

Give Us a Fake

***How ABC News Fabricated One Lab Study and
Distorted Another To Debunk Organic Food***

***Kenneth A. Cook
Richard Wiles***



ABC News Anchor, Barbara Walters: John, I have to tell you, I may cry, too, because I've been buying organic food. It is more expensive, but it isn't dangerous.

—*ABC's 20/20, February 4, 2000*

Cynthia McFadden, ABC News: Well John, I buy organic produce because I want to avoid the pesticides. Bad idea?

John Stossel, ABC News: You pay much more.

McFadden: I do.

Stossel: It's logical to worry about pesticide residues, *but in our tests, we found none on either organic or regular produce*, and it's never been proven that the pesticide residues hurt anyone, yet we know there are about 5,000 deaths from bacteria so I think you're worrying about the wrong thing.

McFadden: In fact, washing the vegetables...

Stossel: And certainly, either one [organic or conventional] wash produce before you eat.

McFadden: Well, I like to argue with him. And if you do, too, visit John's Web page at 2020.abcnews.com, and there's more about organic foods there, too.

—*ABC's 20/20, June 7, 2000*

Give Us A Fake

“Do you think organic food is healthier and safer for you and your family and the planet? Millions of people do. But could all of them be wrong? Could they be?”

—ABC News Anchor Barbara Walters
20/20, Friday, February 4, 2000

On Friday, February 4, 2000, ABC News’ highly rated magazine program *20/20* broadcast a devastating investigation that created uproar in the rapidly growing, \$6 billion organic food industry.

“The Food You Eat—Organic Foods May Not Be As Healthy As You Think,” as the segment was entitled, was introduced by ABC News Anchor Barbara Walters as a “special and surprising report” by correspondent John Stossel, a departure from his trademark ‘Give Me A Break’ contrarian commentaries that are a fixture on *20/20*.¹

Based on the evidence presented, the millions who watched the original broadcast might well have answered Walters’ questions in the affirmative. After viewing the segment, Walters said she might “cry.” The ABC News investigation seemed to offer compelling proof that millions of consumers were very wrong, indeed, about the benefits of organic food. Even more consumers saw the program when ABC News re-aired Stossel’s investigation on *20/20* on July 7, or in the somewhat condensed form the news division distributed July 11 for use by its affiliates, through ABC *World News Now*.

Taken on its face, Stossel’s hard-hitting story showed that organic food, far from being safer or healthier, was no different with respect to pesticide contamination than regular food, because neither one had any pesticide residues. Buying organic to avoid pesticides, the show conveyed, was a waste of money.

And when it came to the bacteria that cause food poisoning, *20/20* viewers might have been shocked to hear the show report that organic food is actually *more dangerous* than “regular” food. At the story’s dramatic high point, Stossel held up a bag of organic lettuce and confronted the head of the organic industry’s trade association: “Shouldn’t we do a warning that says this stuff could kill you and buying organic could kill you?” he demanded.

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What gave Stossel's story its investigative heft were the original laboratory tests he commissioned on behalf of ABC News.

In contrast to Stossel's scornful treatment of the organic industry representative, *20/20* featured on-camera interviews with Dennis Avery, a conservative writer whose controversial alarms about organic food formed the framework of the story, and two university-affiliated scientists in the field of food safety: Dr. Michael Doyle of the University of Georgia, and Dr. Lester Crawford of Georgetown University. Brief "man on the street" style interviews with enthusiastic organic food shoppers were woven throughout the piece. The shoppers expressed views about the health and safety of organic food that Stossel or his experts then roundly debunked. To bolster the shopper interviews, Stossel announced that *20/20* "did a poll on organic foods" to further contrast popularly held views with the contrarian facts and expertise he marshaled.² The dire health risks posed by organic food were underscored by a brief but poignant recounting of the tragic food poisoning of a three-year-old girl, Haley Bernstein. The cause, Stossel said, was organic lettuce.³

What gave "The Food You Eat" its exceptional investigative heft, however, were the original laboratory tests that Stossel reported early in the broadcast. Specially commissioned and paid for by ABC News to compare the safety of organic and conventional food, the tests lent powerful scientific authority to a story that otherwise might have been just another televised duel between opposing experts.

