

Initial Decision

113 F.T.C.

IN THE MATTER OF

GENERAL NUTRITION, INC.

*Docket 9175. Initial Decision**, February 24, 1986

INITIAL DECISION BY

MONTGOMERY K. HYUN, ADMINISTRATIVE LAW JUDGE

FEBRUARY 24, 1986

PRELIMINARY STATEMENT

On March 20, 1984, the Federal Trade Commission ("Commission") issued an administrative complaint charging General Nutrition, Inc. ("General Nutrition") with unfair methods of competition and unfair or deceptive acts or practices in violation of Sections 5 and 12 of the Federal Trade Commission Act (15 U.S.C. 45, 52). Specifically, the complaint charged that General Nutrition made a number of misrepresentations in connection with its product "Healthy Greens," including (a) the representation that the findings of the National Research Council's Report *Diet, Nutrition and Cancer* support the claim that use of Healthy Greens tablets (and food supplements of dehydrated vegetables such as Healthy Greens) is associated with reduced incidence of certain cancers in humans, (b) the representation that research indicates that vitamin E plays an important role in reducing the risk of cancer, (c) the representation that the use of Healthy Greens is associated with a reduced incidence of certain cancers in humans, and (d) the [2] representation that vitamin E plays an important role in reducing the risk of cancer (Complaint ¶7). The complaint also charged that the representations listed in 7(a) and (b) are false (Complaint ¶¶8, 9). The complaint further charged that General Nutrition did not possess and rely on a reasonable basis for the claims listed in 7(c) and (d) (Complaint ¶10).

The case, initially assigned to Administrative Law Judge Thomas F. Howder, was reassigned to me on April 25, 1985. After conclusion of prehearing proceedings including discovery and filing of pre-trial memoranda, the hearing for the presentation of complaint counsel's case-in-chief was held from June 25, 1985 to July 17, 1985 and the

* Decision and Order issued February 2, 1989 (111 FTC 387).

defense hearing, from July 24, 1985 to August 1, 1985 and from September 3, 1985 to September 13, 1985. Complaint counsel called four expert witnesses, and about 100 documentary exhibits (CX's) were received in evidence in support of complaint counsel's case. Respondent called four expert witnesses, and some 50 defense exhibits (RX's) were received in evidence. The documentary exhibits in the record include extensive textual material and excerpts of epidemiological and biomedical literature relied on by respondent, including a substantial amount of post-claim substantiation material. Transcripts of hearing testimony amounts to about 3,200 pages.

The proposed findings and conclusions submitted by the parties and their arguments in support thereof have been given careful consideration by me and to the extent not adopted by this Initial Decision, in the form proposed or in substance, are rejected as not supported by the evidence or as immaterial. Any motion appearing on the record not heretofore or hereby specifically ruled upon either directly or by the necessary effect of the conclusions in this Initial Decision is hereby denied.

Upon consideration of the entire record in this proceeding and having considered the demeanor of the witnesses, I make the [3] following findings of fact and conclusions of law and order based on the record considered as a whole.¹

FINDINGS OF FACT

I. RESPONDENT, JURISDICTION AND OTHER GENERAL FINDINGS

1. General Nutrition, Inc. (GNC) is a corporation organized, existing and doing business under and by virtue of the laws of the state of Pennsylvania with its offices and principal place of business located at

¹ By order of November 5, 1985, the Commission extended the due date of this Initial Decision to February 23, 1986.

For the purposes of this Initial Decision, the following abbreviations were used:

F.	—	Finding of Fact in this Decision
CPF	—	Complaint Counsel's Proposed Findings
RPF	—	Respondent's Proposed Findings
CR	—	Complaint Counsel's Reply
RR	—	Respondent's Reply
Tr.	—	Transcript of hearings, sometimes preceded by the name of the witness
CX	—	Complaint counsel's exhibit
JX	—	Joint exhibit of the parties
RX	—	Respondent's exhibit
Comp.	—	Complaint
Ans.	—	Answer

921 Pennsylvania Avenue, Pittsburgh, Pennsylvania (Answer of GNC, ¶ 1).

2. GNC is now and has been engaged in the distribution, advertising, offering for sale, and sale of nutritional supplements, including Healthy Greens (Answer of GNC, ¶ 2). In connection with the marketing of Healthy Greens, GNC has caused the dissemination, publication and distribution by mail and across state lines of advertisements and promotional material for the purpose of promoting the sale of Healthy Greens for human use (Answer of GNC, ¶ 3). As advertised, Healthy Greens is a "food" and a "drug" within the meaning of Section 12 of the Federal Trade Commission Act (CX 71E-F).

