

The NutraSweet Company v. Guardian Newspapers Limited: statement in open court on settlement of action

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

1990 N No.1680

BETWEEN:

THE NUTRASWEET COMPANY

-V-

GUARDIAN NEWSPAPERS LIMITED

STATEMENT IN OPEN COURT ON SETTLEMENT OF ACTION

Counsel for the Plaintiff: This is an action for damages for libel and malicious falsehood brought by The NutraSweet Company against Guardian Newspapers Limited in respect of allegations published in the Guardian Newspaper on 20th and 21st July 1990.

On 20th and 21st July 1990, the Defendant published a series of articles in the Guardian Newspaper about NutraSweet brand sweetener, describing the circumstances in which the US Food and Drug Administration ("the FDA") granted approval for the use of NutraSweet and commenting on its safety. The articles contained a number of serious libels and malicious falsehoods against the Plaintiff including suggestions that some of the laboratory tests submitted by the Plaintiff to the FDA in the early 1970s had been faked and that there were grounds for doubting the safety of aspartame.

In the circumstances, the Plaintiff was compelled to issue proceedings at once in order to vindicate its name and that of its product.

The Defendant now accepts that there was no deliberate falsification of data and that there was nothing in the test data to demonstrate that NutraSweet was, in fact, unsafe for human consumption. Further, the Defendant now accepts that no connection has been established between adverse symptoms and the use of NutraSweet and indeed, that the Plaintiff have invested significant resources in investigating complaints and have found no scientific basis for suggesting a causal link between these adverse symptoms and NutraSweet.

The Defendant is here today by its Counsel to withdraw these allegations and offer its apologies to the Plaintiff for the damage caused by publication of these articles and to withdraw unreservedly all imputations upon the Plaintiff. In addition, in recognition of the wrong done, the Guardian have agreed to pay a substantial sum in damages and costs to the Plaintiff.

As the Plaintiff brought these proceedings with the primary object of clearing its name and that of its product, the Plaintiff is content now to let the matter rest.

Counsel for the Defendant: I wish to associate myself, on behalf of the Defendant, with all that has been said by Counsel for the Plaintiff and to repeat the Defendant's regret that these unwarranted and false statements were ever made.

Counsel for the Plaintiff: I ask for an Order in the terms of the draft Consent Order before your Lordship