The pesticide tests that Stossel claims were conducted for ABC News were never conducted at all.

ABC News' own studies showed that neither organic nor regular produce had pesticide residues, Stossel reported. Likewise, the network's lab studies turned up "the real bad news for organic consumers" that Stossel emphasized in the program: the risk of serious, even fatal food poisoning from bacteria-contaminated organic produce.

What made the ABC News lab studies even more significant and more central to his reporting was Stossel's explanation that they were the first of their kind. "We searched the records and found there have been no tests done that actually compare bacteria counts in organic vs. normal food," Stossel told *20/20* viewers. "So we did our own laboratory testing."

In fact, the pesticide tests that Stossel claimed were conducted for ABC News to examine pesticides on produce—the results of which he reported on *20/20*—were never conducted at all, according to the scientists the network hired to perform laboratory studies for Stossel's investigation. ABC News broadcast the fabricated results four times in the course of airing Stossel's investigation on three separate dates.

Laboratory analyses for bacterial contamination *were* conducted for ABC News. But according to the scientists who conducted and evalu-

ated them for ABC News, those tests were incapable of proving the food safety problems Stossel attributed to the results. Moreover, *20/20*'s Executive Director Victor Neufeld was informed of this crucial shortcoming, and Stossel's serious distortion of the test results, three months in advance of the original broadcast.

ABC News' bacterial tests were incapable of proving the food safety problems Stossel alleged.

In this document, we review the use of ABC News' laboratory evidence in the *20/20* report on organic food (See "EWG's Investigation of *20/20*"). Our investigation makes clear that the distinguished scientists hired by the network for the *20/20* story are in no way to blame for ABC News' abuse of their work. From everything we have learned, Dr. Doyle of the University of Georgia and Dr. Crawford of Georgetown University conducted and communicated their work for ABC News in an accurate and straightforward manner. Moreover, they have been forthright in describing the tests they performed for ABC News and the limitations of those tests. For the lab analyses that actually were conducted on *E. coli* bacteria, both Dr. Doyle and Dr.

The Environmental Working Group's Investigation of The ABC News Investigation "The Food You Eat"

On February 8, 2000 the Environmental Working Group began an investigation of its own into ABC News's use of laboratory evidence in the network's harshly critical assessment of organic food, first broadcast on the network's *20/20* magazine program on February 4, 2000. After reading the program transcript, EWG staff initiated the first in what became a series of more than 25 separate contacts with ABC News over a 6-week period to obtain information about their laboratory studies. In the end, our review included:

- Review of the *20/20* transcripts and videotapes for both the February 4 and July 7, 2000 broadcasts, and a review of the transcript for the condensed version of the investigation that was distributed by ABC News to the network's affiliates on July 11, 2000, through *ABC World News Now*.

- Analysis, for comparative purposes, of published results of federal government's tests of produce since 1992 for the foods portrayed in the *20/20* story. That analysis made clear that government tests routinely find multiple pesticide residues on produce items (lettuce, broccoli, celery) depicted in the *20/20* investigation.

- Two or more interviews with each of the two distinguished scientists who were retained by ABC News for the segment, Dr. Michael Doyle of the University of Georgia, and Dr. Lester Crawford of Georgetown University. Dr. Doyle was interviewed on the phone, and Dr. Crawford was interviewed on the phone and in person. Both scientists were forthright and entirely professional with us describing the nature of their work for ABC News.

When the journalistic abuses *20/20* committed are taken into account almost nothing of substance remains of Stossel's sweeping indictment of organic food safety.

Crawford have made clear that their interpretation of the findings differs dramatically from the very strong conclusions that ABC News reached and broadcast about the dangers of organic food. Their professionalism as scientists is in stark contrast to Stossel's practice of journalism in this episode.

