

Ajinomoto versus ASDA

2 June 2010: The Court of Appeal in London today handed down a judgment in the case brought by Ajinomoto Sweeteners Europe SAS (hereafter Ajinomoto) against ASDA Stores Ltd, which will enable Ajinomoto to pursue its case to protect the reputation of aspartame.

The judge who presided at the preliminary hearing, held last year in the High Court, decided that describing aspartame as a "nasty" would be understood by a substantial number of people to mean that aspartame was potentially harmful or unhealthy. He did, however, also find a second, less damaging meaning that was not actionable. The judge then entered a series of complex legal arguments through which he concluded that the less damaging meaning was the one that counted. Today's judgment effectively reverses that position. ASDA can no longer deny that describing aspartame as a "nasty" denigrates a safe and beneficial food ingredient.

It is important to note that this case is not about the safety of aspartame, which is very well established. Throughout the case, ASDA has continued to sell branded products and own-label vitamins, minerals and supplements sweetened with aspartame. ASDA's court submissions did not claim that aspartame was unsafe.

Legal action is not a step that Ajinomoto has taken lightly. The company considers, however, that it is important to defend the reputation of aspartame and of the many products that use the ingredient.

Aspartame has been chosen by makers of leading low calorie foods and drinks for more than 25 years. Since its introduction in the United Kingdom in 1983, aspartame has enabled food and drink manufacturers to offer consumers low calorie products with an excellent taste.

Made from two amino acids, the parts of protein found in many everyday foods such as meat, fish, cheese, fruit and cereals, aspartame brings nothing new to the diet and is digested naturally by the body.

With the rising incidence of overweight and obesity, governments and leading healthcare providers are encouraging us to reduce the number of calories that we consume. Aspartame is well placed to help because it has a clean sugar-like taste that people genuinely enjoy, without the calories of sugar. Scientific research has shown that foods and drinks with aspartame help people to control their weight.

Furthermore, aspartame is the best tasting of all of the low calorie sweeteners. In documents laid before the court, ASDA stated that "consumers generally prefer the sweetening flavour of aspartame." Ajinomoto believes that denigration of aspartame is not in the interest of consumers' health.

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