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ATTORNEY GENERAL MADIGAN AND 38 OTHER STATES ANNOUNCE \$21 MILLION SETTLEMENT WITH DANNON OVER YOGURT CLAIMS

Probe by States, Federal Trade Commission Finds Dannon Overstated Health Benefits of Activia Yogurt, DanActive Drink

Chicago — Attorney General Lisa Madigan today joined 38 other states to announce a \$21 million settlement with The Dannon Company Inc. over unsubstantiated claims of health benefits from consuming its Activia yogurt and DanActive dairy drink.

Madigan said this is the largest, nationwide consumer protection settlement ever reached concerning food products and predicted it will reverberate throughout the food industry, making companies more conscientious when advertising health benefits for food and drink.

Attorney General Madigan and the group allege that Dannon's claims when it advertised, marketed, packaged and sold Activia and DanActive were not backed by competent and reliable scientific evidence at that time. Under the settlement, Dannon cannot claim these products can prevent, treat, or cure a disease without a solid basis for such claims.

"This settlement ensures that Dannon's product claims are backed by reliable, scientific facts," Attorney General Madigan said. "Consumers rely on companies like Dannon to be accurate and honest in the depiction of their products. Food manufacturers must be held accountable for misleading claims they make in attempting to sell their products."

The attorneys general and the Federal Trade Commission worked in cooperation to investigate Dannon. The FTC reached a separate agreement with the company.

Madigan and the states allege that Dannon misleadingly claimed consuming Activia would regulate the digestive system due to a bacterial strain with purported probiotic benefits. Dannon trademarked the strain as Bifidus Regularis. Dannon said eating this yogurt once a day for two weeks would improve digestive function. In reality, a majority of studies found the yogurt product only moderately benefited people – and only those who tripled the amount of servings each day over the two weeks. Dannon went further, without a scientific basis, and claimed eating Activia helped prevent, treat or cure certain diseases, such as colon cancer, chronic constipation and chronic diarrhea.

The attorneys general also allege DanActive was marketed as a drink that would build immunity and prevent people from catching a cold or the flu. In reality, these claims were not backed by adequate scientific proof. Dannon marketed DanActive as having the probiotic bacterial strain, L. casei Immunitas, which the company also trademarked.

The settlement terms will limit the claims Dannon can make about Activia and DanActive, and require Dannon have competent and reliable scientific evidence to support otherwise permissible claims about the benefits, performance, efficacy or safety of its probiotic food products.

Illinois will receive \$425,000 from the settlement to use in funding consumer education and enforcement of consumer fraud laws.

Assistant Attorneys General Susan Danial and Vaishali Rao handled this case for Madigan's Consumer Bureau.

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