The Environmental Working Group is on record in support of organic food and farming as a means of reducing pesticide residues on food, a goal the U.S. government has embraced since the enactment of the landmark Food Quality Protection act of 1996. Nevertheless, organic agriculture surely deserves a greater measure of scrutiny than it has received to date from scientists, the government, public interest groups, and journalists, particularly now that organic production methods are beginning to play a more important role in the U.S. food system.⁴ In a sense, the ABC News investigation was a missed opportunity to examine some very legitimate issues about organic food.

When the journalistic abuses *20/20* committed are taken into account, however, almost nothing of substance remains of ABC News' sweeping indictment of the health and safety of organic food.

What does remain is a stunning example of journalistic fraud.

What does remain is a stunning example of journalistic fraud. Left uncorrected, the *20/20* story has the potential to do significant and lasting damage to the organic food industry, which depends on the integrity of its production claims to maintain its appeals to consumers. The fabrication and distortion of laboratory studies constitute impermissible violations of journalistic ethics and conduct on behalf of John Stossel and ABC News. Those abuses, the focus of this review, deserve a full public airing, and justify strong corrective actions on the part of ABC News.

***20/20's* Fabricated Pesticide Tests**

The Environmental Working Group initiated its investigation of the *20/20* segment on February 8, 2000, four days after the original broadcast, when the transcript was brought to our attention in the outpouring of email about the show in public interest circles. Many aspects of the piece struck us as incorrect, exaggerated, or both; and much of the resulting criticism focused on the prominent role of conservative writer Dennis Avery.⁵ But one statement in particular by John Stossel prompted us to start digging. In summarizing the results of the laboratory tests ABC News retained Dr. Doyle to conduct at the University of Georgia, Stossel says:

"By a small margin, more of the organic produce was contaminated [with *E. coli*] than the conventional stuff. But the real bad news for you organics buyers is that the average

concentration of *E. coli* in the spring mix was much higher. *And what about pesticides? Our tests surprisingly found no pesticide residue on the conventional samples or the organic.* [emphasis added]

We will examine the *E. coli* findings below. What caught our attention about Stossel's pesticide findings was his claim that the conventional produce samples had no residue. We were surprised and skeptical. Since 1993, EWG has conducted extensive analyses of all of the federal government's published results for pesticide tests of food—more than 100,000 test results since 1992—and we have commissioned our own tests of foods for pesticides, as well. That experience, and the government's own published studies, make one thing clear: it would be extremely difficult to test the produce items it *seemed* that ABC News had tested without finding residues on the conventionally grown items.

Stossel's report did not provide detail on the foods ABC News tested for pesticides. But in his story he did list foods that Dr. Doyle's lab tested for *E. coli*: broccoli, parsley, celery, sprouts and "spring mix" lettuce. Assuming that those were the produce items also tested for pesticides, we examined the government's test results. In 1994, the most recent year for which the U.S. Department of Agriculture (USDA) published lettuce test results, USDA technicians tested 691 lettuce samples and detected pesticides on 53 percent (366). Sixteen (16) different pesticides were detected on lettuce. That same year, for instance, the USDA found pesticides on 90 percent of the celery samples (12 different pesticides), 26 and percent of the broccoli samples (12 pesticides). Tests by the Food and Drug Administration in 1998 yielded similar results, though from smaller sample sizes.⁶

Given these odds, we could think of only four possible explanations for the results ABC News presented:

- (1) the samples were small and consisted of entirely clean produce that was unrepresentative of the food type;
- (2) the analytical techniques were not sufficiently sensitive to detect pesticides residues that were, in fact, present;
- (3) the tests detected pesticide residues, but ABC News arbitrarily decided that low levels amounted to no residues;
- (4) ABC News did not actually test produce for pesticides.

We considered the last possibility highly unlikely. Based on his past work, we thought it possible that Stossel might bend the interpre-

The scientists ABC News hired told EWG they conducted no tests of produce for pesticides for the ABC investigation.

tation of laboratory tests to minimize pesticide risks. But no network news organization, we believed, would fabricate laboratory tests and results in pursuit of a story.