3. In the course and conduct of its business, GNC caused Healthy Greens, when sold, to be transported from its place of business to over 1,100 of its company-owned retail outlets located in 49 states of the United States and the District of [4] Columbia (CX 71B) and through the U.S. Mail to purchasers located in various states of the United States and the District of Columbia (CX 71C; JX 2C). GNC has maintained a substantial course of trade in these products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act (F. 80-81, *infra*).

4. In the course and conduct of its business, GNC has disseminated and caused the dissemination of certain advertisements concerning Healthy Greens through the United States mails and by various means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act (CX 71A-D).

5. Healthy Greens tablets are dietary supplements each consisting of the following nutrients and foods: 35% of the U.S. recommended daily allowance (U.S. RDA) of vitamin A, 15 mg. of beta-carotene, 300% of the U.S. RDA of vitamin C, 150% of the U.S. RDA of vitamin E, 50 microgram of selenium, 500 mg. of dehydrated cruciferous vegetables and 5 mg. of dehydrated spinach and carrots (CX 8). The label directions recommend that an individual consume one tablet each day (CX 8).

6. In 1980, the National Cancer Institute (NCI) concluded an evaluation process of the basis and feasibility of a large scale study of the field of diet and cancer and commissioned the National Research Council (NRC), the research arm of the National Academy of Sciences (NAS), to conduct a review of the available scientific information on the subject of diet, nutrition and cancer. The NAS-NRC formed the

Committee on Diet, Nutrition and Cancer (Committee), an *ad hoc* committee of experts on diet and cancer. The NRC charges to the Committee contained three components: (1) to "review...the state of knowledge and information pertinent to diet/nutrition and the incidence of cancer;" (2) to "develop a series of recommendations related to dietary components (nutrients and toxic contaminants) and nutritional factors which can be communicated to the public;" and (3) develop a series of research recommendations related to diet, based on the Committee's review described in (1) (JX 1, Preface at v).

7. In 1982, the NAS-NRC Committee made a report pursuant to the first and second components of its mandate. The Report, entitled "*Diet, Nutrition and Cancer*," was published by the National Academy Press (JX 1). Much of the testimony at trial involved the Report (frequently referred to as the "Green Book" or the "Report"). An "Executive Summary," which summarizes the most relevant scientific information on diet and cancer and recommends several interim dietary guidelines, is followed by individual chapters which discuss in detail the scientific information relating to various aspects of diet and cancer reviewed by the Committee. And, Dr. Clifford Grobstein, who [5] served as Chairman of the Committee, and Dr. T. Colin Campbell, who served as a member of the Committee, testified at trial as did Dr. Guy R. Newell, who participated in the NCI planning which led to the NCI request to the NAS-NRC to undertake the review in question.

8. Based upon its comprehensive review of the scientific literature on diet, various nutrients and minerals and cancer, the Committee concluded that the available evidence suggests that diet affects the incidence of cancer (JX 1, p. 14). It recommended six interim dietary guidelines that if followed the Committee believed to be likely to reduce the risk of various cancers in humans (JX 1, p. 14). Four of these are applicable to individuals: (1) reduce consumption of fat; (2) emphasize the importance of fruits, vegetables, and whole-grain cereals in the daily diet (this recommendation specifically does not apply to any nutrients found in these foods); (3) minimize salt-cured and smoked foods; and (4) consume alcohol only in moderation (JX 1, pp. 14-16). These guidelines were only interim in nature, and the Committee stressed that the current data is incomplete (JX 1, pp. 14-16). Further, these guidelines involve increasing some foods and decreasing others, and the Report emphasized that these guidelines were to be applied in their entirety to obtain maximum benefit (JX 1, p. 14).

