Food & Beverage

LITIGATION UPDATE

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Legislation, Regulations and Standards

110th Congress

[1] House Oversight Subcommittee Investigates Bisphenol A in Infant Formula Packaging and Baby Bottles

U.S. Representative John Dingell (D-Mich.), who chairs the House Committee on Energy and Commerce, has sent **letters** to infant formula manufacturers and the Food and Drug Administration (FDA) seeking information about bisphenol A in the metal cans used for infant formula and in baby bottles. According to the January 17, 2008, letters, the committee and its Oversight and Investigations Subcommittee are investigating use of the chemical in products "intended for use by infants and children." The letters to manufacturers ask (i) whether they use the chemical in metal can linings and test their infant formula for bisphenol A, (ii) what tests they use, and (iii) results of the testing. Dingell requested a response within two weeks.

The letter to FDA attaches a November 2007 statement in which the agency stated that bisphenol A studies "do not indicate a safety concern at the current exposure level for infants or adults." Dingell asks FDA Commissioner Andrew von Eschenbach about the office responsible for the agency's bisphenol A policy, the studies on which FDA based its determination, a summary of any tests FDA scientists have conducted on bisphenol A levels in canned food or "migrating from baby bottles." Dingell also seeks "all records relating to BPA [bisphenol A] that FDA employees and consultants have produced since 1998."

In a statement Dingell observed, "there is concern in the scientific community that this chemical, bisphenol A, may be harmful to both adults and children." A spokesperson for a trade group representing the interests of formula makers was quoted as saying, "Parents using infant formula should not be alarmed. No changes in infant feeding practices are recommended." She did apparently concede that if it is proven that dangerous levels of bisphenol A migrate into the product, changes would be made to packaging materials. According to a news source, the chemical has been found in the urine of 93 percent of Americans tested. *See Milwaukee Journal Sentinel*, January 17, 2008.

Meanwhile, University of Missouri researchers, concerned about the federal government's decision to disregard bisphenol A studies in which animals were injected with the chemical, have reportedly published a paper in *Reproductive Toxicology* allegedly showing that oral and injected exposures produce the same results. In its November 2007 report, which minimized concern about the chemical, the Center for the Evaluation of Risks to Human Reproduction justified its decision to give minimal weight to animal-injection studies by observing that people are more likely exposed to

bisphenol A by mouth, and liver enzymes make the chemical inactive by this route of exposure. University researchers criticized this assumption, noting that fetuses are not exposed orally. They further noted that regardless of exposure route, fetuses and newborns simply lack the levels of liver enzymes needed to deactivate the chemical. Their research reportedly confirms their position, and they are calling on the government to re-evaluate or dismiss the center's conclusions. Further details about the center's expert panel report appear in issue 241 of this Update. *See Milwaukee Journal Sentinel*, January 22, 2008.

Meanwhile, Health Canada is apparently conducting its own tests to discover what levels of bisphenol A are leaching from polycarbonate baby bottles and infant formula cans. And California's Office of Environmental Health Hazard Assessment (OEHHA) has issued a **notice** that it will be reviewing bisphenol A for "possible listing under Proposition 65," the law that requires warning labels on products sold in the state that contain substances known to the state to be reproductive toxicants. Public comments and any relevant research data must be submitted by March 18, 2008. *See Globe and Mail*, January 19, 2008.

U.S. Department of Agriculture (USDA)

[2] USDA Revises BSE Regulations Pertaining to Low-Risk Countries

USDA's Animal and Plant Health Inspection Service (APHIS) has updated **regulations** governing the importation of animals and animal products from countries designated as low-risk for bovine spongiform encephalopathy (BSE). This notice finalizes changes to an August 9, 2006, proposed rule in accordance with a September 18, 2007, final rule that established importation conditions for certain bovines and bovine commodities disallowed under previous regulations pertaining to BSE-minimal risk regions. APHIS has removed "several restrictions regarding the identification of animals and the processing of ruminant materials from regions that present a minimal risk of introducing [BSE] into the United States," according to the agency's *Federal Register* notice, which notes that these restrictions were "not necessary to prevent the introduction of [BSE] into the United States." Under the amended rule, APHIS permits the individual identification of animals by means other than ear tags, "as long as the chosen device or method has been approved by the APHIS Administrator before the animal is exported to the United States." The agency is also allowing the importation of gelatin derived from bovine hide, in addition to gelatin derived from bovine bone. Moreover, the agency is authorizing producers in BSE minimal-risk regions to export to the United States ruminant and non-ruminant materials processed in the same facility, thus ending the requirement that non-ruminant materials be handled in a separate processing plant. This final rule will take effect February 19, 2008. *See Meatingplace.com*, January 22, 2008.