The broadcast made clear that Dr. Doyle had performed the tests for *E. coli*, and in our reading of the transcript it seemed plausible that his laboratory had also conducted pesticide tests on the same foods. In order to find out details about the test procedures, EWG Vice President for Research Richard Wiles contacted Dr. Doyle on February 8. He learned that our assumptions about the *20/20* pesticide tests were wrong.

Dr. Doyle stated that his laboratory had conducted no pesticide analyses for ABC News—none whatsoever—adding that he could not say how *20/20* had reached its conclusion about pesticide residues on produce, because to his knowledge no such tests were conducted for the investigation. (Dr. Doyle also confirmed to us what he had confirmed more than three months earlier to the Organic Trade Association, as discussed at length below: the *E. coli* tests his laboratory had performed were of a generic type that is incapable of distinguishing benign strains of the bacteria from the pathogenic strains that cause food poisoning.)

EWG's Inquiries To ABC News. Apprised of Dr. Doyle's information, we wrote a letter that same day to John Stossel, and sent it to him by fax, email, and regular mail. We also called his office and informed his assistant of our inquiry, asked her to look for our incoming fax, and confirmed with her later that day that the faxed letter had arrived. We copied the letter, by mail, to the producer for the organic story, David Fitzpatrick, and to Victor Neufeld, the Executive Producer for *20/20*. We also called Mr. Fitzpatrick and asked him to respond.

We reproduce the letter here:

8 February 2000

John Stossel
ABC *20/20*
147 Columbus Avenue
New York, NY 10023

Dear Mr. Stossel,

I am writing in reference to your *20/20* segment on organic food earlier this week. I called your office but was told you were unavailable. I also have a call in to your producer, Mr. Fitzpatrick, but I understood from your assistant, Jennifer, that he is out of the office, so I thought it best to follow up directly with you.

My organization conducts research on pesticides in food and we were struck by one of your statements in the story (from the broadcast transcript):

“STOSSEL: (VO) By a small margin, more of the organic produce was contaminated than the conventional stuff. But the real bad news for you organics buyers is that the average concentration of *E. coli* in the contaminated spring mix was much higher. And what about pesticides. Our tests surprisingly found no pesticide residue on the conventional samples or the organic.”

We assumed from the placement and phrasing of this statement that pesticide tests were among the analyses performed for *20/20* on food samples you provided to Dr. Michael Doyle’s lab at the University of Georgia. Our assumption was wrong. When a pesticide expert on my staff spoke earlier today to Dr. Doyle to learn about his pesticide analyses, Dr. Doyle informed us that his laboratory had conducted no pesticide tests for *20/20*. He was unable to say how you assessed pesticide residues in order to conclude that there were “no pesticide residues on the conventional samples or the organic.” (Dr. Doyle also explained, in response to another question, that he did not conduct food tests for *20/20* of the type that would have been needed to determine if pathogenic strains of *E. coli* were in fact present on the samples he evaluated for you.)

My question is, when you reference “our tests” in the segment, can you tell me exactly which pesticides *20/20* tested for, on what produce items, and who conducted the tests? Can you provide us the results? We are asking in part because both USDA and FDA testing routinely find residues of dozens of pesticides on dozens of conventional foods, including foods referenced during the show.

Thank you in advance. If you can email us the details that would be ideal, or I can be reached at (202) 667-6982. Richard Wiles of our staff can take the call if I’m out.

—Ken Cook
President, EWG

cc: Mr. Victor Neufeld
Executive Producer
ABC *20/20*
147 Columbus Avenue
New York, NY 10023

Mr. David Fitzpatrick
Producer
ABC *20/20*
147 Columbus Avenue
New York, NY 10023

ABC News producer, David Fitzpatrick, told EWG on the phone and in writing that 20/20 tested produce for pesticides.

