

# **Bottled-water survey: Group sees impurities in some water brands**

By Chris Bowman

Bee Staff Writer

(Published March 31, 1999)

SAN FRANCISCO -- If it's absolute purity they want, consumers of bottled drinking water will be dismayed by the test results released Tuesday by a national environmental organization.

But if government drinking water standards are good enough, they'll be heartened to learn the vast majority of samples from the 103 brands surveyed by the Natural Resources Defense Council are within a safe range.

The council nonetheless said it found enough impurities to petition the federal government for more stringent testing and quality standards for bottled water, which is regulated by the U.S. Food and Drug Administration and the state Department of Health Services.

As part of a two-pronged strategy for stricter regulation, the Environmental Law Foundation of Oakland filed a lawsuit Tuesday to stop eight bottlers from selling or advertising in California unless they post consumer warnings on their product labels about the presence of harmful chemicals.

The lawsuit, which is based on the NRDC's test findings, accuses the companies of engaging in unfair business practices, violating state health and safety rules and making false advertising claims about the purity of their water.

The lawsuit is about truth in labeling, said James Wheaton, the lead attorney who filed the complaint Monday in San Francisco County Superior Court.

"Just because it's in a bottle, doesn't mean it's better," Wheaton said at a press conference held with the NRDC in San Francisco.

The water bottlers named in the suit are major producers: Crystal Geyser Water Co. of Calistoga; McKesson Water Products Co. of Pasadena, producers of Alhambra and Sparkletts; Safeway Inc.; Lucky Stores Inc.; Ralphs Grocery Co. of Compton; Vittel Inc., a division of Perrier Group of America, in Stamford, Conn.; Volvic, produced by Resurrection Enterprises of Santa Cruz; and Apollinaris, a German import.

Industry representatives vigorously denied the allegations and berated NRDC for putting an alarmist spin on its test results.

"NRDC is trying to scare consumers with its report on bottled water, when the NRDC's own testing shows that bottled water is safe," said Bruce Hayes, spokesman for the International Bottled Water Association of Alexandria, Va., which represents producers of most bottled water sold in the United States.

Nearly a third of all Americans drink bottled water, and nearly a third of them are Californians. Since 1982, sales have quadrupled to \$4.3 billion a year, industry marketing data shows.

The NRDC contends that the industry needs closer scrutiny with so many consumers spending from 240 to more than 10,000 times more per gallon for bottled water than for tap water.

"This sales bonanza has been fueled by ubiquitous ads picturing towering mountains, pristine glaciers and crystal-clear springs nestled in untouched forests yielding absolutely pure water," begins the 209-page NRDC report.

To put the marketing image to the test, the environmental group said it conducted a four-year study of the bottled water industry, including tests by independent commercial and academic laboratories of bottled water sold in California, Florida, Illinois, New York and Texas.

The NRDC tests found byproducts of chlorination that are common in tap water and levels of naturally occurring arsenic and bacteria in 55 percent of the samples from the 103 brands surveyed. Only 4 percent violated federal health standards for bottled water, which the group contends are too lax and in some cases less stringent than those set for tap water.

The NRDC petitioned the U.S. Food and Drug Administration on Tuesday to establish the toughest water quality standards possible for the industry. They also want a requirement that water bottlers list on their labels "any contaminants of potential concern" and other consumer information.

The petition comes as the FDA is changing bottled water rules to make sure they are "no less protective of the public health" than the U.S. Environmental Protection Agency standards for treatment of tap water.

The lawsuit contends that Crystal Geyser, Vittel, Volvic and Apollinaris should have consumer warnings on their labels based on the levels of arsenic found in the NRDC samples. Chronic ingestion of arsenic, a naturally occurring mineral, is known to cause bladder, lung and skin cancer. However, the levels of arsenic were within government health limits.

Officials with Crystal Geyser of Calistoga denied the accusations in the lawsuit and called them "unnecessarily alarming." They also contended that NRDC has "inconsistencies in their testing, and other problems."

The suit targets Ralphs Private Selection Drinking Water and Lucky's seltzer and Lady Lee purified water and drinking water for exceeding federal standards for trihalomethanes, byproducts of chlorine disinfection processes at treatment plants that studies have linked to miscarriages.

James Waddel, acting chief of the state health services' food-safety section, said the standard is not enforceable because it is not health-based but rather set to satisfy industry's desire to achieve better water quality. "There just isn't a public health issue at the levels found by NRDC," he said.

The lawsuit accuses Safeway of taking its "spring" water from municipal water supplies, but a company representative called the allegation "false."

"Our spring water comes from a source in Northern California. An Auburn company ships it to us, and we know it is certified as spring water," said Debra Lambert, spokeswoman for the supermarket chains' national headquarters in Pleasanton.