

September 23, 2008

New Salvo in Splenda Skirmish

By [LYNNLEY BROWNING](#)

New ammunition has been added to the battle that is pitting a leading artificial sweetener against sugar, leading the two sides to claim fresh grievances.

The latest salvo comes from [Duke University](#) researchers, who have published a study that says Splenda — the grainy white crystals in the little yellow packets — contributes to [obesity](#), destroys “good” intestinal bacteria and prevents prescription drugs from being absorbed.

But the Duke study was financed by the Sugar Association, the lobbying group for the natural-sugar industry and a chief competitor to and legal adversary of Splenda.

The study, which disclosed the financing, was posted last week on the Web site of a peer-reviewed scholarly journal, *The Journal of Toxicology and Environmental Health*, and will appear in the printed version. But it is likely to fuel questions about the relationship between the private sector and academia.

Nevertheless, a consumer advocacy group, Citizens for Health of Minneapolis, is arguing that the Duke study shows that Splenda is a health threat, according to a statement made by the group on Monday.

The group is scheduled to testify next month at a hearing held by the California Assembly on potentially unhealthy [food additives](#).

On Monday, Splenda’s maker, McNeil Nutritionals, dismissed the study’s findings as “unsupported by the data presented.” Among other things, the Web site for Splenda says the sweetener will not cause weight gain and “may be used as part of a healthy [diet](#).”

Splenda was introduced in late 1999 and over the years has gained nearly two-thirds of the estimated \$1.5 billion artificial sweetener market, taking significant market share from rival Equal, also known as aspartame — the sweetener in the little blue packets. It has also helped to push down table sugar’s market share.

The Sugar Association sued McNeil, a unit of [Johnson & Johnson](#), in a California federal court in 2004, contending that McNeil had misled consumers with its former slogan “made like sugar, so it tastes like sugar.” Splenda’s main ingredient is sucralose, which is manufactured in laboratories. While a sugar molecule is used in the process, no sugar, technically called sucrose, remains at the end. Splenda’s slogan is now “it’s made from sugar. It tastes like sugar. But it’s not sugar.”

Also in 2004, the maker of Equal, Merisant, sued McNeil in a Philadelphia federal court over false-advertising claims. The two companies reached an undisclosed settlement last May.

Adam R. Fox, a lawyer for the Sugar Association, said the group’s complaint in part challenged Splenda’s claim to be healthy. McNeil has countersued, accusing the group of defamation.

The judge in the case, Dale S. Fisher of Federal District Court in Los Angeles, ruled in July that the Sugar Association could not use as evidence the findings of the Duke study, which was completed by last year, or

testimony by its two lead researchers. The case is scheduled to go to trial next January.

The Duke study — decried on Monday by McNeil as “the Sugar Association-funded rat study” — was conducted on male rats over 12 weeks. The [Food and Drug Administration](#) also tested Splenda on rats — a standard process — before approving it for sale to the public.

Mr. Fox defended what he said was the impartiality of the study. “We engaged the services” of the Duke scientists to look into this, he said, adding that his law firm, Squire Sanders & Dempsey, sought out, met and spoke with the Duke experts before commissioning them to perform the study. He declined to disclose the study’s cost.

One of the lead researchers of the study, Dr. Mohamed B. Abou-Donia, said Monday that the Sugar Association had “no input” into the study’s findings and conclusions.

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