

## Eat, Drink and Be Sued

**Fat bomb! Heart attack on a plate! Toxic bioweapon!** These are just a few of the alarming, catchy phrases being used to describe our favorite foods and beverages. It may be tempting to shrug this off as mere hyperbole. But such attacks are part of a calculated “public health” campaign directed by professional activists and their allies in government. The purported goal — reducing obesity — may be worthy, but their misguided approach will only succeed in enriching these self-appointed diet overlords at the expense of American consumers and their health.

We are constantly barraged with preachy messages and bad news about our food and drink choices. Advocacy-tinged studies accuse salt, sugar, and other essential food ingredients of causing countless “preventable” deaths. Quotable chefs and talk-show doctors implore us to absolutely avoid this snack or that beverage.

Such condescending demonization is not only intended to shame us into “healthier” diets, it’s also aimed at building support for government policies like sin taxes, advertising restrictions, and even bans or limits on food. To advance their regulatory agenda, activists have also sharpened their accusations that Big Food and Big Soda, and not overeating consumers, are directly responsible for a fatter America.

The latest lynchpin of this blame-shifting tactic: businesses are engaged in a nefarious plot to make food taste good — *too* good. Recent books, academic papers, and network TV exposés claim that some processed foods are manipulated to prey on our palates’ hard-wired taste preferences. Such products become “hyperpalatable” and irresistible, to the point of being *addictive*.

Activists and regulators certainly understand that the concept of addiction can remove many obstacles to policy change. It

matters little to them that no causal link between food, addiction, and obesity has yet been scientifically established.

Lack of scientific proof won’t deter plaintiffs’ lawyers desperate to make food the next big thing. Class actions accusing companies of misleading or false food labeling have netted little profit thus far. But mix in whispers of ingredient manipulation, a dash of fame-seeking whistleblowers, and heavy doses of marketing allegedly aimed at overweight kids, and lawyers may have the recipe for more lucrative product liability, fraud, or RICO claims. All it takes is one lawsuit, and one judge willing to cast aside basic legal principles, to start the litigation ball rolling downhill.

A public health campaign relying on hackneyed *demonize-regulate-sue* tactics will be at best ineffective, and at worst a dangerous distraction. Litigation is far too blunt an instrument for a problem like obesity, whose causes are nearly as varied and diverse as individuals’ eating habits. And demonization-spouting activists and politicians seem to know shockingly little about human nature. Telling us we should fear our food — one of life’s necessities — or that we are addicted to it will likely lead to rebellion or numb surrender to weight gain.

Replacing the sensible rallying cry of “Let’s Move!” with “Let’s Sue!” may fatten activists’ and regulators’ budgets and make a few lawyers rich, but it won’t make Americans any thinner.

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