, chemicals, pesticides, insecticides, herbicides, steroids, antibiotics, cloning, pasteurization, irradiation or it's a "food-like-substance" and not adequate for natural health, eating healthy nor for other living creatures.

Is there really anything in between?

Why are record numbers of Americans so obese, sick, lacking energy, depressed and suffering from diabetes, kidney failure, heart disease, cancer & auto immune disorders?

Eating healthy isn't just a choice between natural food or industrial food like substances. It's also a choice between eating chemically burdened formerly-fresh-food and naturally grown or organic.

Most fresh, natural looking food in the supermarket has also been sprayed to prevent natural decomposition, irradiated to destroy bacteria and nutrition too.

If you live in North America when was the last time you ever really tasted a delicious, ripe, juicy, brilliant red tomato that BURSTS with flavor? Fresh garden tomatoes excepted, of course. My home grown tomatoes weigh in at about 1.5 lbs each with some over 2 lbs, and the juice running down your face is exquisite!

Natural means that which occurs in nature, not bio engineered.

Get a free NON GMO Shopping Guide here!

<http://www.natural-health-home-remedies.com/gmo.html>

John Munsell
08/26/2011
8:25PM

To obtain factual evidence of the deleterious consequences of GMO products, please read "Seeds of Deception", a marvelously documented expose of genetic modification. Food Safety News, give readers one month to read this book, then re-run this article, and Doc Mudd will have nowhere to hide.

John Munsell

Joel
08/27/2011
2:04AM

Doc Mudd, It's 2:00 in the morning where you are and it's showing -your thinking is awful muddy. Go to bed and give us a break from the ignorant inanities. But perhaps starting tomorrow you can help speed up resolution of this issue: I suggest you eat a diet of at least 90% genetically engineered phude exclusively for the next 3 years, then get back to us on how you're doing. If you don't get back to us we won't ask. Deal? It really would help as there are no longitudinal human safety studies for some reason.

BTW, the REAL food police are busy dumping people's raw dairy products arresting them and seizing their assets. I imagine this is the way you like it, i.e., if it's healthy it's illegal, and if it's dangerous unnatural crap it's sanctioned and deceptively pushed on us. Matter of fact, you might make a good fit in the food police yourself, that is if you're not already connected in that way.

Doc Mudd
08/27/2011
2:31AM

<http://www.quackwatch.com/>

Doc Mudd
08/27/2011
9:08AM

John Munsell's sci-fi reading list is predictable for an R-CALF anti-agriculture propagandist (so, how are those meatless Mondays working out for you, anyway, John?).

Just as predictably, John is confusing his propaganda sources; Jeffrey M. Smith's second screed, "Genetic Roulette", not his first, was supposed to be the be-all, end-all of the lunatic fringe's emotional anti-GMO "fact list". As for credibility, well, as it turned out (and to no sensible person's surprise) Smith's assertions were quite incredible, indeed they were ludicrous...

<http://academicsreview.org/reviewed-content/genetic-roulette/>

As for John Munsell's prescribed reading assignment, I can save all of you a couple of days (or, for John, "one month"!). The thousands of paranoia-addled words contained in Jeffrey M. Smith's first screed, "Seeds of Deception", can be summed up in just one picture (a la Fred R. Barnard)...

<http://skepticalteacher.files.wordpress.com/2011/04/conspiracy.jpg>

A sad, sad commentary on the utter failure of science education in America during the past half century, that we find so many relatively smart "educated" people believing the most preposterously stupid things...and so proud of it!

<http://www.michaelshermer.com/2002/09/smart-people-believe-weird-things/>

To their credit, profiteering enviro-foodie journalists like Smith, Pollan, Schlosser and others have shrewdly capitalized upon the prevailing 'Appetite4Pseudoscience'. Too bad, though, for legitimate practitioners of modern science, including professional farmers and food producers...and thrifty, sensible families across America for whom food price inflation is shamelessly whipped to a frenzy by these elitist scaremonger journalists.

Oh, well. A fool and her money are soon separated. Kumbaya, campers, carry on!

Steve
08/27/2011
5:24PM

As usual, there's only the usual muddy ad hominem attacks trying to detract from the lack of a tenable position.

That's because, behind the screen, there is No Science backing up the safety of GMOs -- just the bought and paid for political/economic power of the Biotech Industry, whose patents on life forms prohibit legitimate research access by independent scientists while GMOs commandeer the taxpayer-supported research agenda.

"Contrary to industry claims, GM foods are not properly tested for human safety before they are released for sale. In fact, the only published study directly testing the safety of a GM food on humans found potential problems. To date, this study has not been followed up."

See the full report: www.nongmoproject.org/wp-content/uploads/2009/07/GM-Crops-just-the-science.pdf

Meanwhile, our taxpayer subsidies-as-usual continually buttress the US cheap food policy -- keeping industrial food prices artificially low while allowing Agribusiness to externalize their toxic costs to our health and the environment. Their cheap food is also cheap as in "shoddy" as in junk foods, high fructose corn syrup products, pesticide-laden produce, antibiotic-resistant CAFO meat and so on. One look at the sad state of US health and the huge US health costs and it's plain to see that as a society we've been getting what we pay for...

Doc Mudd
08/28/2011
8:19AM

The fact there is no science backing up the professional scaremongering around GMO in no way dampens their enthusiasm for crying "wolf", as we see. The paid cranks keep dutifully cranking.

