Starbucks Coffee Has to Have Cancer Warning In California, Judge Says

A lawsuit was filed in 2010 by the little-known Council for Education and Research on Toxics (CERT). This not-for-profit group sued 90 coffee retailers, including Starbucks, on grounds they were violating a California law that requires companies to warn consumers about the chemicals in their products that could cause cancer. The law is often called "Prop 65." A judge just ruled that Starbucks and other coffee sellers need a cancer warning on coffee sold in California. The ruling calls for fines as large as $2,500 for every customer exposed to the chemical since 2002 at the coffee shops. Any civil penalties, which will be decided in a third phase of the trial, would likely be massive in California, with a population of nearly 40 million.

One of the chemicals in coffee that's problematic is acrylamide, a byproduct of roasting coffee beans that is present in high levels in brewed coffee. Acrylamide isn't just in coffee. The National Cancer Institute says it's also often found in French fries, potato chips, crackers, bread, cookies, cereals, canned black olives, and prune juice. The Food and Drug Administration (FDA) has been considering issuing guidelines on the acrylamide content in food for some time.

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Aside from food, the other main source of acrylamide is cigarette smoke—though people are exposed to substantially more acrylamide from tobacco smoke than from food, according to the National Cancer Institute.

Los Angeles Superior Court Judge Elihu Berle said that Starbucks and the other companies did not prove there isn't

risk from carcinogens produced by the coffee roasting process. This ruling could potentially expose the companies to millions of dollars in fines. Starbucks and other defendants have until April 10 to file objections.

> *Defendants failed to satisfy their burden of proving by a preponderance of evidence that consumption of coffee confers a benefit to human health." – Judge Elihu Berle*

Starbucks and the other defendants lost the first phase of the trial because it failed to show that the level of acrylamide in coffee was below levels that pose significant risk of cancer. In the second phase of the trial, the defendants failed to prove there was an acceptable "alternative" risk level for the carcinogen, according to court documents showed.

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Several defendants settled the case before Wednesday's verdict. They agreed to post warnings about the cancer-linked chemical and they agreed to pay millions in fines.

Source:

- *Coffee Warning? What You Need to Know About Acrylamide* – Shape
- *Starbucks coffee in California must have cancer warning, judge says* – Reuters