

Associated Baptist Press P O Box 23769 Jacksonville, FL 32241 Phone: 800-340-6626 E-mail:
editor@abpnews.com Editor: Greg Warner

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Big food companies, big eaters square off in obesity lawsuits

By Hannah Lodwick

(ABP) Thinking about suing Big Tobacco? Forget it. Food companies have the real money, and they could be the next litigation target.

It's only a trickle so far, but consumers claiming food companies made them fat have filed at least four "obesity lawsuits" since 2001.

In the broadest action yet, Caesar Barber, a 5-foot-10-inch, 270-pound fast-food junkie from New York, filed suit last year against Wendy's, McDonalds, KFC and Burger King for failing to warn of the health risks of fast food. Barber also invited other New York consumers to join his class-action suit.

Although unimpressed judges have dismissed most obesity lawsuits, the suits have exposed ethical issues about rising obesity levels and the responsibility of food producers.

"One would have to be a complete ostrich to believe that fast-food makers have no culpability in the obesity epidemic," said Margo Wootan of the Center for Science in the Public Interest.

Recent studies show that almost two thirds of American adults qualify as overweight, and now even the government has taken notice. On July 9, the Food and Drug Administration decided to require food manufacturers to add trans fats -- a dangerous fat most commonly found in hydrogenated vegetable oil -- to the nutritional information listed on package labels.

Consumer groups hope the FDA's move will cause food companies to modify not just their labels but their products as well. Some have already done just that.

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Kraft announced it will cap serving sizes, cut fat content in products like Oreos, and stop advertising in schools. Despite the recent lawsuits, company spokespeople say their motivation isn't to avoid litigation. Kraft has a genuine concern for the decline in America's health, company officials said.

"Food is part of the equation and Kraft wants to be part of the solution," wrote Michael Mudd, senior vice president of corporate affairs in a recent article. "If, along the way, it discourages the plaintiffs' lawyers or an unwarranted piece of legislation, that's fine with us."

Some people question whether increased regulation and the threat of litigation will do enough to stem the rise of obesity. But the underlying question remains: Do companies have a responsibility to tell consumers about the health risks of eating their food?

Wootan, director of nutrition policy for the CSPI, thinks they do. In a July 3 statement, Wootan said much of the blame for childhood obesity rates falls directly on fast-food chains for their "shameless" practice of super-sizing meals.

"The key way to help people to eat better when they eat out is to require fast-food and other chain restaurants to provide calorie counts right on menus and menu boards," she said.

When it comes to corporate responsibility, some experts liken the fast-food industry to the tobacco industry, which knowingly marketed unhealthy and addictive products. Proponents of this theory say the aggressive promotion of fast food puts uninformed consumers at risk, much like tobacco advertising did in years past.

John Banzhaf, professor of public interest at George Washington University, said successful lawsuits against Big Tobacco are based on the premise of liability rather than addiction. Fast-food chains, he argued, fall into the same category.

On the other hand, Cliff Vaughn, culture editor of ethicsdaily.com for the Baptist Center for Ethics, says the analogy doesn't fit.

"I'm not sure [suing fast-food companies] is comparable to tobacco," Vaughn said. "So-called fast food is capable of delivering a healthy product. Let's see tobacco do that."

Studies show the trans fats in french fries, Doritos and the like do cause health problems ranging from high cholesterol and obesity to heart disease and diabetes. But some ethicists think Americans have only themselves to blame.

David Gushee, professor of moral philosophy at Union University, said the growing social awareness of the obesity problem has changed the food issue completely. Once the risks become widely known, he said, consumers will find it difficult to claim ignorance as an excuse for their habits.

"People are responsible for the choices they make, at least once they have adequate information about the risks of their behavior," said Gushee, author of "Kingdom Ethics." "It is hard to imagine convicting a tobacco company today for failing to disclose the health risks of cigarettes. And undoubtedly public pressure will soon require food makers ... to enhance their warnings as well. Disclosure of such risks is about all that can be expected of any industry, in my view."

Vaughn of the Baptist Center for Ethics said companies like Subway take special pride in their healthier meals, even putting nutritional charts on napkins. He suggested restaurants use pamphlet racks or brochures with nutritional information.

"We all have an ethical responsibility to be honest," Vaughn said, and that goes for food companies as well. "Now, if we woof down food we know is unhealthy, that's another matter," he added. "We have a responsibility to know what we eat."

Former White House economist Todd Buchholz noted consumers have a choice when ordering meals, and fast-food chains willingly provide nutritional charts upon request.

In a report conducted for the U.S. Chamber of Commerce, Buchholz said if food companies truly deceived or neglected consumers, researchers would find obesity levels growing among poorly educated people who cannot read or understand nutrition labels. Instead, Buchholz found the opposite true -- since the 1970s, college-educated people have experienced the most rapid growth in body mass.

