



## **Sugar vs High Fructose Corn Syrup - Bitter \$1.5 Billion Battle Ends in a Draw - Secret Settlement Made Mid-Trial**

**Was it a draw or did the HFCS industry see the handwriting on the wall?**

Glycoscience Lesson #36

by JC Spencer

### **Bittersweet Settlement**

The bittersweet settlement will trigger massive PR campaigns with sugar-coated attempts to make both Big Sugar and Big Corn look good.

### **Big Sugar vs Big Corn**

**Big Sugar - Plaintiff:** American Sugar Refining Inc, C and H Sugar Company, Inc., Imperial Sugar Corporation, Michigan Sugar Company, Minn-Dak Farmers Cooperative, The Amalgamated Sugar Company LLC, The American Sugar Cane League of the USA Inc, The Sugar Association Inc, United States Sugar Corporation and Western Sugar Cooperative vs

**Big Corn - Defendant:** The Corn Refiners Association, Inc. (CRA), Archer-Daniels - Midland Company, Cargill, Inc., Corn Products International, Inc., Penford Products Co., Roquette America, Inc., Tate and Lyle Ingredients Americas, Inc.

Big Sugar and Big Corn have been arch enemies and battled in the marketplace since the 1970s when high fructose corn syrup was introduced as a cheaper alternative to sugar. By 2003, HFCS had taken ~50% of the market. Big Sugar filed suit against Big Corn in 2011 alleging false marketing of HFCS as a natural nutritional equivalent to sugar which resulted in market losses. Big Corn countersued in 2012, charging the sugar industry unfairly blamed HFCS for contributing to many serious health challenges, including diabetes and obesity. They wanted to change the name of HFCS to "corn sugar". The FDA blocked that decision in 2012.

### **Not Your Normal Attorney**

The sugar companies asked Mark Lanier to be lead attorney against the HFCS industry. The Houston Attorney has won the largest plaintiff verdicts in history — including a \$9 billion verdict when a Louisiana federal jury learned that drug makers Takeda Pharmaceutical and Eli Lilly hid the cancer risks of the diabetes drug Actos and destroyed key documents. He won the Vioxx verdict against Merck which was settled in 2005 for \$253 million. His first major win for his law firm was in 1993, when he secured a \$480 million verdict against a major oil company.

The HFCS case is similar to another landmark case Mark won for the sugar industry against Johnson & Johnson for deceptive advertising of Splenda in 2009. Splenda can no longer advertise, "*Tastes like sugar because it's made from sugar.*"

Lanier was named Trial Lawyer of the year - Best Lawyer, one of the nation's Top Trial Attorneys, Most Influential Attorneys of the Decade and was in Lawdragon's list of 500 Leading Lawyers in America.

The HFCS jury trial began November 3, 2015 in Los Angeles Federal Court. Mark's opening remarks were reminiscent of his statement as lead Sugar Association attorney against Splenda: "*Now we look forward to presenting the truth about Splenda to the jury and focusing on the very real effect of misleading advertising. We are confident that the outcome will be a victory for consumers everywhere.*"

Lanier predicted before the trial that if he prevailed, other companies would soon follow the likes of Hunt's ketchup and Capri Sun juices and switch to sugar from HFCS.

### **Truth Refutes Deception**

Truth and scientific facts refute such claims as made by Roger Clemens, University of Southern California research professor of pharmacology and pharmaceutical science. He said that science has determined that HFCS and sugar are nearly identical and are metabolized the same way.

### **The PR Campaign Begins**

Unexpectedly, the case was privately settled mid-trial. Big Corn and Big Sugar avoided a jury verdict that could have resulted in broad market implications for products made with HFCS. The vexing courtroom brawl leaves the verdict to the consumer with the help of massive PR campaigns on both sides.

Big Sugar had sought \$1.5 billion in a false-advertising claim against Big Corn for such ad campaigns stating, "Sugar is sugar." And, "*Your body can't tell the difference.*" Mark was armed with scientific data refuting such claims.

