



## ARSENIC IN WINE FACT VS FICTION

On March 23, 2016, the Los Angeles Superior Court dismissed an unfounded lawsuit that attempted to raise questions about the safety of some California wines. On May 9, 2018, the California Court of Appeal upheld the earlier decision and found no legal basis for a claim. Wines from around the world contain trace amounts of arsenic -- as do fruits, vegetables, grains, water, juice and other beverages -- and do not pose a risk to consumers.

**FICTION:** The lawsuit claimed that certain California wines contain unsafe levels of arsenic.

**FACT:** Arsenic is found naturally in air, soil and water. It has been widely researched and written about. Wines from all over the world contain trace amounts of arsenic, as do virtually all foods and beverages. Wines sold in the U.S. are safe to consume. The courts found that the lawsuit was baseless and had no merit.

**FICTION:** The lawsuit claimed that some wines are unsafe because they contain higher levels of arsenic than the U.S. Environmental Protection Agency (EPA) allows in drinking water – 10 parts per billion (ppb).

**FACT:** There is no scientific basis for applying the EPA drinking water standard to wine. U.S. Food and Drug Administration (FDA) spokeswoman Lauren Sucher explains that the drinking water standard “is of limited use when considering any potential health risks related to arsenic in wine. People drink far more water than they do wine over their lifetimes, and they start drinking water earlier in life. Thus, both the amount and period of exposure are different and would require separate analyses.”

**FICTION:** The lawyers alleged that certain California wines contained “dangerously high levels” of arsenic and that consumer health is at risk because there is no U.S. limit for arsenic in wine.

**FACT:** There is no U.S. limit for arsenic in wine, because there is no body of evidence to substantiate the claim that the trace amounts of arsenic found in wine put consumers at risk. The FDA has been monitoring arsenic content in foods and beverages for over 20 years. The FDA has tested wine for arsenic content and found the data did not warrant establishment of a limit. Canada and the OIV, an intergovernmental organization of 46 wine-producing countries, have set limits for

wine ranging from 100 to 200 ppb – 10 to 20 times the level the EPA determined to be safe for drinking water. California wines fall well below these limits and are perfectly safe to consume.

**FICTION:** The lawyers suggested this was a problem unique to California wines and their lawsuit targeted only wines from the state.

**FACT:** In 2014, the Liquor Control Board of Ontario (LCBO) Quality Assurance Laboratory tested 17,537 wines from around the world, including 2,247 wines from California. The data showed that the levels of arsenic were consistent for wines from around the world and wines from California. 99.6% of the global wines had arsenic levels of 25 ppb or less, while 99.2 % of the wines from California had levels of 25 ppb or less.

**FICTION:** The lawsuit was based on data from a firm called BeverageGrades which claimed it can be trusted because it has a “state of the art” laboratory.

**FACT:** BeverageGrades claimed 23% of the 1,300 wines that it tested had arsenic levels above 10 ppb. Yet, the BeverageGrades lab has no known certifications or accreditations and has released none of its data or the details of its methodology. The LCBO Quality Assurance lab was the first lab in North America to receive dual ISO accreditation (ISO/ISE 17025, ISO 9001:2000) and its Certificates of Analysis are accepted around the world. The LCBO lab tested 17,537 wines in 2014 and found that only 5% of them had arsenic levels above 10 ppb. CBS News, which reported on the lawsuit, tested four of the wines that BeverageGrades tested and found that all four had arsenic levels “considerably lower than BeverageGrades’ results.”

**FICTION:** BeverageGrades and its founder, Kevin Hicks, claimed that their primary objective was to inform and advocate for consumers.

**FACT:** BeverageGrades’ financial motivation for instigating this lawsuit could not have been clearer. The very same day the lawsuit was filed, BeverageGrade issued a press release to wineries and retailers offering its testing services for a fee, stating, “Our goal is to be the beverage industry’s top resource for analytical product information.” The for-profit company’s website proudly declares, “We solicited many major retailers and restaurant groups to work with us to utilize our lab testing services.”