Food and Drug Administration (FDA)

[3] Food and Supplement Maker Asks FDA to Stop Prop. 65 Application

Swanson Health Products, Inc., a North Dakota-based vitamin and health food manufacturer, has filed a citizen's petition with FDA, seeking agency action to prevent the further application of California's Proposition 65 (Prop. 65) to foods and dietary supplements. The company complains that

Prop. 65, which requires warnings on products containing even minute quantities of chemicals known to the state to cause cancer or reproductive harm, has led to unnecessary, and even illegal, labeling that conflicts with federal law. According to the petition, private Prop. 65 enforcers bring costly suits against small companies that are forced to settle and submit to whatever standards, testing and labeling the enforcers require. Apparently, this practice results in different "allowable" levels of chemicals, even those that are naturally occurring, for the same products made by different companies.

Swanson claims that it has been sued under Prop. 65 by a group that has imposed lead standards of .5 ug and 3.5 ug on other companies, while seeking a settlement standard with Swanson of 2 ug/day. Stating "[t]he Proposition 65 statute compels warnings at the level of detection, not the level of significant harm," Swanson argues that Prop. 65 thus "mandates overwarning" and "conflicts with the federal regulatory scheme and its goals, because it enables and even encourages standards to be established by private agreements." The company observes that the FDA has on several occasions expressed its concerns with Prop. 65 and urges the agency to act now due to the escalation of Prop. 65 lawsuits against food and dietary supplement manufacturers.

The company asks the FDA to (i) open a docket on the petition; (ii) issue a letter to California indicating that Prop. 65 warnings "conflict irreconcilably" with federal law with respect to foods and dietary supplements; (iii) call for public comments and hearing; and (iv) issue findings that Prop. 65 "confuses and alarms consumers, conflicts with federal labeling laws, 'misbrands' products, and sets arbitrary and capricious standards for naturally occurring substances in foods and dietary supplements," and that private Prop. 65 settlement agreements "are not in the public interest."

State and Local Governments

[4] New York City Health Officials Try Again for Calorie Counts on Menus

The New York City Board of Health this week voted unanimously to require restaurant chains with 15 or more separate establishments to post calorie information on menus and menu boards. The board approved a similar measure in 2006, but a federal judge struck down the menu-labeling regulation because it applied only to restaurants with existing public nutrition information. The court reportedly noted that the board's rule was thus preempted by federal law, indicating that an expanded version might prove more acceptable. The new regulation, effective March 31, 2008, would apply to approximately 10 percent of the city's 23,000 restaurants.

While some fast-food chains have already agreed to comply with menu labeling, a spokesperson from the New York State Restaurant Association, which challenged the initial law, called its reincarnation "cumbersome" and unlikely to effect change given the failure of food-package labeling to curb obesity. The Center for Science in the Public Interest (CSPI), however, countered in a press release that the group expects "many more cities, counties and states will require menu labeling once they see how easy it is for these chains to list calories on menus." CSPI has also thanked the restaurant association for a "bungled legal strategy" that resulted in a rule encompassing more establishments, such as TGI Friday's and Outback Steakhouse, not included under the previous law. *See Yahoo! News*, *CSPI Press Release* and *Reuters*, January 22, 2008; *The New York Times*, January 23, 2008.

[5] Pennsylvania to Allow Milk Labels to Address Bovine Growth Hormone

Pennsylvania's Department of Agriculture, which had proposed banning labels claiming that milk products were free of bovine growth hormone (rBST), has apparently bowed to consumer pressure and issued guidelines requiring only that the labels not be misleading and that a paper trail can verify the claims. Because the hormone occurs naturally in cows, dairy producers will not be allowed to assert that their products are "rBST free," although they can state that their milk comes "from cows not treated with rBST" as long as they also provide a disclaimer, i.e., "No significant difference has been shown between milk derived from rBST-treated and non-rBST-treated cows." Dairy and consumer groups reportedly hailed the decision, and claimed that intense lobbying caused the state's governor to intervene. They also claimed victory for New Jersey's decision not to adopt a similar ban. *See The New York Times* and *Food & Water Watch*, January 18, 2008.