9. In 1983, the Committee issued, pursuant to the third component of its mandate discussed hereinabove, a report entitled "*Diet, Nutrition and Cancer: Directions for Research*" (RX 45). Witnesses testified that several NCI-funded, controlled trials have since commenced as a follow-up to some of the recommendations contained in that report. See F. 244, *infra*.

10. Also in 1983, the NAS-NRC Committee staff compiled and published a comprehensive bibliography of scientific literature, entitled, "*Diet, Nutrition and Cancer—Bibliography 1969 to 1982*," (RX 204) which assembled and listed what the Committee staff considered pertinent resource material that may be of use to scientists and others involved in a study of the relationship between diet, nutrition and cancer. See JX 1 at iii.

II. EXPERT WITNESSES WHO TESTIFIED AT THE HEARING

11. Complaint counsel presented the testimony of four expert witnesses. They are Dr. T. Colin Campbell, Dr. Clifford Grobstein, Dr. Theodore P. Labuza and Dr. Adrienne E. Rogers. Respondent presented the testimony of three expert witnesses. They are Dr. Paul Lachance, Dr. Guy R. Newell and Dr. Raymond J. Shamberger. In addition, Dr. Ronald W. Thompson, Director of Nutrition Education of respondent General Nutrition, Inc., testified regarding respondent's so-called substantiation [6] material and also gave his evaluation of pertinent scientific material discussed in the NAS-NRC Committee Report.

A. *Complaint Counsel's Witnesses*

T. Colin Campbell, Ph.D.

12. Dr. T. Colin Campbell is recognized as a leading scientist on the issue of diet, nutrition and cancer (CX 56; Newell, Tr. 2808; Rogers, Tr. 1388). He is the Jacob Gould Schurman Professor of Nutritional Biochemistry at Cornell University, Ithaca, New York (Campbell, Tr. 622). He is Director of the Nutrition and Cancer Program Project at Cornell. He is also the Senior Scientific Advisor to the American Institute for Cancer Research, Falls Church, Virginia (CX 56A). Dr. Campbell received both his Ph.D. and M.S. from Cornell in nutrition and his B.S. from Pennsylvania State University (Campbell, Tr. 627).

13. Currently, Dr. Campbell, in cooperation with the Peoples' Republic of China, is the director of the largest study ever undertaken in the area of diet and cancer (Campbell, Tr. 625). Dr. Campbell

directs graduate research at Cornell and teaches advanced nutritional biochemistry to undergraduate and graduate students. He also teaches classes in molecular toxicology, environmental toxicology, and international nutrition (Campbell, Tr. 623; CX 56P).

14. Dr. Campbell was a member of the National Academy of Sciences/National Research Council Committee on Diet, Nutrition and Cancer, the Report which is the focus of this litigation (Campbell, Tr. 632). In 1980, he was a member of the Food and Drug Administration Consultant Group on Risk Assessment, and in 1981, he was a consultant to Tufts University USDA Human Nutrition Research Center (CS 56P-Q). Dr. Campbell was co-chairman of the Federation of American Societies for Experimental Biology/Life Sciences Research Office Study Workshop on Nutrient Toxicities (FASEB/LSRO) in 1979-1980. He was also a member of the FASEB/LSRO Study Workshop Panel on Evaluation of Nutrient Safety from 1979-1980 (CX 56Q). Between 1978-1979, he was a member of the NAS Committee on Saccharin and Food Safety Policy (Campbell, Tr. 632-33).