The sooner y'all can get "natural" acceptably defined, the sooner we can jettison the entire overpriced "certified organic" charade...and all the superstitious snakeoil sales pitch that goes with it. What an ethical achievement that will be!

Carol
08/29/2011
12:01PM

to all those who argue with Doc Mudd, my grandmother always said "don't argue with a fool because the people on the sidelines can't tell the difference."

DHein
08/29/2011
12:06PM

@ Doc.(?) Mudd

Re: your reference to Quackwatch. Google this: Dr. Stephen Barrett of Quackwatch Exposed In Court Cases "At trial, under a heated cross-examination by Negrete, Barrett conceded that he was not a Medical Board Certified psychiatrist because he had failed the certification exam".

Doc Mudd
08/29/2011
1:40PM

So, you are shopping for a psychiatrist, Hein?

Back on topic -- Loopy anti-GMO zealots cling desperately to their silly theatrical 'Black Swan Event' scaremongering while self-righteous Earth Mother pretenders swoon and claim authorship of "all natural". Heh, heh, they admit they cannot define it, but they earnestly assure us they will 'know it when they see it'. So, they litigate! Heh, heh, heh.

What a preposterous farce of a clown circus this whole enviro-foodie movement amounts to, bouyed up by it's professional activist handlers with their paid propagandists and out-of-touch journalists! A clear case of over-acting, mugging for the camera.

Just Wondrin'
08/30/2011
6:37AM

Doc, does Monsanto pay you for each comment or are you on salary?

Doc Mudd
08/30/2011
8:22AM

Nope. Don't work for Monsanto. Never have.

It wouldn't magically transform your rabid anti-agriculture fairy tales into truths, if I did. Wouldn't change cold truth in the slightest - reality would still conflict with your wishful back-to-the-fiefdom fantasies.

Hey, show us a quick "duck and cover", just for practice, would ya?

Kumbaya, campers, kumbaya!!

Just Wondrin'
08/30/2011
10:03AM

"rabid anti-agriculture fairy tales", "wishful back-to-the-fiefdom fantasies", "kumbaya, campers"WTF?

Can't help but wonder why you seem to be so defensive Doc Mudd.

D.
09/06/2011
1:40PM

Ah yes, Doc Mudd. I smell traces of the quackwatch bunch.

From what I've read, no one here asked for reasons why we should eat GMO's. Most are more concerned about the possibilities of why they shouldn't eat them. I've not seen anything yet that could or would convince me of any GMO goodness. Science is for sale on both sides, but I know what seems best to me. But if you, Doc, don't want to have the food packaging labeled or be warned in any other way what you are consuming, it's all the same to me. YOU can consume the GMO's if you wish, and the rest who don't wish to wouldn't have to. But at least it would be our own choice, not some mandated decision forced upon us by our anti-establishment establishment.

Doc Mudd
09/06/2011
6:29PM

Well, "D", food is food is food. We've been eating GMO and hybrid and inbred and linebred and outcrossed for a long, long time, and thriving on all of it. Don't whine to me -- you have a choice. If you're a picky eater then just avail yourself of elitist Neo-Luddite organic crap and sleep well knowing you've avoided at least a few bits of modern technology (and impressed a few of your friends with your effete conspicuous consumption).

Don't waste my time or grocery money sticking stupid Nanny State labels on all my food packaging with statements of the obvious and the inane. Most of us sane eaters reasonably shift for ourselves and we don't scare so easily. And that just pisses you fearmongers off to no end, doesn't it? Yep, I'm a proud disciple of "the Quackwatch bunch"...and skeptic fraternity...and the scientific community.

<https://skepticalteacher.wordpress.com/tag/genetically-modified-food/>

Omar
10/13/2011
10:33PM

To Doc Mudd: I fail to understand where all your resentment comes from and honestly, I really don't care. To me its very simple. False marketing is false marketing. To present a product as something it isn't should be banned and punished. Appealing to your intellect, which you so proudly exhibit, we can assuredly agree that to think profit driven corporations have the consumer's well being at heart is ludicrous. So how much more evil could it be to actually have agencies to patrol these scoundrels that would undoubtedly poison us and our offspring at the hope of making a buck? I agree that I as the consumer have the ultimate responsibility of informing myself and deciding what products I bring home. The pertinent information, however, should not be kept from me thus truncating my ability to make the right decision.

Omar
10/13/2011
10:46PM

Instead of debating who gets to decide what natural is, how about something easier? I do not want my food to be human engineered. I want it as found in nature, or as close to it as possible. Stop arguing the scientific validity of GMO claim and make brief memory of decades past and we will see this same scenario repeat itself. In the 1950's the gracious scientific community scoffed at breastfeeding as antiquated and barbaric even. Modern mothers were to turn to formula, which would be the nourishment of choice for newborns. All this only to be proven years later as a great crime towards the human race. Yet we continue to see it all the time. Vitamin water better than water itself? Practices like these enrage me, as I know better when I am approached with a human engineered product being sold as "better" than what we find in nature.

amer
10/21/2011
4:38PM

Let everyone choose what they would like to eat, GM or not. I for one would never like to eat something which is GM.

All companies who do false advertisement should be slapped with such heavy fines that an example should be made out of them.

Lets see what happens in this case, I am afraid the best outcome will be out of court settlement!

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CDC: No Source Confirmed in Outbreak That Has Sickened 93



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