

Tuna industry challenges validity of mercury lawsuit

10/24/2005 - **A successful lawsuit against the tuna industry would lower the threshold for mercury so low that every US seafood product would require a warning, claim canners.**

Forrest Hainline, lead attorney for seafood suppliers Bumble Bee, StarKist and Chicken of the Sea, was responding to the testimony of Dr Deborah Clark Rice, a key witness in Californian Attorney Bill Lockyer's lawsuit against the seafood industry.

The industry argues that Lockyer's tactics are likely to unnecessarily scare consumers, leading to lower [fish](#) consumption and declining standards of health.

Lockyer however believes he is acting in the interests of consumers. He filed a suit against three Californian tuna producers - Tri-Union Seafoods, [Del Monte](#) and Bumble Bee Seafoods - in June 2004, for failing to label their albacore and light tuna products with warnings over potential [mercury](#) content.

He claims that the omission is in violation of Proposition 65, a 1986 law requiring that companies provide "clear and reasonable" warnings before exposing people to known carcinogens or reproductive toxins.

But as court proceedings began last week, the seafood industry has been vociferous in its defense.

"Dr. Rice's methodology of creating the Maximum Allowable Daily Body Load (MADL) would require a Proposition 65 warning based upon a study that showed absolutely no adverse effects from methylmercury," he said.

"Through this witness, the attorney General seems intent upon driving Californians away from eating fish. And in an age of obesity, poor diet and heart disease, I find this extraordinarily irresponsible."

The US Tuna Foundation (USTF) has also weighed into the debate, pointing to the findings of a new study by the Harvard Center for Risk.

Published in the November 2005 issue of the *American Journal of Preventive Medicine*, the new study - *A Quantitative Analysis of the Risks and Benefits Associated with Changes in Fish Consumption* - concludes that cognitive benefits, amounting to about 0.1 IQ points per newborn baby, can be achieved with virtually no negative impact on the developing child if women of childbearing age eat up to 12 ounces a week of fish that are low in mercury.

The Harvard researchers also suggest that if Americans reduce their fish consumption out of confusion about mercury, there will be serious public health consequences, notably higher death rates from heart disease and stroke.

"This study is a wake-up call for all Americans concerned about their health," said Joyce Nettleton, author of *Omega-3 Fatty Acids and Health* and a member of the Tuna Nutrition Council, which advises US Tuna Foundation on nutrition and public health matters.

All types of fish contain some amounts of mercury. For most people this is not a cause for concern, but a build-up in the blood stream can lead to reproductive problems in women and affect the development of the nervous system in children.

The FDA therefore advises that people eat up to 12 ounces (two average meals) a week of fish and shellfish that are lower in mercury, such as canned light tuna, salmon, pollock, and catfish.

As albacore tuna and fresh tuna steaks contain more mercury than light tuna, the agency says that consumption of this variety should be limited to 6 ounces per week.

"The federal guidelines were developed to ensure that everyone, including pregnant women, have the best possible advice about seafood and nutrition," said David Burney, executive director for the US Tuna Foundation.

"The FDA was very careful not to discourage seafood consumption altogether because of its overwhelming health benefits. The Attorney General seems to be ignoring this."