



June 5, 2012

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Declaration of Dr. Yoni Freedhoff, MD

My name is Yoni Freedhoff and I'm a physician, an Assistant Professor of Family Medicine at the University of Ottawa, the former Family Medicine Chair of the Canadian Obesity Network, a Diplomate of the American Board of Obesity Medicine, and a vocal public health advocate.

People often think healthy living is intuitive. They think that since they can envisage what "healthy living" looks like in their minds, that it's therefore a simple choice. If only that were the case. While there is no shortage of impediments to healthy living in our modern world, certainly one of the most prevalent and dangerous is disingenuous marketing. People simply don't have the time, background or frankly the inclination to read food labels carefully, let alone understand them - a fact that perhaps has not been lost over the years on the marketers of Nutella.

Looking at the settlement's injunctive relief I'm confused by the proposed wording which in my mind is no less misleading than the original which was in question. The statement, "*Turn a balanced breakfast into a tasty one*" implies two things. First that adding Nutella to a balanced breakfast would still leave that breakfast "balanced", and secondly that actually balanced breakfasts aren't tasty.

Again, nutrition isn't intuitive, and in large part that knowledge gap is fueled by marketing. Having watched my fair share of television commercials, and read my fair share of magazine advertisements, I know that included in Nutella in some capacity are hazelnuts and milk - nutritional heroes to many. Perhaps that's why even I was surprised to learn that in a head to head comparison with no name chocolate icing, Nutella was found to have 25% more calories and nearly 30% more sugar (<http://www.care2.com/causes/is-cheap-chocolate-frosting-healthier-than-nutella.html>). In fact by weight Nutella is 57% sugar (21g of sugar per 37g serving) and as far as nutritional benefits go, Nutella's are negligible at best providing an effectively insignificant 4% of daily calcium and iron needs.

Which brings me back to the question of whether or not Nutella can be a part of a "balanced" breakfast? As a medical doctor and an expert in both nutrition and obesity I would argue that adding a dollop of no-name chocolate icing to a "balanced" breakfast would in fact *unbalance* it, making what was once healthy, not. Consequently one might argue that adding a dollop of Nutella with 25% more calories and 30% more sugar than no-name chocolate icing, regardless of the miniscule amounts of calcium and iron Nutella may contain, would perhaps make that breakfast 30% more unbalanced than would adding the icing were such a measure actually quantifiable.

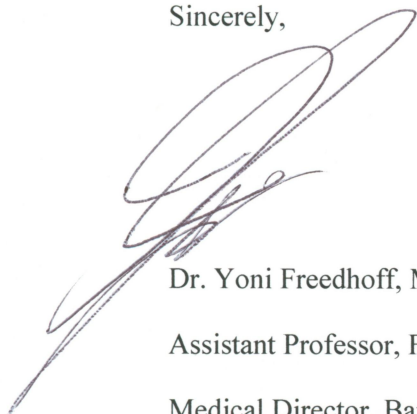
"22 Weeks, Lifetime Control"

Personally I liken Nutella to a spreadable chocolate bar. If you believe that adding a chocolate bar to a balanced breakfast leaves it balanced, then by all means give Nutella this marketing get-out-of-jail free golden ticket. On the other hand, if you think allowing Nutella to explicitly continue to suggest, in a society where 1 in 3 children are overweight or obese and the rates of pediatric diabetes are skyrocketing, that the inclusion of chocolate bars with children's meals preclude nutritional balance, perhaps the wording of this settlement's proposed injunctive relief deserves a sober second look.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 5th, 2012

Sincerely,

A handwritten signature in dark ink, appearing to read 'Yoni Freedhoff', with a large, stylized loop at the top and a long, sweeping underline.

Dr. Yoni Freedhoff, MD, CCFP, Dip ABOM

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