15. Dr. Campbell has acted as consultant for several government and industry groups including the Food and Drug Administration, Federation of American Societies for Experimental Biology, National Institute of Health, National Aeronautical & Space Administration, M & M Mars, Inc., Chocolate Manufacturers Association, and the American Society of Pharmacology and Experimental Therapeutics. He is also a member of the Society of Toxicology (CX 56A; Campbell, Tr. 628). [7]

16. Dr. Campbell has authored or edited a number of books, including the NAS Report on *Diet, Nutrition and Cancer*, the NAS Report on Food Safety Regulations and Societal Impact and *Drugs and Nutrients, The Interactive Effects* (CX 56B). He has published about 150 research publications on the subject of diet and cancer, 100 to 110 of which were original research that appeared in peer-reviewed journals and included both epidemiological and experimental data (Campbell, Tr. 633). Dr. Campbell has been on the editorial board of a number of scientific journals including, *Journal of Nutrition, Drug-Nutrient Interactions, Nutrition Reviews, Journal of Environmental Health Sciences*, and *Journal of Toxicology and Environmental Health Services* (CX 56Q).

17. Dr. Campbell has received a number of awards including an NIH Cancer Development Award, an American Society for Clinical

Nutrition Visiting Professorship to the University of Maryland Medical School at Baltimore, and a National Cancer Institute Scholarship to the People's Republic of China (CX 56A).

18. Based on his training, experience, and familiarity with this area of research, Dr. Campbell is well-qualified as an expert in the area of nutrition with special expertise in the relationship between diet, nutrition and cancer.

Clifford Grobstein, Ph.D.

19. Dr. Clifford Grobstein is an internationally recognized scientist who was chosen to serve as Chairman of the Committee that wrote the Report. He has had long involvement with, and knowledge of, cancer research. Dr. Grobstein is currently Professor of Biological Sciences and Public Policy at University of California, San Diego (CX 55A). Previously, Dr. Grobstein was Vice-Chancellor of University Relations at the University of California, San Diego, from 1973-1977 (CX 55A). Between 1967-1973, he was Dean of the School of Medicine and Vice-Chancellor of Health Sciences at the University of California, San Diego (CX 55A). He was also Professor in the Department of Biology at the University of California, San Diego from 1965-1977 and was Department Chairman from 1965-1967 (CX 55A). From 1956-1965, he was Professor of Biology at Stanford University (CX 55A). Between 1946-1956, Dr. Grobstein worked at the National Cancer Institute as a research biologist (CX 55A).

20. Dr. Grobstein is a member of a number of professional societies including the National Academy of Sciences, the American Academy of Arts and Sciences and the Institute of Medicine (CX 55A). Dr. Grobstein's election to the National Academy of Sciences signifies that he has made an unusually significant contribution to science (Grobstein, Tr. 308). He is [8] past-president of both the American Society of Zoologists and the Society for the Study of Growth and Development (CX 55A). Dr. Grobstein has been recognized by the Belgian Royal Academy of Sciences, which awarded him the Brachet-laureate (Grobstein, Tr. 303; CX 55A).

21. Dr. Grobstein has served on numerous national committees. He is currently a member of the National Academy of Sciences/National Research Council Report Review Committee, which is the body responsible for reviewing all of the reports that are issued by the National Academy of Sciences (Grobstein, Tr. 308). He is a member of the Advisory Committee on Health Science Policy of the Institute of Medicine and the Committee on Science and Society of Sigma Xi (CX

55B). Dr. Grobstein also served on the Committee on Future Directions of the American Association for the Advancement of Science and on the Executive Committee of the American Institute of Biological Sciences (CX 55A).

22. Dr. Grobstein has been a member of several National Academy of Sciences/National Research Council committees including the *ad hoc* Committee on Policies and Procedures, the Committee on Laboratory Related Biohazards, the Committee on Saccharin and Food Studies, the Committee on National Needs for Biomedical and Behavioral Sciences Personnel and the Committee on Diet, Nutrition and Cancer (CX 55A). Dr. Grobstein also served on a National Institute of Health Study Section on Cell Biology and as Chairman of the National Institute of Child Health and Human Development's Consultant Study on Mental Retardation and Population Research Centers (CX 55B).

23. Dr. Grobstein has served on several National Science Foundation committees including the Advisory Panel on Developmental Biology, the Council on Science Information, the Advisory Committee on Planning and Institutional Affairs, the Advisory Committee to Science and the Citizen Program, the Advisory Committee to Education Directorate, and as Chairman of the Advisory Committee to Program on Science and Society (CX 55B). Dr. Grobstein was Chairman of the Advisory Committee to the Environmental Protection Agency, Division of Anticipatory Research on Risk Assessment (CX 55B). He was also Chairman of the Institute of Medicine Committee to review the national research plan of the National Institute of Neurological and Communicable Diseases and Stroke (CX 55B). Dr. Grobstein has also been a member of the Committee on Biological and Medical Science of the President's Science Advisory Council (CX 55B).

