

COURT AFFIRMS POM'S RIGHT TO INFORM THEIR CONSUMERS OF PRODUCTS' HEALTH BENEFITS

FTC Administrative Law Judge Affirms that POM Wonderful May Deliver Its Scientifically Validated Health Benefit Information to Consumers

May 21, 2012 (Los Angeles, CA) In a 335 page ruling, the FTC's Administrative Law Judge has upheld POM Wonderful's right to share valuable, scientifically-validated information about the health benefits of its safe food with consumers.

Since 1996, POM has been deeply committed to studying the health benefits of the pomegranate, investing over 35 million dollars to support scientific research on Wonderful variety pomegranate products at 44 top universities and scientific centers around the globe. Out of the over 100 studies conducted, more than 70 have been published in significant peer-reviewed journals, together validating the health benefits of the pomegranate and pomegranate juice. As a result of this ruling, POM Wonderful will finally be able to share the scientific evidence that highlights the value and power inherent in pomegranates and pomegranate juice with impunity.

“Through its lawsuit against POM, the FTC tried to create a new, stricter industry standard, similar to that required for pharmaceuticals, for marketing the health benefits inherent in safe food and natural food-based products. They failed,” explained Craig Cooper, Chief Legal Officer for POM Wonderful LLC. “While we are still analyzing the ruling, it is clear that we will be able to continue to promote the health benefits of our safe, food products without having our advertisements, marketing or public relations efforts preapproved by the FDA and without having to rely on double-blind, randomized, placebo-controlled studies, the standard required for pharmaceuticals. We consider this not only to be a huge win for us, but for the natural food products industry.”

The ruling states that:

“The greater weight of the persuasive expert testimony in this case leads to the conclusion that where the product is absolutely safe, like POM Products, and

where the claim or advertisement does not suggest that the product be used as a substitute for conventional medical care or treatment, then it is appropriate to favor disclosure.” (Page 248)

In summary, the ruling has four very important implications:

- Roll Global will not have to get preapproval from the FDA before making health claims about our food products.
- Roll Global will not have to conduct the kind of double-blind, randomized, placebo-controlled studies that are required of the pharmaceutical industry.
- The Administrative Law Judge affirmed the scientific validity behind the general health benefits of pomegranates.
- The ruling completely exonerates POM regarding any claims of misrepresenting the health benefits of POM Wonderful 100% pomegranate juice and POM food products in broadcast or print interviews.

If this ruling is adopted by the full Federal Trade Commission, Roll Global, the parent company of POM Wonderful, would be under a 20-year order that requires scientific research to back up health benefit claims, but that order would not require FDA preapproval or language that would be interpreted as the standard of double-blind, randomized, placebo-controlled studies as requested by the FTC in their complaint. In effect, the nature of the order requires Roll Global to continue to do what it has always done – be transparent in delivering health information to consumers, backing up that information with peer-reviewed, scientific research.

Additionally, the Judge found that among the ads challenged by the FTC, only a fraction of these could be construed as making implied claims that POM Juice or POMx treats, prevents or reduces the risk of disease. Although we disagree with the finding that some of our ads were potentially misleading, Roll Global will make appropriate adjustments if necessary to prevent that impression in the future. As to the remaining ads, the Judge disagreed with the FTC’s position that these ads made disease claims and did not find any wrongdoing in their dissemination.

The Judge also noted substantial evidence that demonstrates pomegranate juice has benefits. The simple fact is that pomegranates are good for you. The ruling concludes that:

“The persuasive expert testimony demonstrate[ed] the following: The basic research, the Pantuck Study, and the Carducci Study, relied on by Respondents, support the conclusion that pomegranate juice has a beneficial effect on prostate health. Competent and reliable scientific evidence supports the conclusion that the consumption of pomegranate juice and pomegranate extract supports prostate health, including by prolonging PSA doubling time in men with rising PSA after primary treatment for prostate cancer.” (Page 282)

Additionally, the ruling determines that:

“The basic research relied upon by Respondents (POM Wonderful) and the Forest/Padma-Nathan Study support the conclusion that pomegranate juice has a beneficial effect on erectile tissue physiology, health and function. The evidence relied upon by Respondents also supports the conclusion that pomegranate juice is a *potential* treatment for erectile dysfunction.” (Page 288)

Time and time again, experts and data suggest that a diet rich in fruits and vegetables provides significant health benefits. The public is well-served when studies on such safe and healthy food continue—both by government research agencies and by private institutions and parties such as POM. Because certain products may in fact offer the promise of better health, Roll Global stands by the belief that it is important to share relevant scientific research as it becomes available.

“POM Wonderful 100% pomegranate juice has always been marketed to consumers in an honest manner, backed by scientific research. We have always believed in the power of the pomegranate and are pleased that we will be able to continue to showcase the fantastic health benefits inherent in this wonderful fruit,” stated, Stewart A. Resnick, President of Roll Global. “Our investment in research will continue as we seek ways to make a healthy difference in the lives of people who enjoy POM Wonderful 100%

pomegranate juice and other Roll Global products. We are committed to sharing what we learn about health through research with consumers.”

We wholeheartedly believe in the power of the pomegranate, and believe our customers do, too.

Roll Global is continuing to review the ruling and may update this statement as appropriate.

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