

Six Class-Action Lawsuits Filed Against Aspartame

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On October 16, 2017, three class-action lawsuits were filed in New York Federal court against the Coca Cola Company, Pepsi Cola, and Dr. Pepper Snapple Group, Inc., and three were filed in California regarding aspartame use, which is widely recognized as linked to weight gain, several chronic diseases, and addiction. Class action lawsuits, as you may know, are a type of lawsuit where the plaintiffs are a group of individuals represented collectively by a single or few typical members of that group.

Deception and Misrepresentation

The lawsuits allege violations of laws barring false advertising and deceptive business practices as well as negligent and intentional misrepresentations made to the public such as labeling aspartame-containing drinks as "diet" drinks. This misled the public into believing that these drinks are preferable and safe for one's health when in fact the exact opposite is true.

The meaning of the word "diet" to which these advertising claims refer is "to restrict oneself to small amounts or special kinds of food in order to lose weight." Many people switch to diet drinks to avoid sugar with the understandable assumption and trust that a diet food is safer and healthier than a sugar-laden one.

Abraham Melamed, one of the plaintiffs' attorneys, was quoted as saying, "In our opinion, it's one of the biggest consumer scams in the last 50 years There's a strong sense of urgency because there are hundreds of thousands, maybe millions, of consumers out there that are being deceived on a daily basis."

Aspartame and Epidemics of Disease

Melamed also stated that one of the best forms of injunctive relief that could be granted against the soda companies would be if they were required to remove the letter "t" from the word diet, "as these drinks contain ingredients that raise the risk not only of weight gain but of developing serious health problems." He added, "Branding these drinks as 'diet' is 'fraudulent, illegal, improper, and needs to stop.'"

For decades there have been deep concerns about aspartame disrupting the body's metabolism, causing weight gain, not even to mention such things as diabetes, cardiovascular disease, and metabolic syndrome, leading to increased risks for heart disease, dementia, and strokes.

No Defense for Cola Companies

You can be sure the soda companies will do everything within their power to have the lawsuits dismissed because they really have no defense when they themselves first argued that "diet products" caused weight gain. Their problem is that they have forgotten their own paper trail.

Keep in mind that the soda companies are the leaders of the National Soft Drink Association (now called American Beverage); and in 1983, they used an affidavit signed by Dr. Richard Wurtman's that showed that aspartame, labeled as a diet product, could cause weight gain. The affidavit said, in pertinent part, that "Aspartame has been demonstrated to inhibit the carbohydrate-induced-synthesis of the neurotransmitter serotonin. Serotonin blunts the sensation of craving carbohydrates and thus is part of the body's feedback system that helps limit consumption of carbohydrate to appropriate levels. Its inhibition by aspartame could lead to the anomalous result of a diet product causing increased consumption of carbohydrates." (This affidavit was reprinted in the Congressional Record for May 7, 1985, and the entire document may be found online.¹)

Coke's Reaction

As diet-drink profits have declined more recently with an accumulating volume of studies showing that aspartame is connected with everything from obesity to cancer, instead taking the sensible and responsible approach of removing aspartame from its products, the Coca-Cola Company doubled down on its aspartame bet and actually started a campaign to try and convince the public that aspartame was safe and the public should not be concerned about the studies.²

But many others have disagreed. One of Coca-Cola's most vocal critics,³ the Center for Science in the Public Interest, attacked the ad, stating that "[a]spartame has been found to cause cancer – leukemia, lymphoma, and other tumors – in laboratory animals, and it shouldn't be in the food supply. ... We certainly want Coca-Cola to shift its product mix toward lower- and no-calorie drinks, but aspartame's reputation isn't worth rehabilitating with this propaganda campaign."⁴

Pepsi's Reaction

Pepsi announced that because of the health problems associated with aspartame, they were removing aspartame from the company's drinks. They then did just that!

