

The True Story behind Pomegranate Juice: Why POM is the Real Deal and Why Minute Maid is a Deceptive Sham

The Deception

- Minute Maid’s “Pomegranate Blueberry” 100% Juice shamefully misleads consumers into believing that the product contains meaningful quantities of healthy pomegranate and blueberry juices. But in reality, the product contains **less than one third of one percent of either juice!**
- *Here’s how the deception works:*
 - The bottle’s front label makes you think there’s lots of pomegranate and blueberry juice in the product. The name of the product is “Pomegranate Blueberry”, and several pieces fruit are pictured. Pomegranate is the most prominent followed by an apple. Among the small fruits, blueberries are the most prominent.
 - However, the product contains **only 0.3% pomegranate juice** and 0.2% blueberry juice! In reality, over 99% of the product is a combination of cheap apple & grape “filler” juices.
 - With such a minute quantity of pomegranate juice, why include any to begin with? Why include any at all?
 - The answer is easy: Minute Maid sought to exploit and ride the wave of pomegranate juice’s popularity and to mislead consumers into believing that the product will deliver upon the health promise of real pomegranates.
 - According to federal court documents, a consumer research expert who surveyed 538 consumers regarding the Minute Maid label concluded that “a substantial proportion of potential purchasers of pomegranate and blueberry juice blends are likely to mistakenly believe that [the Juice] mainly contains pomegranate and blueberry juice (and not other types of fruit juice) due to the packaging (the words ‘pomegranate blueberry’ on the front of the bottle and in the product name on the back of the bottle).”¹ Additionally, on the Minute Maid back label, pomegranate juice is the third ingredient. Third, because apple and grape juice represent over 99% of total juice content.

Was Minute Maid aware of the deception?

- Yes. According to federal court documents, an internal Minute Maid email correspondence prior to the product launch said:

¹ Approximately 1 in 3 consumers surveyed thought the Minute Maid product contained mainly pomegranate and blueberry juice, and not any other types of fruit juice.

“There is a risk from a misleading standpoint as the product has less than 0.5% pomegranate and blueberry juices. Mike St. John [President & General Manager of Minute Maid] is aware of this issue & is willing to assume the risk.”

- Federal court documents also indicate that, according to Minute Maid’s own customer service department, consumers complained more about the “Pomegranate Blueberry” juice than any other Minute Maid product. The same court documents include an example of a consumer complaint which reads:

“Today I made the mistake of buying the Minute Maid product that you call ‘Pomegranate Blueberry’. What a crock. It’s nothing but fancy apple grape juice. You guys are scumbags for mislabeling your products. I’ll never buy this product again. I’ll never buy Minute Maid products again. And I’ll tell all my friends about this fraud. Thanks for wasting my time and money...”

How does the deception harm consumers?

- The Minute Maid product exploits the well publicized health benefits of pomegranate juice. Consumers seeking healthy antioxidant nutrients (this is the primary reason people drink pomegranate juice²) have no idea that Minute Maid “Pomegranate Blueberry Juice” contains only 0.3% pomegranate juice. Consumers are cheated every time they drink the product.
- In order to get the equivalent amount of pomegranate juice that is in a **16oz** bottle of POM 100% pomegranate juice (or any other brand of 100% pomegranate juice, for that matter), a consumer would have to buy 90 bottles of **59oz** Minute Maid. This would cost \$333 at Minute Maid’s average price of \$3.69 per bottle, not to mention the fact that those 90 bottles amount to 80,000 total calories! Compared to a 16oz bottle of 100% POM, which typically costs \$4-5.

What is the impact on POM?

- POM welcomes fair competition. But if certain competitors are allowed to cheat – by misrepresenting the very nature of their products – it makes it difficult for honest players to succeed.
- In this case, Minute Maid sells a large, 59oz bottle of what appears to be “Pomegranate Blueberry” juice for less than \$4. Pomegranates are inherently expensive to grow, harvest and juice, which means that a 16oz bottle of POM typically costs \$4-5. Given this difference in price, why would consumers ever buy a bottle of POM if they mistakenly believe that Minute Maid contains a significant quantity of pomegranate juice?

² According to a recent survey conducted by Center for the Digital Future, nearly two-thirds of consumers say they buy Minute Maid’s “Pomegranate Blueberry” 100% Juice because of the health benefits of pomegranate juice.

How can Minute Maid justify its deception?

- Minute Maid tries to hide behind FDA labeling technicalities by pointing out that their front label says “Flavored Blend of 5 Juices”. Of course, this appears in small print which is overwhelmed by the product name “Pomegranate Blueberry” immediately above. And, in an even smaller font, the back label acknowledges that apple & grape juices are the primary ingredients.
 - But nowhere on the bottle does it say that the product only has 0.3% pomegranate and 0.2% blueberry juice!
 - And nowhere in the FDA labeling regulations does it say that companies are allowed to knowingly mislead consumers about a product’s true contents.

