

US sues Gerber over claims on infant formula

October 30 2014, by Anne Flaherty



This handout image provided by the Federal Trade Commission (FTC) shows a label from Gerber Good Start Gentle formula. Federal regulators announced Thursday they were suing Gerber, the well-known baby food maker, for claiming that its Good Start Gentle formula can prevent or reduce allergies in children. (AP Photo/FTC)

U.S. government regulators announced Thursday they were suing

Gerber, the well-known baby food maker, for claiming that its Good Start Gentle formula can prevent or reduce allergies in children.

That claim is bogus, and the company misled consumers by suggesting that its formula was the first to meet government approval for reducing the risk of allergies, the Federal Trade Commission alleged in a complaint filed in federal court. The FTC says it wants Gerber to pull its claim from formula labels and advertisements.

Gerber Products Co., also doing business as Nestlé Infant Nutrition, said it disagrees.

"We are defending our position because we believe we have met, and will continue to meet, all legal requirements to make these product claims," said Kevin Goldberg, vice president and general counsel for the company.

At issue is how far Gerber went when claiming that its formula could prevent one type of allergy in infants known atopic dermatitis, a skin rash known as baby eczema.

According to the FTC, Gerber had petitioned the U.S. Food and Drug Administration in 2009 for permission to connect its use of partially hydrolyzed whey proteins to reducing atopic dermatitis. The FDA agreed, but only if Gerber qualified its statement by making clear that there was "little scientific evidence" for the relationship.

Instead, packages of Good Start Gentle formula in 2011 suggested it was the first formula approved by the FDA to reduce the risk that a baby would develop allergies in general. No qualifier was included, and the labels could easily be interpreted to mean that the formula could prevent a child from developing life-threatening food or environmental allergies.

"I love mommy's eyes, not her allergies," said one advertisement, released by the FTC.

"Parents trusted Gerber to tell the truth about the health benefits of its formula, and the company's ads failed to live up to that trust," said Jessica Rich, director of the FTC's bureau of consumer protection.

"Gerber didn't have evidence to back up its claim that Good Start Gentle formula reduces the risk of babies developing their parents' allergies."

In its statement released Thursday, Gerber reiterated the claim that its formula can help prevent baby eczema, and said the company had been authorized by the FDA to feature that claim.

"Gerber always has and will continue to treat its mission of delivering nutrition and benefits to infants as its top priority," Goldberg wrote. "We believe the information conveyed in our marketing is important for parents who have children at risk for atopic dermatitis, the most common allergy in infancy."

With Gerber suggesting that it refuses to settle, the case will likely be decided by a district court in New Jersey, where Gerber's headquarters is located.

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Citation: US sues Gerber over claims on infant formula (2014, October 30) retrieved 20 July 2023 from <https://medicalxpress.com/news/2014-10-sues-gerber-infant-formula.html>

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