But many customers actually complained. You have to remember that aspartame is a seriously addictive drug with the methanol component being classified as a narcotic. Aspartame causes chronic methanol poisoning, which affects the dopamine system of the brain and causes the addiction. When profits fell, though, Pepsi had to decide whether to research for a safe aspartame-substitute and thereby protect the people or whether to go for the money. Pepsi chose the latter and returned aspartame to its soft-drink line.

Often people ask why it is still on the market. The answer, unfortunately, is addiction, profit, and greed.

Studies and Health Claims

The studies on aspartame continue to show obesity and horrific diseases from leukemia and other cancers to metabolic syndrome, cardiac problems, and strokes. Finally, the American Medical Association declared obesity to be a disease and the Centers for Disease Control and Prevention announced that one out of three consumers are obese. So, some recognition of the extent of these health problems is bubbling to the surface.

A study released in August 2017 by Yale University showed that low-calorie drinks that taste sweet due to an artificial sweetener actually interfere with the body's normal metabolism. This leads in turn to weight gain and an increased risk of metabolic disease, diabetes, and cardiovascular disease.

A study by Massachusetts General Hospital showed that when aspartame is ingested it releases phenylalanine, which disrupts a gut enzyme called intestinal alkaline phosphatase (IAP) that had previously been shown to prevent obesity, diabetes, and metabolic syndrome. Researchers found that this process prevents weight loss, and can even cause weight gain.

In a 2013 study published in the Proceedings of the National Academy of Sciences, Dr. Richard Hodin and colleagues also found that feeding IAP to mice kept on a high-fat diet could prevent the development of metabolic syndrome and reduce symptoms in animals that already had the condition. Phenylalanine is known to inhibit the action of IAP, and the fact that phenylalanine is produced when aspartame is digested led the researchers to investigate whether its inhibitory properties could explain aspartame's lack of a weight-loss effect.

In February 2013, Françoise Clavel-Chapelon (the Director of Research at INSERM-University of Paris-Sud 11, at the Institut Gustave Roussy), and Guy Fagherazzi were interested in a connection between the consumption of "diet" or "light" soft drinks and the risk of Type II diabetes. The analysis performed on 66,188 women in the E3N cohort confirms a link between sweet soft drinks and Type-II diabetes and reveals for the first time in France that there is a higher risk of diabetes from so-called "diet" or "light" drinks than from "normal" sweetened soft drinks.

And, according to the late Dr. H. J. Roberts, diabetic specialist and author of *Aspartame Disease: An Ignored Epidemic*, aspartame not only can precipitate diabetes but it simulates and aggravates diabetic retinopathy and neuropathy, destroys the optic nerve from the methanol, causes diabetics to go into convulsions, and even interacts with insulin. He found this to be true in the trenches of medical practice.

A study conducted at the University of Texas Health Sciences Center reported a "41% increase in risk of being overweight for every can or bottle of diet soft drink a person consumes each day." The findings come from eight years of collecting data by Sharon

P. Fowler, MPH and her colleagues. The results of the study were reported at the 65th Annual Scientific Sessions of the American Diabetes Association on June 10-14, 2005.

In fact, almost 100% of independent, scientific peer-reviewed studies show the problems this obesity-poison has caused from cancer (Ramazzini Studies) to pre-embalming the body with formaldehyde converted from the methanol (Trocho Study). Medical texts in the last forty years have shown aspartame to be a killing machine from Aspartame Disease: An Ignored Epidemic by H. J. Roberts, M.D. to Excitotoxins: The Taste That Kills by Russell Blaylock, M.D. to While Science Sleeps: A Sweetener Kills, and many more.

Raising the Alarm

The organization known as U.S. Right to Know published an article in August 2017 titled, "Aspartame: Decades of Science Point to Serious Health Risks."⁵ About the same time, they also published an article on aspartame and weight gain listing studies that proved it.⁶ In 2015, they even petitioned the Federal Trade Commission and the FDA about the deceptive advertising and marketing employing the term "diet" when the product actually causes obesity.