Attorneys on both sides refused to discuss terms of the settlement. It was reported that a spokesman for the sugar processors, said they "*achieved a satisfactory settlement of the disputes in the lawsuit.*"

### **Mark Lanier's Opening Remarks or Why Big Corn Settled Mid-Trial**

Lanier forbids use of smoke and mirrors by his legal team. He will not take a case if his side must use deception. He understands that when a defendant cannot operate in truth, his only weapon is deception.

Lanier's first words to the jury set the stage to strip away the lies and deceit. His voice greets the Judge and Jury, "*This lawsuit is about false advertising, pure and simple. This case may change the way food is made in America. The lawsuit aims to stop the corn processors' false advertising so that families know the truth about the food they buy. The lawsuit alleges that the [Corn Refiners Association] engaged in a blatantly false campaign to promote high-fructose corn syrup (HFCS) as 'corn sugar,' while*

*describing it as 'natural' and 'nutritionally the same as sugar.'*"

### **False Advertising**

*"At the center of the lawsuit is the \$130 million 'Sweet Surprise' print, online and television advertising campaign by the [defendant], which falsely touted HFCS as natural and equivalent to sugar. During the trial, the jury will be able to assess critical evidence about HFCS and the conduct of its marketers.*

*"While reviewing more than 700,000 pages of confidential documents during discovery, it was revealed that some of the defendants tried to conceal information from the public about HFCS and debated the wisdom of making the 'natural' case to consumers," said Lanier. "We will show the jury that they [the defendants] were sneaky and dishonest and secretly colluded with the [Corn Refiners Association] and urged them to seek a name change for HFCS to corn sugar, which the Food and Drug Administration (FDA) ultimately rejected.*

*"We intend to prove to [the] jury that the defendants' claims that HFCS is a 'natural' product equivalent to real sugar are knowingly false. In fact, the evidence will show that there are signed affidavits attesting to an exactly opposite conclusion.*

*"In 1997, as part of an effort to expand the production and consumption of HFCS in Mexico, the defendants claimed that production of HFCS would not conflict with the Mexican sugar production.*

*"In fact, the defendants submitted documents to the Mexican government declaring that HFCS is not natural but is, instead, a fabricated product requiring advanced technology. Indeed, they declared that HFCS is derived from cornstarch that has been subjected to two molecular level transformations. In a supporting affidavit, the defendants told the Mexican government 'HFCS is a unique food ingredient that is the result of extensive scientific research and development,'" stated Lanier.*

*"Among other things, the 2008 [defendant's] ad campaign told consumers that 'sugar is sugar' and that 'your body cannot tell the difference*

*between sugar and high-fructose corn syrup.' The misleading ad campaign caused price erosion and lost profits stemming from the artificially reduced demand for sugar caused by defendants' false and misleading Sweet Surprise campaign. The sugar farmers brought this lawsuit when it became clear that efforts were underway to steal the good will of the 'sugar' brand that has been safely used by our families for centuries," concluded Lanier.*

The sugar companies complaint stated, "Defendants' resort to such literally false and misleading statements harms consumers, harms the farmers and makers of real sugar (sucrose), and harms any dialogue based on the truth."

You can be sure that some PR hitting your TV screen will be truthful and some PR will be filled with deception. This is an important battle for our health and the future of our generation.

Let the PR campaign begin. Each side will tell its audience that moderation is important.

### **An Attorney with a Heart and a Love for Truth**

In Texas state court in 1989, Lanier found his trust in his client waning, and felt relief when he lost the case. He recalls, "*Driving back home after the verdict, I remember thinking, 'I'm glad I lost that. If I'd won, it would've been horrible. I would have ruined this whole family's life!'*"

### **Communication makes everything happen**

It takes tremendous communication skills to hold the jury's attention for weeks or even months in the court room. Lanier's words are sharp as a double-edged sword, effective with well-timed rhythm and momentum. When his opponent attempts to deceive, they soon discover that Truth peels back the layers of lies and the emperor has no clothes. He is caught with his pants down.