European Commission (EC)

[6] EC Ethics Panel Says Cloning Could Harm Livestock

An ethics panel appointed by the European Commission (EC) has reportedly concluded that there are "doubts as to whether cloning animals for food supply is ethically justified." The European Group on Ethics in Science and New Technologies highlighted the potential harm to surrogate mothers and their cloned offspring, adding that the group did "not see convincing arguments to justify the production of food from clones and their offspring." The group specifically pointed to high rates of disease in clones and their other health problems, including increased weight, malformations, respiratory problems, enlarged livers, hemorrhaging, and kidney abnormalities. In addition, the panel required assurances about animal welfare, product tracking, public acceptability, and domestic herd preservation before approving cloned livestock for market purposes. The European Food Safety Authority earlier this month concluded that food products derived from clones did not differ from their conventional counterparts. "Both studies are important," EC health spokesperson Nina Papadoulaki was quoted as saying, "and you can't say we will favor either one of them." *See The New York Times*, January 18, 2008.

Meanwhile, members of Congress and U.S. public interest groups continue to contest FDA's approval of cloned livestock and their offspring for human consumption. While legislation introduced in the Senate could require FDA to label clone-derived products, the agency has not committed to a tracking program beyond considering "clone-free" claims on a case-by-case basis. In addition, the watchdog group Union of Concerned Scientists (UCS) has questioned FDA's ability to oversee new technology development and potential health concerns within the scope of its current regulatory authority. Several cloning companies, however, have announced plans to create a registry for all farm clones that would keep them out of the mainstream food supply. Industry analysts have estimated that the U.S. market for cloned livestock will reach $50 million annually over the next five years. *See The Washington Post*, January 20, 2008; *The Los Angeles Times*, January 21, 2008.

United Kingdom

[7] British Government Unveils £372 Million Anti-Obesity Plan

UK Health Secretary Alan Johnson this week announced a £372 million government strategy to reduce obesity in England by 2020. The plan supports (i) a £75 million marketing campaign to promote healthy diets and exercise; (ii) £30 million for creating "health towns" that encourage cycling, walking and other outdoor activities; (iii) a universal "code of practice" for the food and beverage industry; (iv) increased funding for community and workplace weight-loss programs; (v) cooking lessons in all secondary schools by 2011; and (vi) a review of food advertising to children. As part of its proposal to improve the built environment, the government will also issue guidance asking local councils to limit fast-food restaurants near schools, parks and nurseries.

Johnson has threatened legislation if the food and beverage industry fails to support a single food-labeling scheme to replace the multiple systems currently used by U.K. retailers. Although the Food Standards Agency has recommended a "traffic light" system indicating sugar, fat and salt content, supermarkets and producers have apparently favored a hybrid label that also offers signposts based on guideline daily amounts. *See The London Times*, January 20 and 24, 2008; *BBC News* and *Guardian Unlimited*, January 23, 2008.

In a related development, U.K. regulator Ofcom has reportedly nixed a proposed pre-9 p.m. ban on TV and radio food advertising, stating that the plan's estimated cost of £211 million in ad revenue would have a "disproportionate" effect on marketers and broadcasters. The Advertising Standards Authority earlier this month found that not a single ad of 759 monitored commercials violated the food-and-drink ad restrictions that Ofcom implemented in 2007. The public interest group Children's Food Campaign (CFC), however, has blamed the failure to secure a pre-watershed ban on the Department for Culture, Media and Sport, which met with industry representatives and government health officials to discuss anti-obesity measures. "Our understanding is that the Department of Health supported some very tough restrictions on junk food advertising and marketing, but lost the Whitehall battle to keep them in the obesity strategy," a CFC spokesperson was quoted as saying. *See Guardian Unlimited*, January 22, 2008.

Litigation

[8] California Consumer Challenges Deceptive "Probiotic" Yogurt Advertising

A putative class action lawsuit has been filed in a federal district court in California alleging that The Dannon Co. is deceiving the public by marketing its yogurt products as clinically proven to provide health benefits due to the inclusion of "probiotic" bacteria. ***Weiner v. The Dannon Co, Inc.*, No. n/a (U.S. Dist Ct., C.D. Cal, West. Div., filed January 23, 2008)**. The complaint includes details about the marketing the company has used to sell its DanActive® and Activia® yogurt lines and alleges that the studies on which its claims rely do not support them.