Unfortunately, the government agencies charged with protecting the public's health have refused to do their job, using as excuses their supposed lack of resources and time. But if you don't have time to do your job of protecting the people, then close your doors and step aside, leaving people's protection to those who can. The last thing the American people need are agencies that protect industry and not the consumer. Even FDA scientist, Dr. Adrian Gross (who headed the investigation of aspartame), told Congress that "[i]f the FDA violates its own laws, who is left to protect the people?" He had just finished exposing his own FDA for violating the Delaney Amendment and allowing aspartame on the market when it caused brain tumors and brain cancer.⁷

Be Part of the Solution

If you are a victim, having consumed aspartame with the intent of losing weight because it was labeled as "diet" but have gained weight instead, you can be part of the class actions. If you are in New York, contact Derek Smith at dtslaw@msn.com; and if you are in California, contact Jack Fitzgerald at jack@jackfitzerald.com. These are the only two States at this time where class-action law suits on aspartame diet claims have been filed.

In 1990, Dr. H. J. Roberts said at a press conference that if something were not done soon about aspartame, we would end up with a global epidemic. In 2001, he released a thousand-page medical text exposing the symptoms and diseases triggered or precipitated by aspartame. Some brave scientists at the FDA in 2009 called out the corruption that had led to aspartame's regulatory approval. Now, you are fortunate if you even get a letter back from the Federal Trade Commission. Still, Wikileaks has released

a John Podesta email on the political chicanery of Donald Rumsfeld in getting aspartame approved after the FDA Board of Inquiry revoked the petition for approval.⁸

Now up to bat, the attorneys for the people. Goliath is on the left and David is on the right. Aspartame Disease has now erupted into the blazing conflagration of Rumsfeld's Plague. Let the battle begin.

¹ See Dr. Betty Martini, "Pepsi - You Forgot Your Aspartame Paper Trail!," *Rense.com*, June 29, 2016, at <http://www.rense.com/general96/pepsi.htm>. For the Congressional Record itself, go to the Congressional Record – Senate for May 7, 1985, at page 10804, at <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1985-pt8/pdf/GPO-CRECB-1985-pt8-5-2.pdf>.

² Gabriel Beltrone, "Coca-Cola Ad Defends Aspartame," *AdWeek*, August 14, 2013, at <http://www.adweek.com/brand-marketing/coca-cola-ad-defends-aspartame-151845/>.

³ Katy Bachman, "Alex Bogusky Takes a Shot at Coca-Cola in 'Real Bears' Music Video; Jason Mraz writes song for health PSA," *Adweek*, October 10, 2012, at <http://www.adweek.com/creativity/alex-bogusky-takes-shot-coca-cola-real-bears-music-video-144345/>.

⁴ Beltrone, *supra*.

⁵ Stacy Malkan, "Aspartame: Decades of Science Point to Serious Health Risks," *U.S. Right to Know*, August 14, 2017, at https://usrtk.org/sweeteners/aspartame_health_risks/.

⁶ Stacy Malkan, "Aspartame Tied to Weight Gain, Increased Appetite, Obesity," *U.S. Right to Know*, August 14, 2017, at <https://usrtk.org/sweeteners/aspartame-weight-gain/>.

⁷ Gary Ruskin, "FDA Declines to Stop Coke, Pepsi from Advertising Artificially Sweetened Soda as "Diet," *U.S. Right to Know*, November 8, 2017, at <https://usrtk.org/sweeteners/fda-declines-to-stop-coke-pepsi-from-advertising-artificially-sweetened-soda-as-diet/>.

⁸ Howard Roark, "Leaked emails mention aspartame causing holes in brains of mice," *NewsTarget*, Friday, February 3, 2017, at <https://newstarget.com/2017-02-03-leaked-emails-mention-aspartame-causing-holes-in-brains-of-mice.html>.