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CC: Kelly Walgamotte
Publisher - Metrofitnessmag.com
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Dear Mr. Johnston,

I read with interest your advertisement "[Bottled Water Scams](#)" published in the February 2015 digital edition of *Metro Fitness* magazine. I am writing to correct some serious false and misleading claims and statements contained in this advertisement. And, as an industry expert, I am offering to assist in rectifying this misinformation.

As website owner, you may or may not be aware that marketing and advertising content online is regulated by the Federal Trade Commission (FTC), which has strict guidelines regarding the accuracy of electronic marketing.

My concern is that the falsehoods contained in this ad could be viewed as "misleading consumers," which is a violation of the Federal Trade Commission Act. The Act, Section 5, states that: "a representation, omission or practice is deceptive if it is likely to: mislead consumers and affect consumers' behavior or decisions about the product or service." See rule [here](#).

We believe your advertisement does this in a number of ways:

"Bottled water companies 'lie' on their labels"

FACT: All packaged foods and beverage products, including bottled water, have extensive labeling requirements, including a statement of the type of water that is in the container, compliance with the applicable definitions in the U.S. Food and Drug Administration (FDA) Standards of Identity, ingredient labeling, name and place of business of the manufacturer, packer or distributor, net weight, and, if required, nutrition labeling. In addition, almost all bottled water products also have a phone number and/or website address on the label. This

contact information allows consumers to get any additional information that they may want that might not already be on the label. Moreover, any product label statements or advertisements that are found to be false or misleading may be subject to federal and state anti-fraud laws.

“Bottled water is reprocessed tap water”

FACT: Approximately 50 percent of the bottled water market is purified bottled water, which in most cases is sourced from public water systems.

However, purified bottled water is not just tap water in a bottle. Once this water enters the bottled water plant, several processes are employed to ensure that it meets the FDA’s purified water standard. These treatments may include one or more of the following: reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light. The finished water product is then placed in a bottle under sanitary conditions and sold to the consumer.

If a bottled water product’s source is a public water system and the finished bottled water product does not meet the FDA Standard of Identity for purified water, the product label must disclose the public water system source.

By federal law, the FDA regulations governing the safety and quality of bottled water must be at least as stringent as the Environmental Protection Agency’s standards for tap water. And, in some very important cases like lead, coliform bacteria, and *E. coli*, bottled water regulations are substantially more stringent.

“Spring water and artesian water are ‘reprocessed’ water”

FACT: In accordance with FDA’s standards of identity, both spring water and artesian waters cannot be chemically altered during the bottling process. If they are, they must be labeled as such (i.e. altered spring water or artesian water). See more [here](#).

“Bottled water companies add chlorine to their ‘spring water’”

FACT: Bottled water is comprehensively regulated by the FDA as a packaged food product (21 CFR 165.110(a)(2)). Bottled water is defined in 21 CFR 165.110 as water that contains no added ingredients, except for optional antimicrobial agents or fluoride. Therefore, bottlers cannot add any other ingredients to their bottled water products and still call it "bottled water" (or "mineral water" or "purified water").

The name of a bottled water product with ingredients added must include the added ingredient, such as "bottled water with minerals added" or "bottled water with raspberry flavor." The resulting product is a multicomponent beverage and must bear an ingredient list on the label or labeling. If the water ingredient is highlighted as a bottled water, such as spring water, the water ingredient must comply with FDA's bottled water regulations.

The FDA sets very specific definitions for all types of bottled water, including spring, purified, artesian, mineral, and sparkling. See more [here](#).

“Bottled water containers ‘leach’ BPA”

FACT: PET plastic bottles, commonly small, portable 16.9 (half-liter) and 24 ounce sizes, are safe and reliable for food contact use. PET is used in a variety of packaging for many foods, including everything from peanut butter, soft drinks, and juices to beer, wine, and spirits. PET is approved as safe for food and beverage contact by the FDA and similar regulatory agencies throughout the world, and has been for over 30 years.

The “leaching” claim is completely false as Bisphenol-A (BPA) it is not a chemical component of PET. In addition, regulatory agencies in several countries and the FDA have ruled favorably on the safety of BPA. The consensus among these international regulatory agencies is that the current levels of exposure to BPA through food packaging do not pose a health risk.

“Every bottled water is acidic.... It is also a proven medical fact that you should not load your body with acid based drinks”

FACT: A medical fact is that the human body regulates pH throughout, beginning with pH in the stomach, where it is critical to the digestion process. The stomach’s normal pH is about 1 due to the presence of hydrochloric acid, a chemical crucial to healthy and effective digestion. Consuming large quantities of any alkaline food or beverage disrupts digestion, and the body compensates by producing more hydrochloric acid, thus assuring that none of the alkaline food or beverage reaches the cells, where your ad and website claim alkaline water benefits cell health.

According to a March 6, 2012, article that appeared in Water Technology, four Japanese studies have been published in peer journals and independently verified showing that alkaline water caused pathological changes in heart cell muscles and increased the risk of heart attack in laboratory animals. Normal cells die under extremely alkaline conditions. A study published in the Journal of Biological Chemistry found that alkalosis (rising cellular pH) causes alkaline-induced cell death as a result of altering mitochondrial function.

These results raise very serious doubts about the safety of alkaline water. In addition, maintaining an acidic pH in the stomach is also important for killing of pathogens ingested in food and beverages. Therefore, the claims made in your advertisement may actually lead consumers to make poor decisions about their health.

“Bottled water companies ‘mask’ the acid in their natural water products”

FACT: Natural waters contain minerals and carbonates that buffer any change in pH. When an acid or base solution is added, the natural buffering agents work to neutralize the acid or base to return the water to its natural pH level. Conversely, the processes for making purified waters

remove the buffering agents, thereby removing the buffering capacity of the water. When an acid or base is added, the pH of the water will change.

The false and misleading claims made in your advertisement and on your web site are clearly aimed at misinforming consumers in a way that could deter them from consuming bottled water – one of the safest, healthiest, and environmentally friendly packaged beverages on the shelf. These false claims can also cause consumers to make a poor decision about their health.

I would suggest that you refrain from placing advertisements containing false information in the future and request that you remove the false and misleading claims about bottled water from your website.

I encourage you to learn more about bottled water by visiting our website at www.bottledwater.org or by contacting me directly.

Sincerely,

Chris Hogan
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