The named plaintiff seeks to certify a class of "All persons who purchased in the United States DanActive or Activia or Activia Lite." She contends that common questions of law and fact include (i) whether the company's claims "are true, or are

misleading, or reasonably likely to deceive"; (ii) whether the company's "alleged conduct violates public policy"; and (iii) whether the company "engaged in false or misleading advertising." According to plaintiff, Dannon charges a premium for its probiotic yogurts, and its "advertising launch was one of the most successful product launches in recent food-industry history." The plaintiff alleges violations of California's Consumer Legal Remedies Act and Business and Professions Code, in addition to breach of express warranty; she seeks class certification, restitution, disgorgement, injunctive relief, including a corrective advertising campaign, and attorney's fees and costs. Refunds could reportedly cost the company $300 million.

According to a news source, a company spokesperson indicated that Dannon stands by "the claims of our products and the clinical studies which support them." Counsel for the plaintiff was quoted as saying, "Companies are getting more and more aggressive in their advertising claims. They end up playing off people's general fears and concerns." *See Reuters* and *The Los Angeles Times*, January 24, 2008.

[9] Canadian Farmer Wants Damages for GM Crop Drift

A Canadian farmer who lost a lawsuit filed by Monsanto Co. over claims that he was unlawfully growing the company's genetically modified (GM) crops has reportedly filed his own suit in small claims court, seeking to recover the cost of removing its GM plants from a field he was preparing for a conventional crop in 2005. Farmer Percy Schmeiser calls the stray plants pollution and wants CAN$600 in damages. He was quoted as saying that Monsanto "admitted it was their GMO [genetically modified organism] on our property," but refused to pay unless he signed a non-disclosure statement. "No way would we ever give that away to a corporation," said Schmeiser, who believes if he wins, the company could face millions in damages for similar GM crop drift around the world. *See The Guardian*, January 22, 2008.

In a related development, GM crop opponents have apparently filed a lawsuit to challenge the U.S. Department of Agriculture's deregulation of Monsanto's GM sugar beet, contending it will contaminate conventional sugar beets, organic chard and table beet crops. According to an attorney representing the plaintiffs, "The law requires the government to take a hard look at the impact that deregulating Roundup Ready® sugar beets will have on human health, agriculture and the environment. The government cannot simply ignore the fact that deregulation will harm organic farmers and consumers, and exacerbate the growing epidemic of herbicide-resistant weeds." According to a press report, herbicide-resistant weeds have become ubiquitous since the introduction of Roundup Ready® crops and have been reported on 2.4 million acres of cropland in the United States. The sugar beet litigation is similar to a case decided in 2007 involving GM alfalfa; a federal court prohibited its planting until federal officials properly assess its purported environmental and economic effects. *See Planet Ark World Environment News*, January 24, 2008.

[10] FTC Seeks to Halt Closure of Wild Oats Stores

According to a news source, the Federal Trade Commission (FTC), which lost its bid to stop the merger of two natural grocery chains, has returned to federal court seeking an injunction to stop Whole Foods from closing Wild Oats stores or converting them to Whole Foods. The agency reportedly argues

in its brief that the court did not properly consider evidence about the merger's alleged anticompetitive effects. Whole Foods' response is expected by February 13, 2008. *See Supermarketnews.com*, January 22, 2008.

[11] U.K. Veggie Seller Faces Criminal Charges for Selling by the Pound

A 63-year-old woman who sells vegetables from a London market stall has reportedly been charged with violations of EU rules requiring the sale of goods by metric measures. Janet Devers reportedly pleaded not guilty and could face $130,000 in fines if convicted by a jury. She has apparently received favorable press in British tabloids; many of her customers prefer buying their produce by the pound, the ounce and the bowl. While U.K. merchants are allowed to use imperial measures under an exemption to the EU rule, they must also use metric weights. Devers apparently does not post metric prices on all of her produce, and two of her scales, which were confiscated by the local government council, measured only in pounds and ounces. *See The Wall Street Journal*, January 22, 2008.