24. Dr. Grobstein is currently on the Editorial Board of the scientific journal, *Perspectives in Biology and Medicine*. He has previously served on the Editorial Board of *Science* (Grobstein, Tr. 303-04; CX 55B). Dr. Grobstein has published in excess of 100 scholarly publications in peer-reviewed journals and books (CX 55C-K). [9]

Based on his background, training, experience, and the fact that he was Chairman of the Committee on Diet, Nutrition and Cancer, Dr. Grobstein is well-qualified as an expert on issues relating to the Report on *Diet, Nutrition and Cancer*.

Theodore P. Labuza, Ph.D.

26. Dr. Theodore P. Labuza is recognized as an expert on the

subject of food science and technology. Dr. Labuza has been Professor of Food Science and Technology in the Department of Food Science and Nutrition at the University of Minnesota since 1973 (CX 57A). Previously, he was Associate Professor of Food Science at the University of Minnesota from 1971-1973 (CX 57A). Between 1966-1971, he held appointments first as Assistant and then as Associate Professor of Food Engineering at Massachusetts Institute of Technology (CX 57B). Dr. Labuza obtained his Ph.D. degree at Massachusetts Institute of Technology in 1965.

27. Dr. Labuza consults extensively and has his own consulting business, National Food and Nutrition Consultants (Labuza, Tr. 1128). He is currently a consultant for several major corporations (CX 57B). Dr. Labuza is a member of numerous professional societies including the Institute of Food Technologists, American Chemical Society, American Institute of Chemical Engineers, and the American Association of Cereal Chemists (CX 57B).

28. Dr. Labuza has been a member of many national and international committees. He was a member of the American Institute of Nutrition—United States Department of Agriculture Advisory Committee (CX 57C). He was also a member of the National Science Federation Food Engineering Committee (CX 57C). He was Chairman of the National Nutrition Consortium—Committee on Long-Range Effects of Food Regulations (CX 57C). He was a member of the Scientific Advisory Committee of the National Cancer Institute Diet and Nutrition Program (CX 57C). He was also a member of the American Dental Association Committee on Carcinogenicity of Foods (CX 57C). He was co-chairperson and co-organizer of the 2nd International Food Engineering Congress in Helsinki, Finland in 1979 (CX 57C). He was also co-chairperson and co-organizer of the International Conference on Browning of Foods in Goteborg, Sweden in 1979 (CX 57C). He was on the National Academy of Sciences Advisory Board on Military Personnel Supplies (CX 57C). Dr. Labuza was a member of the Food and Drug Administration International Subgroup on Evaluation of BHA (CX 57C). He was co-chairman of the Institute of Food Technology Symposium on Food Safety Risk Analysis in Anaheim, California in 1984 (CX 57C). [10]

29. Dr. Labuza has received many honors during his professional career (CX 57A). He received the Outstanding Teaching Award at Massachusetts Institute of Technology in 1970 and the William V. Cruess Institute of Food Technology Teaching Award in 1979. Dr.

Labuza received the Samuel Cate Prescott National Institute of Food Technology Research Award in 1972 (CX 57A). Dr. Labuza was named an Adjunct Professor of Food Law in Hamline Law School in St. Paul, Minnesota (CX 57A).

30. Dr. Labuza is on the editorial boards of several scientific journals including the *Journal of Food Processing and Preservation*, *Nutrition and Cancer*, and the *Journal of Food Additives and Contaminants* (CX 57D). He is also a peer-reviewer for numerous scientific and technical journals (CX 57F-G). He has published over 100 scientific articles in peer-reviewed journals (CX 57Z-10-Z-18), a number of textbooks in the area of foods and nutrition (CX 57Z-21), and over 40 book chapters and review articles (CX 57Z-22-Z-25).