"Though the fast-food industry has proliferated since the 1960s, there is little conclusive evidence that it is a primary cause of obesity," Buchholz said in his report, titled "Burgers, Fries and Lawyers: The Beef Behind Obesity Lawsuits."

"It is not the case that the average body-mass index has suddenly accelerated," he wrote. "In fact, it has been rising fairly steadily for the last 120 years."

In addition to the legal obstacles of suing food companies, Buchholz cited another problem with demanding fast-food companies change their ways: Which diet should the food companies follow?

"What would they base it on?" he asked. "The U. S. government nutrition pyramid? The Harvard pyramid? The Adkins diet? Weight Watchers? Clearly the best avenue is for fast-food firms to provide choices and provide information so that customers can be informed, prudent and as up to date as they like."

Although dietitians disagree about how many carbohydrates or proteins a person needs each day, there is no debate over the negative effects of trans fats, which are found in everything from meat to crackers. While experts advise no more than 20 grams daily of its well-known cousin, saturated fat, they have not found a safe level for trans fat. The less, the better, the thinking goes.

One thing researchers do know: Simply disclosing health hazards like trans fats affects consumer behavior. Labeling trans fats would enlighten enough people to prevent 2,000 to 5,600 deaths each year, the FDA estimated. That alone -- the fact that regulation potentially saves lives -- could have a substantial impact on future litigation.

And if public attention shifts to fast food, perhaps tobacco companies can breathe a (raspy) sigh of relief for now.

American Baptists urge religious dialogue, approve new gay-friendly association

By Robert Marus

RICHMOND, Va. (ABP) -- Among other actions during the biennial meeting of the American Baptist Churches in the U.S.A., the group's governing board recently approved the creation of a regional association designed for gay-friendly churches.

The denomination's General Board established the Evergreen Baptist Association, which was formed by progressive churches that felt ostracized by the more conservative -- and much larger -- American Baptist Churches of the Northwest. Many of the congregations opposed the larger group's stance on sexuality issues.

Meeting June 27-30 in Richmond, Va., ABC delegates also approved "statements of concern" -- non-binding resolutions expressing the sense of the gathered -- calling on American Baptists to combat the worldwide AIDS crisis and to confront religion-related terrorism with efforts to promote religious freedom in societies around the world.

The executive board also unanimously elected Hector Cortez to replace the retiring John Sundquist as the executive director of the denomination's International Ministries division. Cortez had been executive director for community transformation and justice with American Baptist National Ministries, the group's domestic missions board.

Sundquist retired after 14 years of service. "I have learned so much from the global church," he said at an International Ministries luncheon, according to American Baptist News Service. "The majority church is a good-news people. Bad news does not drain their passion, destroy their spirit, limit their vision, crush their hope. The global church is a people centered in Christ. The good news is the person and work of Jesus."

According to the ABC news service, more than 3,300 people attended the biennial sessions in Richmond, including 1,495 registered delegates.

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Polls reveal split opinion on gay marriage, privacy issues

By Robert Marus

WASHINGTON (ABP) -- A new poll suggests the American public is becoming more tolerant toward homosexuality.

The USA Today/CNN/Gallup poll and another recent Gallup survey show that, while most Americans still oppose gay marriage, the percentage has shrunk over recent years.

The USA Today poll was taken shortly before the Supreme Court's recent decision overturning laws that ban gay sex acts. A solid majority of Americans agree with the Supreme Court and oppose the kinds of laws the court struck down in its recent Lawrence and Garner vs. Texas

decision.

More than 60 percent of respondents said it should be legal for same-sex couples to have consensual sex in their homes. That figure is up significantly from the first time Gallup asked the question in 1977, when only 43 percent of those responding said such acts should be legal. Approval of gay sex dipped as low as 33 percent during the AIDS crisis of the 1980s.

In the recent survey, 37 percent of respondents said same-gender sexual acts should be illegal, down from 43 percent in 1977.

Older, poorly educated, more religious and more politically conservative Americans are much more likely to oppose legalizing gay sex. Those 65 years of age or older are the only age subgroup in the survey in which a majority -- 55 percent -- said gay sex should be illegal. Only 39 percent of the older respondents said homosexual acts should be legal.

Younger adults were the likeliest age group to oppose bans on gay sex. Among 18-to-29-year-olds, 66 percent responded that consensual gay sex should be legal, while only 33 percent oppose it. Those in the 30-to-49 age range had statistically identical results.

A slight majority of respondents identifying themselves as Republicans support legalizing consensual homosexual acts -- 50 percent to 47 percent. Democratic respondents were more supportive -- 64 to 32 percent. Independents had nearly identical numbers to the Democrats.

But in a newer survey, a slim majority of respondents remain opposed to giving gay men and women the right to marry legally. In a poll taken immediately following the court's June 26 decision, 55 percent of respondents said they oppose gay marriage. That figure is down from 1996, when the proportion opposing same-sex marriage was 68 percent.

