

Finding a Market

After a brief scare in 1990 when samples of Perrier were found to contain benzene, sales of bottled water exploded, driven by consumers who either dislike the taste of tap water or have concerns about contamination of public drinking water supplies.

In recent years, tap water, which is more tightly regulated than bottled water by the federal government, has been found in some cities to contain contaminants.

With its large, often health-conscious population, California is a leading market for bottled water, with state residents consuming more than one-fourth of the nation's total of more than 3.2 billion gallons a year, according to industry statistics. In 1987, Californians purchased 486 million gallons of bottled water; in 1997, state consumption had leaped to 893 million gallons.

However, the lawsuit alleges, some companies selling bottled water are breaking state law, which includes the toughest bottled water regulations in the nation.

Filed in San Francisco Superior Court, the suit makes a number of claims. Among them:

- * That Crystal Geysers, Vittel, Volvic and Apollinaris should carry Proposition 65 warnings that some lines of their bottled water contain arsenic levels exceeding 5 parts per billion.

Arsenic, a carcinogen, occurs naturally in soil, and federal drinking water standards permit up to 50 ppb. All the samples cited in the lawsuit contained less than that amount.

But the suit contends that bottled water, as a consumer product, is subject to the state's stricter Proposition 65 warning provision.

- * That Crystal Geysers, Safeway, Vittel, Volvic and Apollinaris are "falsely or deceptively" representing the "purity, wholesome[ness] and healthfulness of their bottled water products" when some samples actually contained levels of contaminants exceeding state bottled water or Proposition 65 standards.

- * That Safeway's drinking, purified and spring water and Alhambra's mountain spring water contain levels of heterotrophic bacteria that exceed state and industry standards.

- * That Lucky, Ralphs and Safeway brands of bottled water contain levels of chlorine byproducts exceeding state bottled water standards.

- * That Safeway's "spring water" appears to be derived from a public water supply.

Safeway Inc. representative Debra Lambert categorically denied the latter assertion. "Absolutely false," she said. "It is from a certified spring."

She also denied that the company engaged in unfair or misleading business practices. "We go to great lengths to ensure the integrity of products," she said.

Lucky declined to comment, saying that it had not seen the suit. Crystal Geysers said the suit "was unnecessarily alarming to consumers." "For the record," the company said in a statement, "we believe we are in full compliance with Proposition 65 and all other state and federal regulations, and certainly are not engaged in any unfair business practices."

Yablonski, of the bottled water association, dismissed any concerns about heterotrophic bacteria, saying "it's safe, natural, of no health concern."

TESTING THE WATER

The products listed below contain the carcinogen arsenic at levels exceeding five parts per billion, the California standard.

Product ppb, 1st test ppb, 2nd test

Apollinaris, Sparkling Mineral Water 5.6 7.8

Crystal Geysers, Alpine Spring Water 17.8 11

Crystal Geysers, Napa Valley Sparkling Mineral Water 35.2 Not detected

Vittel, Mineral Water 11 13

Volvic, Natural Spring Water 14 12

Source: Natural Resources Defense Council