



## Health Law Update

by John Okray

# A Critical Look at Nutrition Policymaking With the Co-Author of *The China Study*

### Over the last few years, considerable attention

has been paid to laws, rules, and regulations around food and nutrition at all levels of government and business—an issue that impacts all Americans. John Okray, chair of the Health Law Section of the Federal Bar Association, recently interviewed T. Colin Campbell, a biochemist who specializes in the effect of nutrition on long-term health. Campbell is professor emeritus of nutritional biochemistry at Cornell University, has written more than 300 research papers on the subject, and co-authored 2005's *The China Study*, described as “the Grand Prix of epidemiology” by *The New York Times*. He is featured in the documentary films *Forks Over Knives*, *Plantat*, and *Vegucated*. He has served on a number of nutrition advisory committees and has promoted nutrition legislation. Campbell received his bachelor's of science degree from Pennsylvania State University and his master's of science in nutrition and biochemistry and his Ph.D. in nutrition, biochemistry, and microbiology from Cornell. This interview has been lightly edited for clarity and brevity. We hope that health lawyers and those with a general interest in this area will find the dialogue of interest.

**Federal Bar Association:** Your book, *The China Study*, has sold more than 1 million copies. Former President Bill Clinton referenced your research, and this book, as one of the reasons he dramatically changed his diet after his quadruple heart bypass surgery. Can you summarize the China-Cornell-Oxford Project study and its conclusions?

**T. Colin Campbell:** *The China Study* is the name of the best-selling book co-authored with my son Thomas, now director of a new program in nutrition and medicine at the University of Rochester (New York) Medical Center. However, only one chapter specifically addresses the result of the Cornell-Oxford-Project. This study investigated the dietary and lifestyle factors most responsible for widely varying rates of cancers and other diseases among the 2,400 counties in China. It also was designed to see if, in this human population, the dietary and lifestyle factors responsible for cancer causation



in experimental animals are supported by human data. The main conclusion affirmed that the nutrition provided by the consumption of whole, plant-based foods (vegetables, fruits, grains, and legumes) is exceptionally capable of not only preventing future diseases like heart disease, cancer, and age-degenerative diseases but also, in most cases, reversing (that is, treating) these diseases when diagnosed. It is important to note that it is the *whole* food form of these foods *not their individual nutrients* that provide these impressive benefits.

**FBA:** The Dietary Guidelines for Americans is jointly published by the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) every five years. They are in the process of releasing the 2015 guidelines. What in your view needs

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*Campbell's opinions are his own and not those of the Federal Bar Association, The Federal Lawyer, Cornell University, or John Okray.*

to be changed from the 2010 version? Has the process for promulgating these guidelines improved over time?

**Campbell:** I have just completed my commentary on this most recent report of these guidelines and am submitting it to the committee. Very briefly, I have watched closely the history of these reports ever since two friends of mine (one from Ag and one from Health) wrote the first report in 1980. Later, I participated in news conferences of the subsequent issues of these guidelines. I have concluded that it is time to abandon this approach of apprising the American public of the latest scientific evidence on diet and health. *No progress* has been made, to my knowledge, in advancing this information. This strategy of informing the public of the latest science has been corrupted by industry. (In one of the more recent reports, a lawsuit was successful in forcing the USDA and the committee members to reveal their previously hidden industry conflicts, which showed, for example, that the majority of the members had ties to the dairy industry.)

In brief, there has been no substantive progress. They ignore dramatically new evidence that shows a remarkable ability of diet and nutrition to improve health, while extending the life of past nutrition mythologies that have been responsible for the poor health of U.S. citizens.

**FBA:** The Healthy, Hunger-Free Kids Act that was passed a few years ago caused the USDA to make major changes to school meal nutritional guidelines for the first time in 15 years. These guidelines impact approximately 32 million American school children. In your opinion, are they based on good nutritional science, industry-group lobbying, or a combination of the two?

**Campbell:** The changes that have been made, according to some reports, were merely intended to cut calories and to ensure the consumption of low-fat milk. Neither recommendation makes sense. Based on scientific evidence, it's not the quantity of food but the kind of food that matters most for good health. Not surprisingly, some children have complained that they are not getting enough food (calories); were they to eat the *right* food, this would not be a problem. Yet, children also are complaining about the kind of food now offered—at least in some programs—meaning that these children are not getting access to the food high in fat, sugar and salt that they have traditionally craved. And then there are the very negative reports circulated by the industries whose foods are not now in favor. In short, the results are very mixed, starting with a compromised recommendation intended to please contradictory interests and practices.

A different approach is needed, starting with elimination of the disgusting food subsidy program that makes available the wrong food then becomes vested in the interests of industry. It is time that a new approach is started, and I have a former graduate student who has developed such a program. She has offered her program to teachers and food-service people in more than 3,000 U.S. schools, but because of serious conflicting interests, she has had to develop this work while scrambling for very limited funding. Her original graduate work at Cornell University was in education for her doctoral program, for which she received national awards. It's about making children and their parents aware of the scientific evidence—and this can be done with very young children. We now are able to

develop some marvelous programs that are much more independent of government and industry oversight and interests and that will serve the best interests of the children and their parents!

**FBA:** The idea of labeling genetically modified organisms (GMOs) in food products continues to be debated. Whole Foods Market announced that it will require GMO labeling for all products in its stores by 2018. Is GMO transparency labeling good, and if so, why?

