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January 26, 2005

Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue
Washington, DC 20580

Re: Sucralose/Splenda's Deceptive Advertising Campaign

To Whom It May Concern:

On behalf of the Institute for Agriculture and Trade Policy (IATP), I would like to lodge a complaint against the misleading advertising campaign being conducted by Johnson & Johnson's subsidiary, McNeil Nutritionals, for its artificial sweetener Splenda. This deceptive campaign seeks to confuse consumers into believing that Splenda is a natural product even though McNeil has no factual basis to support these assertions. We therefore urge the Federal Trade Commission to launch an investigation of this misleading and potentially harmful campaign and do what is necessary to end the confusion.

IATP promotes resilient family farms, rural communities and ecosystems around the world and we are extremely concerned about McNeil's insinuations in its advertisements that Splenda is natural or linked to sugar. Splenda is anything but natural, and it should not be confused with sugar that is grown by farmers.

It is plainly apparent that McNeil's advertising campaign is specifically designed to confuse consumers. By repeatedly using the word "sugar" in its campaign and even inserting the word "Splenda" into common sayings where the word "sugar" is typically used (for example "Splenda and spice and everything nice"), McNeil fully intends for consumers to link the two products and ultimately conclude that Splenda is natural.

But this couldn't be further from the truth. Splenda isn't a natural product. It isn't cultivated or grown; farmers have no role in its production. Instead, Splenda is manufactured by a plant in Alabama. The product is the result of a very complex chemical process that involves phosgene, a poisonous gas that is a major industrial chemical.

Generation Green, in a recent letter to the FTC about Splenda's confusing marketing campaign, also spelled out its concerns about Splenda's new baking product. The marketing for this new product is clearly intended to bolster consumers' misimpression that Splenda is a sugar product. Based on this misleading and confusing advertising campaign, Splenda's market share has increased exponentially over the past several years.

McNeil makes no bones about the fact that Splenda is trying to challenge not just other artificial sweeteners but also natural sugar in the marketplace. Indeed Splenda's Web site states that as of August 2004 the product is "growing at the expense of sugar."

Like Generation Green, ITAP is deeply troubled that Splenda is successfully cutting into the market share of natural sweeteners like sugar – this can only be interpreted to mean that consumers truly are beginning to confuse Splenda product with a natural product.

Consumers seem to believe that with Splenda they are getting a sweetener that is somehow more natural than the other artificial sweeteners on the market. And with more and more products using Splenda, this false perception of naturalness will only grow. Even companies like Jamba Juice and Ben & Jerry's Homemade Ice Cream – two companies that have in the past touted their use of only natural ingredients – have begun adding Splenda to some of their product offerings.

It is particularly troubling to see a proliferation of Splenda in the foods that many parents think are sufficiently wholesome to feed their kids. For example, Minute Maid and Tropicana now use Splenda in their reduced-calorie orange juice products and Ocean Spray uses Splenda in its reduced-calorie cranberry juice drinks. And General Mills has begun selling reduced-sugar cereals aimed at children in which Splenda makes up for the missing sugar.

In IATP's view, there are far more wholesome ways to promote healthier children's diets – for example, by including more locally grown farm products in school lunches – than by introducing Splenda into children's foods.

Advertisers are legally required to have a reasonable basis for their claims. We agree with arguments made by Generation Green that these advertising requirements are especially important when public health – and specifically, the health of children – is on the line.

The time has come for FTC regulators to step in and take a close look at this marketing campaign. We therefore urge the FTC to order McNeil to discontinue its deceptive campaign and provide its consumers with accurate information about Splenda and its contents.

Very truly yours,

A handwritten signature in cursive script that reads "Mark Ritchie".

Mark Ritchie, President