EWG staff called every day that week and into the week of February 14 seeking a response. We never heard back from Stossel, and a week after our initial inquiries EWG president Ken Cook was told in a telephone conversation with Stossel's office that he would not be responding to us in any way—not by phone, email, or in person. We were referred, instead, to the investigation's producer, David Fitzpatrick, and we turned our attention to obtaining a response from him.

Mr. Fitzpatrick left a message with EWG President Kenneth Cook in mid-February stating that ABC News had conducted "extensive pesticide tests" and that he would respond to our questions in writing. When no letter arrived we resumed our calls, and Mr. Fitzpatrick, reached by EWG Vice President Richard Wiles, reiterated that ABC News had commissioned and obtained pesticide tests on produce. Fitzpatrick said that a response to our letter was forthcoming.

It was not. EWG staff called almost daily until, on March 15, 2000, EWG's Cook finally spoke again with Fitzpatrick. Fitzpatrick said he thought the letter had been sent already, and it arrived at EWG by fax later that day, after five weeks and more than 25 attempts by our organization to get responses to our questions. The letter was dated February 23, 2000.

ABC News' Non-Response. The first page of Fitzpatrick's two-page letter (reproduced below) is devoted to defending the credibility of the show's main source, Hudson Institute writer Dennis Avery, against issues that EWG never raised in our communications with ABC News. Fitzpatrick also responded to the issue we had raised about 20/20's use of generic *E. coli* tests to assess the food poisoning risks (a topic we take up later).

In his penultimate paragraph, Fitzpatrick responded to our questions about 20/20's pesticide testing as follows:

"We provided the full results of our testing to the Organic Trade Association well in advance of our on camera interview. Those tests included sampling of pesticides on meats (both organic and conventionally grown chicken) and on produce. No indicators of significant pesticide residue was [sic] found on any product."

Fitzpatrick concluded by saying, "We understand that you wish to defend the organic food industry and you may have mis-read or glossed over parts of what we did. But assure you [sic], our story was accurate."

First page of a letter from ABC News Producer, David Fitzpatrick

ABC News 20/20



Feb. 23, 2000

Ken Cook
President
Environmental Working Group
Washington, D.C.

Dear Mr. Cook:

Thank you for your letter regarding our story on organic foods. At 20/20, we spent several months in production of our story "The Food You Eat" and we tried to ensure its fairness.

As you noted, we relied on comments by Dennis Avery for much of the criticism of organic produce. Mr. Avery is director of the Center for Global Food Issues. He is paid \$35,000 per annum for this particular duty. He says, and we have no reason to doubt him, that he's never met or seen or been influenced by any representatives of the businesses who contribute to the Hudson Institute. Mr. Avery says the bulk of his yearly income is a federal pension.

Mr. Avery's research has not been, to date, widely challenged. It has been disputed principally by organic farm organizations and environmental groups, which are the main targets of his writings.

Mr. Avery has acknowledged to us and to anyone who would listen that his initial interpretation of data from the Centers for Disease Control was flawed. But ABC News did not rely on those interpretations.

Second page of a letter from ABC News Producer, David Fitzpatrick

Mar-15-00 02:57P

P.03

ABC News 20:20



We paid both Georgetown University and the University of Georgia to conduct a three month study because we couldn't find any laboratory research anywhere in the country to contrast conventional and organic products. The test, as we acknowledge in our report, was not for a scientific research paper but neither was it narrow. In fact, the transcript cites samples of parsley, broccoli, sprouts, lettuce and other foods.

As to the type of *E.coli* tested, it was "generic" and not "pathogenic." But both the study's director, Dr. Michael Doyle, and the lead food safety scientists at the CDC say that **any and all** testing of the type we conducted is, *ipso facto*, "generic." Any "generic" findings of the bacteria serves as a watchlamp to the presence of the most deadly type of *E.coli*. Your research probably shows that. Further, we were extremely careful to have expert testimony point out that it is pathogenic, not ordinary, *E.coli* that are dangerous.

We provided the full results of our testing to the Organic Trade Association well in advance of our on camera interview. Those tests included sampling of pesticides on meats (both organic and conventionally grown chicken) and on produce. No indicators of significant pesticide residue was found on any product.