Other Developments

[12] Third International Symposium on Agroterrorism Slated for April 2008 in Kansas City

The U.S. Department of Justice and Federal Bureau of Investigation have **announced** the Third International Symposium on Agroterrorism (SDA), slated for April 22-24, 2008, in Kansas City, Mo. Co-sponsored by Shook, Hardy & Bacon, ISA aims to (i) "prevent acts of agroterrorism through well-coordinated intelligence collection, analysis, and dissemination processes"; (ii) "develop technical and tactical response strategies to neutralize and eliminate a potential attack"; (iii) "provide an opportunity for education across a variety of disciplines regarding threats directed at the world's food supply"; and (iv) "provide an avenue to share ideas and information among attendees through meaningful dialogue and networking opportunities." The symposium will also address a range of related topics, such as physical security, biosecurity, intelligence and information sharing, economic and trade concerns, transportation, research and development, emergency preparedness and procedures, and food defense methodologies and techniques. Invited speakers include FBI Director Robert Mueller, FDA Czar David Acheson, and avian influenza specialist Michael Perdue from the World Health Organization. SHB will present on the topic of contingency plans for agroterrorism events. To register for the event, please click **here**.

[13] Contaminated Food Lawyer Commissions Meat Tests

Plaintiff's lawyer William Marler has announced that his Seattle-based law firm has commissioned "a baseline study to determine the prevalence of non-O157:H7 pathogenic shiga toxin producing *E. coli* (STEC) in retail ground beef." According to Marler, the project was prompted by the unprecedented number of beef recalls that occurred in 2007 and "the failure of the beef industry and government to protect the public." The research will involve 5,000 samples from the U.S. ground beef supply; "[p]ositive samples will be archived and genetic fingerprints of the isolates will be provided to the Centers for Disease Control and Prevention, along with the relevant sample information including the type of ground beef, place of purchase and date of

purchase." Marler contends that non-O157 STEC "are capable of causing the same debilitating triad of diseases as *E. coli* O157:H7, including hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura" and "can result in death in children, the elderly and the immunocompromised." He does not indicate who will conduct the study or whether he will use the results on behalf of clients. *See Marlerblog.com*, January 22, 2008.

[14] McDonald's Pulls Advertisement from Report Cards

McDonald's Corp. has reportedly decided to remove its trademark from report cards issued by a Seminole County, Fla., school district, which received 2,000 complaints after the Campaign for a Commercial-Free Childhood (CFCC) drew national attention to the sponsorship deal. The district had approached McDonald's to fund the $1,600 in printing costs necessary to distribute report cards to its 27,000 students. In exchange for good grades, exemplary behavior or high attendance records, McDonald's had offered children a free Happy Meal® at local franchises. "There is no doubt that the Seminole County ads would have continued – and violated McDonald's pledge to stop advertising in elementary schools – had one parent not called attention to the problem," said CFCC Director Susan Linn in response to the announcement. McDonald's, however, has reaffirmed its commitment to education at local schools across the country. "It was McDonald's decision to remove our trademarks from the report-card jackets in Seminole County, Fla., because we believe the focus should be on the importance of a good education," a company spokesperson said.

Media Coverage

[15] *New York Times* Reports Excessive Mercury Levels in Tuna Sushi

A study commissioned by *The New York Times* has allegedly discovered "so much mercury in tuna sushi from 20 Manhattan stores and restaurants that at most of them, a regular diet of six pieces a week would exceed the levels considered acceptable by the Environmental Protection Agency," according to a January 23, 2008, article authored by Marian Burros. The Environmental and Occupational Heath Sciences Institute, a New Jersey-based partnership between Rutgers University and the Robert Wood Johnson Medical School, analyzed tuna samples weighing 0.18 ounces to 1.26 ounces for methylmercury, an industrial pollutant that can accumulate in larger species like bluefin, which generally contains more mercury than yellowfin or albacore. The institute concluded that tuna from the restaurants Nobu Next Door, Sushi Seki, Sushi of Gari, and Blue Ribbon Sushi, and the store Gourmet Garage exhibited mercury above 1 part per million, "the 'action level' at which the FDA can take food off the market." Moreover, Burros notes, "six pieces of sushi . . . would contain more than 49 micrograms of mercy. That is the amount the [EPA] deems acceptable for weekly consumption over a period of several months by an adult of average weight, which the agency defines as 154 pounds." Previous studies have reportedly found blood mercury levels three times the national level in New Yorkers and people from high incomes, all of whom appear to consume more seafood than the average person. The city has since advised women who are pregnant or breast-feeding and children to avoid fresh tuna, Chilean sea bass, swordfish, shark, grouper, and other kinds of fish known for being "too high in mercury."