What is being done about this deception?

- Unfortunately, Minute Maid’s deceptive labeling practices have never been challenged. Why is this? There may be many reasons, but we do know that: (a) the FDA and other regulatory agencies are over-worked and under-resourced, and (b) Coke, which is Minute Maid’s parent company, is a powerful lobbying force with over 47 representatives in Washington (to the best of our understanding). Although this mislabeling issue is common in many beverages, most juices don’t have the health giving properties of pomegranate juice. That is when the deception goes from annoying to dangerous.
- As a result, POM has turned to the court system to seek justice. In 2008 POM filed a federal lawsuit against The Coca Cola Company, Minute Maid’s parent, under the Lanham Act which prohibits companies from falsely advertising their products. POM is asking the court to prevent Minute Maid from using deceptive labeling on its product and to require that Coca Cola / Minute Maid compensate POM for the damage caused to our business.

How will Minute Maid fight back once the deception is made public?

- In short, they will claim that POM has “unclean hands”. Their claim, however, is just as misleading as the label on their product.
- First, they will say that at one time POM’s Pomegranate Blueberry juice contained apple juice too. While this is indeed true, the differences between Minute Maid’s & POM’s Pomegranate Blueberry products are significant. In Minute Maid’s product, apple juice is the primary ingredient, while pomegranate and blueberry juices combined make up only 0.5% of the blend. POM Blueberry, on the other hand, has always featured pomegranate juice as the first ingredient, with over 41%; blueberry juice has always been the second ingredient with over 13%. Combined, pomegranate and blueberry juices accounted for at least 55% of the blend, making it the gold standard pomegranate blueberry juice blend at the time. Since

October 2008, in the spirit of continuous improvement, POM Blueberry has been reformulated to include only pomegranate and blueberry juices; pomegranate juice is 86% of the blend, and blueberry juice is 14% of the blend. Similarly, all of our other blends contain only pomegranate juice plus the one other ingredient that is part of the product name (eg, “Cherry”, “Mango”, “Kiwi”, and “Nectarine”).

- Second, Minute Maid will claim that POM has been reprimanded for incorrectly marketing our products as drugs, citing as evidence an FDA letter to POM dated February 23, 2010. While POM applauds the FDA’s recent efforts to enforce greater integrity in food labels and health communication, we firmly believe that POM’s products have been marketed honestly and appropriately.
 - We disagree with the FDA’s fundamental claim that, because the POM website included reprints and factual summaries of scientific studies (all of which were conducted by world-class university researchers and published in peer-reviewed scientific journals) about the effects of consuming pomegranate products in patients with various health conditions, we were therefore marketing our products as drugs. Because we believe that the public has every right to read the results of these studies, we have created a new website separate from the POM Wonderful website that lists and factually summarizes the scientific studies on California-grown, Wonderful variety pomegranates. The website does not make express or implied health or disease claims nor does it constitute labeling or advertising for any POM Wonderful product. Instead, the website provides the studies as an important service to the public.
 - We also disagree with the FDA’s assertion that consumers should not be allowed to post on our website their own health experiences associated with using POM. These are real people sharing real stories, and we believe that facilitating the free flow of consumer experiences does not mean that we are marketing our products as drugs.
 - Further, we disagree with the FDA’s contention that the language on a handful of our web pages describing the science behind POM amounted to drug claims. Our website has always been dedicated to providing truthful, fact-based information about our pomegranate products.
 - Finally, the FDA contacted POM as part of a recent warning letter campaign directed at multiple food / beverage companies on the topic of labeling and claims. We find it strange that, as part of this campaign, FDA warned Nestle USA that its Juicy Juice “100% Juice Orange Tangerine” and “100% Juice Grape” products were misleading because the primary ingredients in these products are cheap filler juices (and not orange/tangerine/grape as the labels implied). Nestlé’s misleading labels are fundamentally the same as Minute Maid’s “Pomegranate Blueberry” label, yet the FDA chose not to warn Minute Maid at the same time it warned Nestle.

Why is POM the Real Deal?

- When POM says “Pomegranate” we really mean it. In addition to our 100% pomegranate juice, we offer five pomegranate juice blends all of which feature pomegranate juice as the first ingredient. In all cases, pomegranate juice accounts for 50% or more of the product. With POM, you’ll never find “pomegranate juice” buried at the end of a long ingredient list.
- Further, POM is the only juice company that voluntarily discloses the percentages of all our juice ingredients. We have healthy, honest 100% juice formulations, so there is nothing to hide.
- Among the myriad of juice companies touting the health benefits of their products, POM is the true gold standard when it comes to world class scientific research. POM products have been featured in over 50 studies published in peer-reviewed journals, and our unique quality control program (which starts with growing our own pomegranates in our own California orchards, and includes picking them by hand and juicing them in our own facility with our own unique presses) means that POM products always deliver a consistent dose of polyphenol antioxidants from our Wonderful-variety pomegranates.