We understand that you wish to defend the organic food industry and you may have mis-read or glossed over parts of what we did. But assure you, our story was accurate.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Fitzpatrick".

David W. Fitzpatrick
Producer

Fitzpatrick's letter affirmed his claim that ABC News' had conducted pesticide tests on produce, but it did not respond to any of the questions we had asked about those tests: the foods that had been tested, the pesticides analyzed, the laboratory methods used, and so forth.

Fitzpatrick's phrase "no indicators of significant pesticide residues" seemed to introduce a qualification that had not been offered in the broadcast, in which Stossel said "our tests surprisingly found no pesticide residue..." Had *20/20* decided that residue levels found in its lab tests were so "low" as to be indistinguishable from "no" pesticide residue? We were unable to tell, because Fitzpatrick did not send the test results we requested, only his letter. The chicken testing results were an entirely new wrinkle. The word "chicken" is not heard at all during the *20/20* story.

Since Fitzpatrick said that "the full results" of the *20/20* testing had been provided to the Organic Trade Association in advance of the interview with Katherine DiMatteo, we contacted OTA and asked them to send the ABC News results. They did, via fax, on March 20.

The three-page document was entitled "Report on Foods from Vegetable Sources—Conventional and Organic." The document ostensibly was produced by the Georgetown University Center for Food and Nutrition Policy, which is headed by Dr. Lester Crawford, and was dated August-September, 1999. Dr. Crawford verified the document's authenticity when we met with him March 29, 2000 and confirmed that the report consisted of only those three pages. We reproduce it in an appendix.

With respect to pesticide tests, two main points emerge from a reading of the report Dr. Crawford provided as a consultant to ABC News.

First, Dr. Crawford's report makes no mention of pesticide tests on produce, and no such results were listed in any of the tabulations that make up the bulk of the document. The absence of any pesticide test data flatly contradicted Fitzpatrick's written claim to EWG. His letter stated that ABC News had conducted pesticide tests on produce, and that the "full results of our testing" provided to the OTA in advance of DiMatteo's interview included tests on produce. That was not true, based on Dr. Crawford's document. Obviously, if the chicken tests were the only pesticide tests performed, Stossel was fabricating the produce test results he reported.

Second, the results that *were* described in the document contradicted the broadcast's claims about the ABC News pesticide tests in

Dr. Crawford's report to ABC News makes no mention of pesticide tests on produce and presents no such test results

ABC News tests *did* find pesticide residues on the non-organic chicken samples. Organic chicken came out pesticide free.

two ways. First, it turned out that the ABC News tests *did* find pesticide residues—on the nonorganic chicken samples. Second, the tests did show a difference between organic and conventional food: the organic chicken samples came out clean—pesticide free. Why pesticide produce test results were reported but chicken test results were not, is an interesting question. (See The Missing Pesticide Tests.)

No Pesticide Tests on Produce. Upon reviewing the document we received from the OTA, we immediately contacted Dr. Lester Crawford, the head of Georgetown’s Center for Food and Nutrition Policy. Fitzpatrick’s letter indicated that, like Dr. Doyle, Dr. Crawford had been retained by ABC News for its organic food investigation. He had appeared in the *20/20* story and was responsive and forthright when we contacted him.

Dr. Crawford confirmed to EWG’s Cook in a phone conversation that as part of his work for ABC News, and at his request, a Georgetown University laboratory had conducted pesticide tests on six samples of chicken. Dr. Crawford’s colleagues had not tested any produce for pesticides, he told EWG, and he confirmed that Dr. Doyle’s Georgia lab had conducted no such tests, either.

Moreover, Dr. Crawford stated that he was certain no pesticide tests had been commissioned by or conducted for ABC News at any other laboratory for the Stossel investigation of organic food.

