

Federal Judge Dismisses Similac Lawsuit, Bug-Contaminated Baby Formula Assumed 'Wholesome' and 'Nutritious'

By Ethan A. Huff, *Natural News*

Last September, Abbott Laboratories recalled more than five million containers of its Similac baby formula because they may have been contaminated with beetles or beetle larvae (http://www.naturalnews.com/029835_S...), which prompted at least one individual to file a lawsuit against the company for deceiving the public about the wholesomeness and quality of its formula.

But US District Judge Virginia Kendall, who presided over the case, recently dismissed it, claiming that Abbott never made any claims that its product was "safe," but only that it is nutritional and wholesome, which Judge Kendall basically purported is true regardless of whether or not the product contains bug parts.

The crux of the case was based on Abbott's marketing promise that "Similac stands apart" from other baby formulas, and that it is a healthy and wholesome product. Chalonda Jasper, lead plaintiff in the case, alleged that these statements and others were untrue not only because of the recall incident, but also because Abbott has apparently known about a rampant bug infestation at the Sturgis, Mich., facility where Similac is made for quite some time, but has failed time and time again to address and fix the problem.

The contaminated Similac products apparently caused "gastrointestinal discomfort" in babies that consumed them, as well as "temporary refusal to eat," two conditions that contradict marketing claims that Similac "provide[s] a strong start for your baby's developing digestive system."

And since Abbott has allegedly repeatedly ignored previous complaints that its products were causing digestive problems rather than digestive support, it appeared as though Jasper had a valid case against the company for neglect and false advertising.

But Judge Kendall felt otherwise, having claimed that Jasper's case alleging physical injury and emotional distress was "insufficient." She also claimed that previous case law in the state of Indiana, which is where the suit was filed, does not allow "a negligent misrepresentation claim to proceed against a manufacturer of consumer goods based on the manufacturer's advertisements to the public."

"Jasper's complaint includes no marketing statements from Abbott that claim Similac is safe," stated Judge Kendall. "Instead, Abbott's advertisements only refer to the nutritional value and nutrient blend of Similac."

While Jasper may not have adequately proven her case in the eyes of Judge Kendall, this does not mean that her allegations are false, or that contaminated Similac is safe. And based on a previous NaturalNews story about Similac's stated ingredients, it is truly a wonder that Abbott has never been required to prove that Similac is nutritious or wholesome in the first place.

Similac's sketchy ingredients leave the burden of proof on Abbott to prove that its baby formula is even nutritious at all

Some readers will remember the story we published shortly after the Abbott recall that outlines what is actually contained in Similac formula (besides potential beetle parts, of course).

In case you missed it, the following list of ingredients in Similac Go & Grow, a soy-based formula designed for babies between nine and 24 months of age, was taken directly from the container's label (http://www.naturalnews.com/029863_S...):

- 42.6% corn syrup solids
- 14.7% soy protein isolate
- 11.5% high oleic safflower oil
- 10.1% sugar (sucrose)
- 8.4% soy oil
- 7.8% coconut oil

This essentially means that the product is over 52 percent sugar and over 23 percent soy. Since both soy and corn products are almost always genetically-modified (GM) when not organic, this means that Similac Go & Grow is likely more than 65 percent GMOs. And if the 10.1 percent sugar used in the product comes from GM sugar beets, which is also highly likely, then the total GMO content in Similac Go & Grow is over 75 percent!

This is just the tip of the iceberg as to the inherently disastrous nature of this supposedly "nutritious" and "wholesome" product. GMO ingredients are linked to a host of disorders and illnesses, including infertility and sterility, digestive problems, organ failure, autoimmune diseases, and insulin regulation problems, just to name a few (http://www.naturalnews.com/026426_G...).

And unfermented soy by itself, whether GMO or non-GMO, is a known endocrine disruptor, and the last thing one would want to feed a developing baby, especially if that baby is a boy (<http://www.naturalnews.com/022630.html>).

Then there is the fact that more than half the product is composed of processed sugar which, again, is one of the last things one would want to feed a developing baby (unless, of course, the goal is to raise a baby with diabetes).

As Mike Adams, the Health Ranger, said in his previous piece on the issue, "the only redeeming quality about Similac Go & Grow is the fact that it contains a little bit of coconut oil. However, the rest of the product including the synthetic vitamins with which it was fortified is neither nutritious nor wholesome."

So in essence, it seems more appropriate that someone file a lawsuit against Abbott for claiming that its Similac products are nutritious and wholesome in the first place, and hold the company accountable for proving, without a doubt, that corn syrup, soy, and oil, are beneficial to developing babies. Since there is no way the company would be able to do this apart from fabricating data, the case could theoretically be a shoe-in.

Sources for this story include:

<http://www.courthousenews.com/2011/...>