Thirty-nine percent of respondents support gay marriage, but that figure is much higher among the 18-to-29 group, of whom 61 percent support equal marriage rights for homosexuals.

The May poll also showed Americans evenly divided -- at 49 percent supporting and 49 percent opposed -- over "civil union" laws that would give gays many of the same legal benefits of marriage but would reserve the term "marriage" for heterosexual unions.

Both surveys involved more than 1,000 adults in the United States and had margins of error of plus or minus three percent.

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Historic Washington church calls woman as pastor

By Robert Marus

WASHINGTON (ABP) – A historic church in downtown Washington has called a woman as its senior pastor. Calvary Baptist Church, located only blocks from both the U.S. Capitol and the White House, elected Amy Butler pastor in late June.

Butler, 33, previously was associate pastor of St. Charles Avenue Baptist Church in New Orleans. She will be the ninth senior minister in Calvary's 141-year history.

"I am humbled and honored by Calvary's confidence in me," Butler said after the vote, according to a church news release. "I feel that God has an exciting future in store for Calvary. I look forward to the challenges ahead."

While in New Orleans, Butler also was a Cooperative Baptist Fellowship urban missionary, working with several local social-service organizations that served the homeless. Butler said that experience would help her ministering in downtown Washington – a city going through an urban revival but still having one of the largest transient populations of any urban area in the country.

"This is an exciting time for Calvary," Butler said. "The church's rich history serves as a guide for our future, a future I believe is very promising.... I also am deeply committed to continuing the church's outreach to neighbors throughout the city, especially in the Penn Quarter. With over 9,000 apartments and condominiums under construction within 10 blocks of Calvary, our church is ready to welcome new residents and continue our work with our long-time neighbors."

Butler was ordained in 1997. A native of Hawaii, she is a graduate of Baylor University in Waco, Texas, and the International Baptist Theological Seminary in Prague, Czech Republic. She is married to Mark Butler, a vice president in a graphic design firm. They have three children.

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Baylor regents, president headed for likely showdown (revised)

By Hannah Lodwick

EDITOR'S NOTE: The following article replaces the one issued July 8 with the same headline. The changes are in the first two and last two paragraphs.

WACO, Texas (ABP) -- The controversy that has engulfed Baylor University may come to a head July 16-18 when President Robert Sloan faces critics from among the school's regents and alumni.

The regents have been investigating Jaclanel McFarland, a regent from Houston who is accused of interfering in a campus drug sting. And Sloan and the regents will address critics among the alumni who disagree with the school's ambitious and expensive "Baylor 2012" long-range plan.

Meanwhile, the school remains in the national headlines as police investigate the disappearance of a Baylor basketball player whom they fear was murdered.

The Baylor Alumni Association, which is independent from the university, sent a letter July 3 to 770 Baylor leaders inviting them to a forum about the direction of the university. The group

originally planned to rent the Waco convention center to rally opposition to Baylor 2012 and other Sloan initiatives. But the event was turned into a dialogue between invitees and Sloan, regent chair Drayton McLane and other regents.

The forum, which will follow the regents meeting, "promises to be an event of substance and candid conversation," said alumni president Fred Norton. Invitations were sent to past and current members of the board of regents, past and current members of the Baylor Alumni Association board of directors, and the President's Executive Council.

The forum was announced three days after Sloan sent a letter to alumni and friends of Baylor to answer concerns about Baylor 2012, a ten-year vision designed to propel the school into the top tier of universities in the nation.

"This letter ... is a first for me," Sloan wrote. "I feel we are in exceptional times at the university -- times of unparalleled success and unmistakable challenge. As I travel the country, I constantly hear from alumni and friends who support the vision and are excited about its progress. Yet I know that change of this scope has prompted some anxiety, as well. This letter aims at openly discussing some of these concerns."

The letter addresses the recent \$246 million bond issue to pay for the Baylor 2012 expansion, the increased attention to recruiting Christian faculty, a commitment to require more research by professors, and the formation of a university-funded alumni services division. Sloan said changes of that magnitude don't come without challenges.

Sloan also defended a recent increase in tuition, noting Baylor still has the lowest tuition of any major private university in Texas.

"Our belief that Christian faithfulness and academic excellence are not mutually exclusive compels us to compete in the world in which we send our students," Sloan wrote. "Nostalgia for the past will not equip students in the present for the realities of the future. We believe Baylor 2012 will."

While some regents have misgivings about Baylor 2012, controversy within the board recently has focused on accusations against McFarland, which followed a partially botched drug sting operation on campus. According to McFarland, Sloan and some regents believe she told her son, a former student, that Baylor's police department had placed an undercover officer on campus. Her son allegedly tipped off members of the Tau Kappa Epsilon, derailing the yearlong drug investigation.

McFarland said Sloan asked her to resign from the board but she refused. She said the accusations are untrue and an attempt to silence her criticism of Sloan. The regents have been conducting their own investigation of the charges and are expected to report during the July 16-18 meeting.