



WEDNESDAY, JUNE 06, 2012

Think a Class Action Lawsuit Will Stop Nutella from Making Ridiculous Claims? Think Again.



In case you hadn't heard Nutella was hit with a class action lawsuit consequent to their promotion of Nutella as, "*An example of a tasty yet balanced breakfast*", when in actuality, at least by the numbers, [Nutella's not quite as balanced as no-name chocolate icing](#).

Now much has been made about the suit and how it's going to stop Nutella from making that claim, but the thing is, it's not.

I took a phone call the other day from a consumer advocate lawyer named Mark Lavery who's opposed to [the settlement as written](#). He alerted me to this paragraph,

"Ferrero will modify the back panel of the label for Nutella (the "Information Panel") by removing the phrase "An example of a tasty yet balanced breakfast" and replacing it with "Turn a balanced breakfast into a tasty one" (the "Revised Statement"). Ferrero retains the right to determine, in its sole discretion, the location, size and other design characteristics relating to the Revised Statement"

Mr. Lavery's concern, and it's one that I share, is that the new statement, "Turn a balanced breakfast into a tasty one", is just as disingenuous as the original. Wouldn't adding chocolate icing to your breakfast "unbalance" it, or is the goal to "balance" healthy with sugar to ensure it's not too healthy? My additional concern is that not only does it still seem to suggest Nutella is a nutritious choice, it now suggests that actually healthy breakfasts aren't tasty.

Now I realize that [many people felt this lawsuit was frivolous](#) and I'm not going to get into that here, I just want to ask you, do you think the new statement is any less misleading than the old one?

I've written a brief statement for Mr. Lavery. If you're interested in doing the same, [you can reach him here](#). Deadline's this Friday.

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. 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.

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 precludes 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,

*Dr. Yoni Freedhoff, MD, CCFP, Dip ABOM
Assistant Professor, Family Medicine, University of Ottawa
Medical Director, Bariatric Medical Institute
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Ottawa ON K2G5W5*

Yoni Freedhoff at 5:30 AM

16 comments:



Courtney @ Translating Nutrition 7:34 AM

I'm with you. I think pitting balanced/healthy against tasty is not the way to go. The new claim is not much of an improvement.

I would have preferred them to say something like 'a sweet addition to your breakfast' or something with the word sweet so at least folks know this is a sugary product right from the get go.

[Reply](#)



Anonymous 8:47 AM

My kids wanted to try it, luckily it was too sweet to buy it again. It's the same chocolate mix that they put in a Ferrero chocolate.

We have not bought this product since. You might as well give your kids candy for breakfast! The commercials are misleading, they imply that your child will be on top of their game in school because they had Nutella for breakfast. My children are ready to learn because they had a balanced breakfast, have routine and proper nutrition throughout the day.

My kids do get sweets here and there, we do go out for dinner and eat junk, but there is a fine line when it comes to breakfast, empty calories is not the way to go.

I'm glad someone has called them out on misleading the consumer. To be honest, we fell for it.

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Anonymous 12:40 PM

But i am sure you give them danishes, doughnuts and cereal

[Reply](#)



Anonymous 11:30 AM

I know a three year old who is a fussy eater....Nutella toast is one of the only things that he eats. Boo.

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Anonymous 12:58 PM

kids wont starve themselves. stop giving him nutella and start offering healthier choices and youll be surprised what he will start eating.

[Reply](#)



Anonymous 12:01 PM

I'm not defending Nutella & I object to the healthy vs tasty slant of their new tag line, but just a minute. Surely iron and calcium are not the only nutrients hazelnuts and chocolate provide? If I spread Nutella on a piece of whole grain toast, is that a whole lot different than, say, peanut butter and jam (which is one of my, and my boy's favorite breakfasts)?

There's a fine line between lobbying for better health labeling and coming off as So Puritan than people stop listening.

[Reply](#)



Leslie 12:10 PM

I love nutella. I will eat it and give it to my kid once in a while (read: every couple of weeks, for a little treat). But it's not balanced, and it's not healthy. I agree - new tagline, just as disingenuous as the old one.

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Anonymous 7:40 PM

Well said!

[Reply](#)



Anonymous 12:38 PM

This is ridiculous, children are obese these days not because we give them a nutella sandwich, its because they do nothing but play vids on their computer and tv. Why not make them cut the grass, electronic free sundays, walk to school..... and yes 3km and take their bike to their soccer game

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Anonymous 1:04 PM

I think you should read more of this blog.. lack of exercise isnt the issue for childhood obesity and there is a ton of evidence to support that. you can bike 5 miles and burn off 100-200 calories however if you then eat a few tbsp of nutella on bread or drink a cup of juice after you completely negate the calorie burning benefits of exercise.

Somebody has to advocate food manufacturers and advertisers to promote responsible advertising for health, packaging sizes and nutrition claims, Keep up the fight Yoni!



dana 2:30 PM

wrong! a nutella sandwich (on two slices of white bread no doubt) is exactly why children are obese!



Anonymous 4:13 PM

Really?? Nutella is to blame for childhood obesity??? Really!?!?

Wow. I guess if they just stop manufacturing Nutella the childhood obesity epidemic will just go away?

My dad is 70, grew up in Italy & had Nutella almost daily. He still eats it in toast at night. He's 5'10" and weighs 125lbs. He was never obese but ate/eats it daily. So much for Nutella causing obesity.

I'm not defending their advertising and it's in no way, shape or form healthy but no one in their right mind would blame one single item as the cause of obesity in children.



Nigel Kinbrum 9:24 PM

@Anonymous: If your dad had never eaten Nutella, he probably would have weighed 100lb. Your dad is naturally skinny (possibly due to NEAT/SPA or his lifestyle).

Nutella **contributes towards** childhood obesity by displacing foods that are more nourishing & filling and have fewer kcals.



dana 10:40 PM

well i was speaking in hyperbole but it's clear that food is what's causing the rapid rise in childhood obesity. we all know someone who can eat whatever they want and not gain a pound. there are some with that body type. but just because they're eating crap and not gaining weight, that doesn't mean it's

good for them. if you have kids, i hope you're not feeding them nutella everyday because grandpa is still slim. (and really, he eats nutella EVERY day?! hopefully you were speaking in hyperbole too)

[Reply](#)



Unknown 2:31 PM

I'm with you on this, well said, doc. My thesis research is currently on added sugars, nutrient intake, and obesity of multiethnic children here in Hawaii. Misleading advertisements on food products is exactly part of the problem in children's weight status. I have actually bought one of Nutella's fine snacks size, "Nutella sticks" or "Nutella & go", this one is quite very small in portion but packing with lots of added sugars. I was curious to see it because I see the snack often in children's diet records. Calculating how much added sugars content there is in one snack-size of Nutella & go sticks, you better off drinking a 16 fluid ounces of soda, they both have about the same added sugars content. This is not surprisingly, actually, if you look at the Nutella ingredients, the first thing you see is a type of sugar, not hazelnut. More power to you, Doc!

[Reply](#)



PuffsPlus 5:59 PM

Broadly speaking, eating too many calories on a regular basis is what's causing the obesity epidemic in kids and adults. But Nutella is an intensely caloric food, and has a lot of calories (with half of them coming from sugar) packed into only a couple of tablespoons. That makes it a likely candidate for promoting obesity.

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ABOUT ME



Yoni Freedhoff

Family doc and founder of Ottawa's Bariatric Medical Institute - a multi-disciplinary, ethical, evidence-based nutrition and weight management centre. Nowadays I'm more likely to stop drugs than start them, and love going to work in the morning.

[View my complete profile](#)