There simply were no ABC News pesticide tests on produce. Yet Stossel reported “findings” from the nonexistent tests in all three versions of the show that have been broadcast by ABC News (February 4 and July 7 on *20/20*, and July 11 on ABC *World News Now*). Stossel even cited the tests in a post-segment discussion with ABC News Correspondent Cynthia McFadden, who hosted *20/20* when the organic food investigation was re-aired on July 7.

Cynthia McFadden, ABC News: Well John, I buy organic produce because I want to avoid the pesticides. Bad idea?

John Stossel, ABC News: You pay much more.

McFadden: I do.

Stossel: It’s logical to worry about pesticide residues, *but in our tests, we found none on either organic or regular produce*, and it’s never been proven that the pesticide residues hurt anyone, yet we know there are about 5,000 deaths from bacteria so I think you’re worrying about the wrong thing.

McFadden: In fact, washing the vegetables...

Stossel: And certainly, either one [organic or conventional] wash produce before you eat.

Those results contradicted Stossel’s story line and he did not report them on *20/20*.

McFadden: Well, I like to argue with him. And if you do, too, visit John's Web page at 2020.abcnews.com, and there's more about organic foods there, too.

Did Stossel win the argument with McFadden? Viewers might well have concluded that he did. Against McFadden's "logical" worries, as Stossel characterized them, he deployed hard facts. Stossel debunked his fellow correspondent's reasoned preference for organic produce with their own network's scientific test results.

The results were fabricated, it turns out. But neither *20/20*'s audience nor his ABC colleague could have known that.

How ABC News Concluded Organic Food "Could Kill You"

The pesticide test results ABC News reported clearly were meant to bolster Stossel's view that organic food is no different than conventional food, and definitely not worth the extra money. But the test results that Stossel reported about bacterial contamination of organic food were presented as evidence of a far more serious problem, namely that organic food is more likely to cause illness—even death—from food poisoning.

As Stossel made clear, bacterial food poisoning is a big problem. Dr. Crawford of Georgetown University attested on camera to the Centers for Disease Control's estimate that 76 million people get sick from bacterial food poisoning every year. Stossel himself cited to McFadden another CDC estimate that 5,000 Americans die each year from bacterial food poisoning.

Neither Stossel nor Dr. Crawford linked the CDC estimates of illness or death to contaminated organic food. The CDC has made no such connection, nor has any other government agency or independent scientist. The vast majority of the food poisonings the CDC has tracked result from bacterially contaminated ground beef, not produce.

But Stossel's featured expert, Hudson Institute writer Dennis Avery, has asserted for years that organic produce poses a serious risk of food poisoning. Through speeches, articles and press releases bearing such titles as "The Hidden Dangers in Organic Food" and "The Silent Killer in Organic Foods," Avery has made a name for himself in agribusiness circles and garnered considerable publicity for his alarming assertions that organic food is a major health threat because it is fertilized with manure that harbors a virulent strain of *E. coli*, (the 0157:H7 strain).⁷ No other scientists and no government health authorities have supported Avery's warnings.

Stossel debunked his fellow correspondent's reasoned preference for organic produce with their own network's scientific test results.

The test results were fabricated. But neither *20/20*'s audience nor ABC correspondent McFadden could have known that.

The “Missing” Pesticide Tests Performed for ABC News, But Not Reported.

One of the interesting findings of our review concerns the “missing” pesticide tests conducted on chicken for ABC News. These were the only pesticide tests conducted for Stossel’s investigation, but the results were not reported in the *20/20* story. Why?

The potential complication of Mr. Stossel’s story line may explain why he made no mention of the chicken tests in his story. Dr. Crawford’s colleagues at Georgetown University *did* find pesticide residues, on two different types of *non-organic* chicken analyzed for ABC News. The organic samples they analyzed came out clean—pesticide free.

Here is the relevant passage from Dr. Crawford’s report in its entirety:

“The chicken was remarkably free from bacterial contamination but one natural and one conventional (regular) sample were positive for pesticides whilst the two organic samples were negative. This is too small a sample size to be significant but does invite more study.”

