

A project of the Hudson Institute



**Growing More Per Acre
Leaves More Land for Nature**

Dr. Norman Borlaug
Honorary Chairman

Senator Rudy Boschwitz
Advisory Board Chairman

Dennis Avery
Director

May 2, 2003

Ahava Dairy Products Corporation
110 Beard Street
Brooklyn, NY 11231
718-243-0400

Dear Moshe Banayan;

Enclosed please find our letter of introduction and materials that we and a coalition of concerned consumers are distributing to supermarkets throughout the New York/New Jersey area. We wanted to let you know that members of our consumer coalition have recently examined Ahava milk labels and associated marketing materials. These materials include language and claims that raise several concerns.

As you may know, the Food and Drug Administration (FDA) has regulations and guidelines that require food labeling and associated materials and promotions to be both “truthful and not misleading.” The FDA assesses the need for labels based on the “traits and characteristics of that food,” no matter what techniques were used to develop the food. New York State has also adopted FDA’s definitions and has additional concerns with deceptive advertising and marketing practices. Under Article 22-A (Sections 349 through 350-f-1) of the New York General Business Law, “deceptive acts or practices in the conduct of any business” are unlawful. Section 350 of that law expressly includes “false advertising” and defines “false advertising” as any advertising, including labeling, that is misleading in a material respect. An advertisement is considered misleading if it fails to disclose facts that are important in light of what is stated in the advertisement, or facts that are relevant in the light of the customary use of the product.

We bring this to your attention with regards to Ahava as the FDA has established specific labeling guidelines regarding the non-use of productivity supplements and animal health production practices. Consumer research conducted in the New York metropolitan area by an independent, nationally known research firm found that certain dairy label claims (such as those associated with Ahava dairy products) were misleading consumers about the quality, nutrition and safety of milk.

These marketing practices often lead to increased milk prices, create fear and confusion among consumers (specifically mothers), and contribute to reduced milk consumption.

These misleading labels and promotional statements also harm farm economics and increase the burden on our environment.

As dairy products are an important part of the family diet, especially children, we strongly believe that truthful, non-misleading labels, in-store promotions and related advertising for these products is essential to ensure that parents are not scared away from safe, nutritious, and affordable dairy products. We hope that Ahava shares these views and concerns. Unfortunately, our concerned consumer campaigners found examples where Ahava dairy products are being advertised in a false and and/or misleading manner.

For instance, at <http://www.jewish-holiday.com/gotmilk.html>, suggests that brands other than Ahava of milk are unhealthy and even “dangerous.” Furthermore, claims that rbST is a “chemical steroid” and “milk additive” when in fact it is a protein hormone (not a steroid) administered to cows. Hormones are never “added” to any milk, except for Vitamin D3, which is actually a hormone not a vitamin.

We hope that you will review your current marketing and labeling policies to ensure that your company is not misleading consumers by making statements that violate State and Federal laws and regulations. Ahava has an excellent reputation for providing quality foods for kosher and non-kosher families. We hope that you will continue to provide quality products and not contribute to misleading food fears that can result in harming consumers, above all children.

We would welcome your pledge of support and associated actions in this regard. We would also appreciate the opportunity to meet with you or the appropriate member of your staff to discuss this at your convenience. For more information, please visit us at www.cgfi.org and www.highyieldconservation.org or contact us directly. We look forward to your response.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Alex Avery".

Alex Avery, director of research and education

Enclosures

cc: U.S. Food & Drug Administration
Monsanto Dairy Company