See International Herald Tribune, January 22, 2008; *The New York Times*, January 24, 2008.

[16] Joe Keohane, "Fat Profit," *Condé Nast Portfolio*, February 2008

"Anyone can make Americans fat (hell, everyone already has), but only one fast-food company can make them fat and allow them to feel good about it, even get them to feel like they're making a statement and striking a blow against the forces of political correctness," opines Portfolio writer Joe Keohane in this article about the recent success of CKE Restaurants, the parent company of Carl's Jr. and Hardee's. Keohane, who credits former trial lawyer and CKE executive Andrew Pudzer with reviving the ailing chains, also charts a general return to the traditional ingredients favored by fast-food consumers. He notes, for example, that Burger King doubled its share price after introducing "BK Stackers (multiple patties in one bun)" in response to customer surveys that indicated a demand for an "indulgent meat-and-cheese" option, according to one Burger King spokesperson. In addition, fast-food restaurants have started revisiting their main demographic, which in Hardee's case means "one-third of its customers fall within the coveted 18- to 34-year-old" range and "more than 70 percent of Thickburgers® are bought by men." "For all the buzz created by snack wraps and yogurt parfaits, burgers and fries remain the two most frequently ordered items in American restaurants," concedes Keohane, citing industry research group NPD Foodworld.

The article also notes, however, that CKE has managed to avoid many of its competitors' entanglements with "social, political, and even legal pressures," in part by not advertising directly to children. "By not merely disclosing the fat and calorie content of its products but actively boasting about it, CKE effectively declaws the so-called food police, who act on the assumption that people eat fast food only because they don't know it's bad for them," Keohane contends. He also mentions that the company has pulled the Double Six Dollar Burger from the Carl's Jr. menu in California, "due to a lawsuit alleging that the two mammoth patties contain an unacceptable amount, according to California law, of a carcinogen commonly created by grilling meats." Nevertheless, Keohane concludes, "whatever it is CKE ends up unleashing on the world, it's safe to say that it will be huge, fattening, delicious, and marketed, however unwittingly, by Jay Leno, Bill O'Reilly, and entire battalions of the gastronomically correct."

Scientific/Technical Items

[17] Red Meat, Fried Foods and Diet Soft Drink Consumption Linked to CVD and Diabetes Risk Factors

Researchers studying the effects of the "Western" diet among the 9,500 participants in the Atherosclerosis Risk in Communities study have concluded that red meat, fried foods and diet soft drinks are all significantly associated with an increased risk of metabolic syndrome (MetSyn), a cluster of symptoms, such as elevated waist circumference, high blood pressure, elevated triglycerides, and high fasting glucose levels, that can lead to cardiovascular disease (CVD) and diabetes. Pamela Lutsey, et al., "Dietary Intake and the Development of Metabolic Syndrome," *Circulation*, January 22, 2008. This is the second study alleging an association for diet soft drinks, and researchers do not yet understand why. Other findings include: (i) consumption of refined grains (e.g., pasta and white

rice) was not associated with an elevated risk of MetSyn; (ii) eating fruits and vegetables did not lower the risk; and (iii) dairy consumption was beneficial. *See* (Minneapolis) *Star Tribune*, January 22, 2008.

[18] Study Links *Trans* Fat to Non-aggressive Prostate Tumors

A recent study has reportedly linked *trans* fat consumption with an approximate 100 percent increased risk of developing non-aggressive prostate tumors. J. E. Chavarro, et al., "A Prospective Study of Trans-Fatty Acid Levels in Blood and Risk of Prostate Cancer," *Cancer Epidemiology Biomarkers & Prevention*, January 1, 2008. Harvard researchers, who followed 15,000 men over 13 years, concluded that "blood levels of *trans* isomers of oleic and linoleic acids are associated with an increased risk of non-aggressive prostate tumors." Although there was no discernible link between total *trans* fat intake and overall prostate cancer risk, the highest blood levels for *trans* oleic and linoleic acids corresponded to a 116 percent and 97 percent increase, respectively, in the risk of non-aggressive prostate tumors when compared to the lowest levels. In addition, the researchers reported no association between *trans* fat blood levels and aggressive prostate tumor risk. "As this type of [tumor] represents a large proportion of prostate cancer detected using prostate-specific antigen screening, these findings may have implications for the prevention of prostate cancer," the authors were quoted as saying.

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