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## **ATTORNEY GENERAL MADIGAN REACHES SETTLEMENT WITH BEVERAGE MAKER OVER DECEPTIVE HEALTH CLAIMS**

Chicago—Attorney General Lisa Madigan today announced a settlement with Coke, Nestle and Beverage Partnership Worldwide (BPW) resolving questionable claims by those companies that their Enviga-brand green tea beverage will burn extra calories resulting in weight loss.

The settlement agreement, reached by Attorney General Madigan and 26 other state attorneys general and the District of Columbia, requires the companies to add disclosures to Enviga, and any similarly formulated product, to disclaim any weight loss benefits and note that weight loss is only possible through diet and exercise. The companies also agreed to pay \$650,000 to the states.

"These were misrepresentations based on insufficient scientific evidence that does not support the weight-loss claims," Madigan said. "This agreement will require full disclosure and, ultimately, help to raise consumer awareness of this product's health effects."

Under the settlement agreement, whenever the marketing of Enviga or any similarly formulated beverage uses terms such as "the calorie burner," "negative calories," "drink negative," or makes any claims explicitly or implicitly that consumers will burn calories by drinking the beverage, the marketing also must contain a clear and conspicuous disclosure that the product does not produce weight loss without diet and exercise.

The settlement resolves the states' investigation into questionable scientific claims that drinking three cans of Enviga a day would cause consumers to burn an additional 60 to 100 calories per day, thereby inducing weight loss. The marketing claims cited a limited scientific study, which was conducted over only three days and involved a very small test group of normal weight, healthy 18-35 year olds. The study showed that participants burned additional calories but did not experience actual weight loss. The study also failed to show that the calorie-burning effect could be sustained over time.

In addition to Attorney General Madigan, the Attorneys General of the following states and the District of Columbia participated in today's settlement: Alaska, Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Texas, and Washington.

-30-

[Return to February 2009 Press Releases](#)