31. Based on his background, training, experience, and familiarity with the literature, Dr. Labuza is well qualified as an expert in food technology with specialized expertise in food chemistry and food engineering.

Adrienne E. Rogers, M.D.

32. Dr. Adrienne E. Rogers is a leading expert in the field of diet and cancer. She is a physician and Professor of Pathology at Boston University School of Medicine, Boston, Massachusetts (CX 58A-B) and is the Associate Chairman of the Pathology Department (Rogers, Tr. 1330). She graduated from Radcliffe College and from Harvard Medical School (CX 58A-B). She is licensed to practice medicine in Massachusetts and is Board certified in both Anatomic Pathology and Toxicology. The major area of Dr. Rogers' research has been diet and cancer (Rogers, Tr. 1334; CX 58A). She also has an appointment as a Senior Research Scientist at Massachusetts Institute of Technology (CX 58B). Dr. Rogers spends 20% of her time as pathologist at Boston City Hospital and 80% researching and teaching, mainly in the area of diet and cancer (Rogers, Tr. 1339). Dr. Rogers has conducted research concerning the effect of dietary fat, B vitamins, vitamins A and E and selenium on cancer in laboratory animals (Rogers, Tr. 1339).

33. Dr. Rogers is a member of numerous professional societies including the American Institute of Nutrition, the American Association of Pathologists, the Society of Toxicology, the American Association for the Study of Liver Diseases and the New England Society of Pathologists (CX 58C). Dr. Rogers has been a member of a number of major scientific national committees [11] including the National Advisory Food Committee of the Food and Drug Administration (CX 58B). She served as a member of the Subcommittee on

Laboratory Animal Nutrition of the Committee on Animal Nutrition of the National Research Council and also for the Animal Resources Advisory Committee of the National Institute of Health (CX 58B), the World Health Organization Task Group on Environmental Health Criteria for Mycotoxins (CX 58B), and a National Institute of Health Study Section in Pathology charged with the responsibility of reviewing research grant applications to the NIH in the area of diet and cancer (Rogers 1346; CX 58B). She was a member of the National Academy of Sciences Panel in the Geochemistry of Fibrous Materials Related to Health Risks. Between 1980-1983, she was a member of the National Large Bowel Cancer Project (CX 58B).

34. Dr. Rogers is on the editorial boards of several scientific journals including *Nutrition and Cancer*, *Nutrition Research*, and the Franklin Institute Press that publishes books on cancer and nutrition research (CX 58C). She is also a peer-reviewer for *Cancer Research Journal of the National Cancer Institute* (Rogers, Tr. 1353). She has published over 50 peer-reviewed scientific articles mainly in the area of diet and cancer, and over 20 scientific review articles and book chapters in the same area (CX 58D-K).

35. Based upon her background, training and expertise in this area, Dr. Rogers is well-qualified as an expert on the subject of diet, nutrition and cancer with emphasis in the area of experimental carcinogenesis and diet.

B. Respondent's Witnesses

Paul Lachance, Ph.D.

36. Dr. Paul Lachance is a professor of nutrition and food science at Rutgers, the State University of New Jersey, and is a recognized expert on the subject of food science and nutrition. See RX 197. He has been involved in consultancies to the government, food and pharmaceutical companies, and also designed the nutritional regimen for the U.S. space program.

37. Dr. Lachance holds a Bachelor of Science degree in biology, received in 1955 from St. Michael's College in Vermont and in 1960, a Ph.D. in biology with an emphasis on nutrition from the University of Ottawa. Dr. Lachance also received an honorary degree of doctor of science from his alma mater St. Michael's College in 1982 (RX 197; Tr. 2924-25). Dr. Lachance's studies at Ottawa involved advanced study in the biological sciences, including anatomy, human anatomy, [12] physiology, histology, pathology, microbiology, biochemistry and endocrinology (Tr. 2925).

38. Upon completion of his doctorate, Dr. Lachance served in the U.S. Air Force at the Aerospace Medical Research Laboratories and specialized in the areas of nutrition and food, food science and nutrition, food technology and nutrition, and his work provided the basis for testing whether a man could eat under conditions of weightlessness in the space program's Project Mercury (Tr. 2926-28).