Mark Lanier leaned forward toward us in our Bible class which he teaches, as if he is pleading the case to the jury, and said, "*I'm going to let you in on the secret of why I was chosen Trial Lawyer of the Year.*" There was silence... then he whispered into the microphone, "*Because I tell the truth.*"

### **Pride and Big Egos**

Trial lawyers, politicians, artists, scientists and successful people often tend to have big egos that grow with more success. But Mark Lanier's confidence is tempered by his charm, humor and his knowledge, faith and unashamed commitment to Jesus as Lord.

Before the HFCS trial, I asked Mark Lanier to be our Keynote Speaker at our Glycoscience Medical Conference in 2016. He said, "*Let's see if I win the case.*"

We have renewed our invitation. It is A Time for Truth. Mark has championed truth in labeling, truth in advertising and truth in court.

As we attempt to champion truth in healthcare, the outcome will be a victory for consumers and patients everywhere. The truth be told. Glycoscience (the study of all sugars - good and bad) is the future of medical science.

### **Sources and References**

Case 11-03473: Western Sugar Cooperative v. Archer-Daniels-Midland Co., U.S. District Court, Central District of California (Los Angeles). The settlement's details remained confidential.

<http://www.desmoinesregister.com/story/money/agriculture/2015/11/27/sugar-corn-syrup-makers-reach-settlement/76446844/>

<http://finance.yahoo.com/news/1-5-billion-false-advertising-170000829.html>

<http://www.law360.com/articles/588840/titan-of-the-plaintiffs-bar-mark-lanier>

Glycoscience Lessons on HFCS:

Research Shows: High Triglycerides CAUSE Fat Gain  
High Fructose Corn Syrup Produces High Triglycerides

<http://www.GlycoscienceNEWS.com/pdf/Lesson35.pdf>

Multiple Studies Link Diabetes, Neurodegeneration and Trehalose  
How Trehalose impacts diabetes, stress, dementia, Alzheimer's, Parkinson's, Huntington's, MS and ALS

<http://www.GlycoscienceNEWS.com/pdf/Lesson25.pdf>

The Coming Tsunami of Infections

Caused by Out-Of-Control Viruses and Bacteria

<http://www.GlycoscienceNEWS.com/pdf/Lesson17.pdf>

New Study Links Harmful Sugar to Fatal Heart Problems

And, our children still guzzle soft drinks which may be worse than...

<http://www.GlycoscienceNEWS.com/pdf/Lesson2.pdf>

Smart Sugar Lessons on HFCS:

Why Soft Drinks Contribute To Osteoarthritis And Pain

Mystery why men become worse than women from soft drinks

<http://www.endowmentmed.org/content/view/1269/1/>

Is Corn Sugar still High Fructose Corn Syrup?

Does your body know the difference or is sugar just sugar?

<http://www.endowmentmed.org/pdf/SmartLesson42.pdf>

Blood and Sugar ▫ Your Circulatory System, the Highway of LIFE

Smart Sugar Lesson #13

[www.GlycoscienceNEWS.com](http://www.GlycoscienceNEWS.com) [www.Glycosciencewhitepaper.com](http://www.Glycosciencewhitepaper.com)

SMART SUGARS [www.OneSmartSugar.com/video.html](http://www.OneSmartSugar.com/video.html)

Expand Your Mind - Improve Your Brain

<http://www.endowmentmed.org/ExpandYourMind/MindEbook3.html>

Change Your Sugar, Change Your Life <http://DiabeticHope.com>

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<http://www.GlycoscienceNEWS.com/pdf/Lesson69.pdf>

[http://EzineArticles.com/?expert=JC\\_Spencer](http://EzineArticles.com/?expert=JC_Spencer)

For more information about ongoing research: [www.PilotStudies.net](http://www.PilotStudies.net)

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