**Campbell:** Yes, GMO labeling is essential. The fundamental science that has already been published clearly shows that multitudes of biochemical mechanisms can lead to unintended consequences as genes are altered, then expressed. It is a crime that the consumers of these foods, who are not sufficiently literate in this science, are forced to assume unknown risks of future health outcomes over which they have no control. It is shameful when we now know the biological basis for these risks—we don't know what those outcomes might be, but by the time they start to become expressed, it is going to be almost impossible to correct the problem, either on a personal level or on a societal level. One company in particular, Monsanto, is holding a sledgehammer over our heads and over the heads of our children and grandchildren, and this must stop.

**FBA:** You are featured in an upcoming documentary, *PlantPure Nation*. What lessons did you learn in the making of this film about impacting nutrition legislation?

**Campbell:** The story starts with my lecture on the floor of the Kentucky legislature (joining with my colleague, Caldwell Esselstyn, M.D.), where we talked about our respective and closely related findings with the whole-food, plant-based diet. It was well-received in the chamber, and it was then that my son Nelson decided to do a film beginning with this event, which he directs and which will appear in theaters on July 4. He worked closely with a senior representative of the Kentucky Legislature, Tom Riner, and with the former producer of the highly successful documentary *Forks Over Knives*, John Corry, and the screenwriter of that film, Lee Fulkerson, which also featured the work of my colleague Dr. Esselstyn and myself. I helped to identify most of the professionals interviewed for this latest film, but it was Nelson and his group who had total control of the story line, which mainly concerns the question, "Why have we not heard this information before?"

I am enthusiastic about this film, not only because it has been superbly crafted but also because I have had to comment on this same question ever since the publication of *The China Study*. I attempted to address it in another book, *Whole*, published with Dr. Howard Jacobson in 2013. This new film takes advantage of imagery to answer this question. In my view, it confronts a much larger question beyond diet and health that concerns the manner in which very powerful, wealthy interests control information for their own selfish interests on a variety of topics of interest to the citizens in this and other countries.

**FBA:** Apart from nutrition, are there differences in the environmental impact between animal- and plant-based diets?

**Campbell:** Animal-based diets, based on the production of live-

the country, working for the Supreme Court, and enjoying a seat at the State of the Union address. He attributes many of his experiences to the connections he made and opportunities he was given through the FBA as a young lawyer. He said, "Networking is important, and getting out to meet people is the best thing you can do, especially when you are young. Networking is how opportunities are created." Certainly one of the greatest benefits of being a FBA member is access to the online membership directory and open invitations to large networking events. For law school divisions, members enjoy the benefits of being part of a group of peers who value these same opportunities.

Gen. Suter's appreciation for the opportunities provided through his membership with FBA may be most noticeable when he talks about Elvis Presley. Over a two-day visit and more than

a few conversations with the General, I heard about his personal relationship with the King only once—and in less than three sentences. Gen. Suter noted his time with the celebrity when they were in boot camp together, complimented the icon's humble and gracious attitude, and then returned to his praise of the FBA. If that does not speak to the greatness of this organization, I do not know what does.

For law students, becoming a part of an FBA division is more than just joining another something to bolster a resume. It's the beginning of a lifelong journey as a member of a professional organization that includes the most highly regarded attorneys, judges, and practitioners in the country. A telling example is the wonderful opportunity our division had to meet Gen. Suter and learn about his incredible career as a Federal Bar Association member. ☺

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stock and our consumption of their products, do great harm to the environment in many ways. There is general agreement that the main cause of global warming is livestock production, with some estimates (from the World Bank) running as high as more than 50 percent. A United Nations agency has a lower estimate, but it is still higher than the estimate for the transportation sector. (Think of the recent California drought problem.) The rearing of livestock also consumes natural resources at rates as high as five to 10 times the amount needed to produce an equivalent amount of human food from plant sources. Other consequences of this practice include dangerous depletion of deep-water (aquifers) sources, loss of topsoil, and contamination of local water resources. All of these activities result in poorer human health, exceptional health care costs that cannot be maintained, and serious abuse of animals.

**FBA:** The tobacco industry was sued based on its adverse health impacts and settled lawsuits with most of the states for hundreds of billions of dollars. Do you foresee the food industry coming under similar scrutiny or legal pressure related to foods or additives that might be linked to poor health?

**Campbell:** It is highly unlikely that it will be the food additives that cause the future health problems and their attendant costs. It is the *choice of the food itself*—plants, not animals. A reference is made in *PlantPure Nation* by a prominent family doctor that we now should begin to consider legislation to hold doctors responsible for not telling their patients about the health benefits of a whole-food, plant-based diet. Hopefully, this will encourage a national discussion of this matter.

I am of mixed opinion of this kind of mandate being directed from higher authority, because it may lead to legal consequences that do as much or more harm to the practice of medicine than it does good. I would prefer that (1) doctors get education in nutrition while in medical school (almost none at present!), (2) consumers be made aware of this information, and (3) programs and strategies be developed that adequately compensate doctors and serve the public the best possible information.

**FBA:** There seems to be a consensus that healthy food is more expensive. Why is this the case, and what could be done by the government and the food industry to make healthier food affordable and available to more Americans?

**Campbell:** Many consumers are now discovering that healthy food need not be more expensive. Some of the added costs are attributed to the purchase of organic produce. Not to discourage this practice (organic food tastes better and often is somewhat more nutritious), but it should be noted that the attendant health gains for organic foods are relatively minimal when compared with the primary practice of choosing the right produce in the first place. When total costs are factored into this equation, such as the costs to our society and our environment, it is far cheaper to produce and consume plant-based foods. Inform and educate consumers in a way that leads to greater demand for the right kind of food. During this transition, it may be useful to provide tax incentives for small farmers who can support local farmers markets. This issue also is considered in the film *PlantPure Nation*. ☺

### Editorial Policy

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