39. From 1963 to 1967, Dr. Lachance was the Flight Food and Nutrition Coordinator for NASA at the Manned Spacecraft Center in Houston, Texas. He was the first individual to hold this position and was responsible for establishing the Gemini/Apollo flight food systems. Dr. Lachance also designed the food systems for Skylab and the experiments for Skylab (Tr. 2929-33).

40. At Rutgers University, Dr. Lachance has taught a variety of nutrition and food science courses including "Food and Health;" "Food Science Principles;" "Food Science;" "Nutrition Aspects of Food Processing;" one of the first courses in the country to look at the effect of processing and the preparation of food on nutrient value; and "Nutrition Pathology," an advanced course which deals with pathology problems related to nutrition and the role of nutrition in disease conditions (Tr. 2946-49).

41. Dr. Lachance is a member of the American Institute of Nutrition, American Society for Clinical Nutrition, the leading society in the United States for clinical nutrition, and the American College of Nutrition, to which Dr. Lachance has recently been named a fellow (Tr. 2933-35). Dr. Lachance is also a fellow of the Institute of Food Technologists, an association of professionals concerned with the various phases of food technology, including food processing, food science, food packaging, food manufacturing and other concerns related to the production, manufacture, presentation, chemistry, biology, and physics of food. Dr. Lachance has served as chairman of that committee and was named a fellow in 1982 (Tr. 2934-35).

42. Dr. Lachance also is on the Editorial Board of the *Journal of Medical Consultation* and does peer review for the *American Journal of Clinical Nutrition*; *Food Technology* and the *Journal of Food Science* among others (Tr. 2939).

43. In 1984, Dr. Lachance was appointed by the U.S. Secretary of Agriculture to the Wheat Industry Council, as a representative of the American Institute of Nutrition. In addition, he serves as a consultant to several groups in the food industry (Tr. 2941-42). [13]

44. While he was with the Air Force and NASA, Dr. Lachance was a

liaison member for the NAS/NRC Food Nutrition Board, which periodically publishes the Recommended Dietary Allowances (RDAs) (Tr. 2944).

45. Dr. Lachance has published some eighty-six articles in the field of experimental nutrition and food science, including a chapter on the effects of processing and preparation on the nutritive value of food in "*Modern Nutrition and Health and Disease*," a nutrition textbook (Tr. 2952-54).

46. Some of Dr. Lachance's research and writing has dealt with the nutritional status of the American population, including an "Overview of Current Nutritional Status of the U.S. Population" which includes a summary of the nutritional implications of the food habits, as well as a review of nutrition surveys that have been conducted on a national scale (Tr. 2956-57).

47. On the basis of his education, training and experience, Dr. Lachance is well qualified as an expert in the field of nutrition and food science, with an emphasis on food technology.

Guy R. Newell, M.D.

48. Dr. Guy R. Newell is a physician and a leading cancer epidemiologist. *See* RX 195. From September 1973 until August 1979, he was Deputy Director of the National Cancer Institute and served as Acting Director of the NCI for about 10 months during 1976-1977. While at the National Cancer Institute, Dr. Newell was a strong supporter of the National Academy of Science program, which reviewed the epidemiological and experimental literature dealing with diet, nutrition and cancer and produced the Report "Diet, Nutrition and Cancer" in 1982. Dr. Newell is currently Chairman of the Department of Cancer Prevention and Professor of Epidemiology at the University of Texas System Cancer Center in Houston (Tr. 2618). Dr. Newell holds bachelor's degree and M.D. degrees from Tulane University and Masters of Science degree in Hygiene from Harvard University (RX 195).

49. Dr. Newell is certified by the American College of Preventive Medicine and the American College of Epidemiology. He is licensed to practice medicine in three states: Louisiana, Maryland, and Texas. He was also licensed to practice in Massachusetts during his residence there (Tr. 2623).

50. In his current position, Dr. Newell holds several titles. He is Chairman of the Department of Cancer Prevention (Tr. 2625) and is Professor of Epidemiology at the School of Public Health at the