In a March 29 meeting at his office, Dr. Crawford provided EWG’s Cook and Wiles additional details. A total of six chicken samples had been tested: two regular (conventional), two “natural” (but *not* certified organic), and two certified organic. In his recollection, one of the non-organic samples actually had fairly high levels of at least one

organochlorine pesticide analyzed. He thought that perhaps the levels would have been violative—in excess of Federal standards. Dr. Crawford no longer had access to the raw results when we inquired after them, but we take him at his word. It was this finding of elevated pesticide residue levels on a nonorganic chicken sample, and the fact that the organic chicken was pesticide free, that prompted him, he told us, to note in his report to ABC News that further study might be of interest.¹

Too Small A Sample for ABC News? As Dr. Crawford noted, a sample size of six is indeed “too small to be significant.” Still, it is difficult to conclude that concern about an inadequate sample size persuaded Stossel to exclude from his story the *only* findings about pesticides in food to emerge from the laboratory studies conducted for his investigation. After all, Stossel fabricated the existence of ABC News tests of pesticides on produce—a study with a sample size of *zero*—yet proceeded to report phony findings in his story and in his post-segment exchange with ABC News Correspondent McFadden on July 7.

Why did the chicken findings end up on the cutting room floor at *20/20*? The most plausible explanation is that they simply ran counter to Stossel’s contrarian, “gotcha” thesis about organic food and pesticides. ABC’s only pesticide test findings went unreported because they did not fit Mr. Stossel’s foregone conclusion that buying organic to avoid pesticides is a waste of money.

¹ Moreover, Dr. Crawford told us that organic food might indeed enjoy a food safety advantage over conventional with respect to pesticides if further tests corroborated his findings on chicken. The comparison, he concurred, could be considered especially relevant in view of ongoing efforts by the Federal government to reduce residues of a wide array of pesticides in *all* foods, and to prohibit food use of some of the most hazardous pesticides, notably some of the more toxic organophosphate insecticides. Another potential health advantage of organic food, Dr. Crawford mentioned, is that organic meat is produced without antibiotics. For years, Dr. Crawford has been in the forefront of efforts to tightly regulate, if not ban, the subtherapeutic use of human antibiotics in livestock production.

The laboratory tests that ABC News commissioned, as Stossel emphasized on the air, were specifically designed to test the proposition Avery has promoted—that organic food is more contaminated than conventional food with the bacteria that cause food poisoning.

In the absence of the ABC News laboratory results, Stossel's investigation would have amounted to little more than a televised version of Avery's controversial writings. But by his reporting of the ABC News results, Stossel's investigation appeared to validate Avery's warnings with first-of-its-kind laboratory tests.

In his initial writings on the subject in the late 1990s, Avery prominently cited data from the Federal Centers for Disease Control (CDC) and research by the Food and Drug Administration as evidence for his claims that organic food posed a much greater hazard from food poisoning than conventional food. EWG made no mention of Avery in our communications with ABC News. But producer David Fitzpatrick volunteered in his February 23 letter to us that Avery's "initial interpretation" of the CDC data "was flawed."

"Mr. Avery's research has not been, to date, widely challenged. It has been disputed principally by organic farm organizations and environmental groups, which are the main targets of his writings.

Mr. Avery has acknowledged to us and to anyone who would listen that his initial interpretation of data from the centers for Disease Control was flawed. But ABC News did not rely on those interpretations."

Avery's "research" on the dangers of organic food had been more than challenged. In large measure it had been discredited by, among others, *The New York Times* and sources in the CDC and the FDA, well before *20/20* completed its investigation based on Avery's work.⁸ Far from acknowledging "to anyone who would listen" that his "initial interpretation" of the CDC data "was flawed," Avery has responded defensively to his critics, accusing the CDC, for instance, of denying food safety issues "in the face of politically incorrect indignation" from organic farming proponents.⁹

While ABC News did not literally rely on Avery's discredited reference to the CDC, Stossel nonetheless embraced Avery's charges in every other particular. Unable to find an alternative source of research to replace Avery's "flawed" interpretation of the CDC data, ABC News commissioned special laboratory tests to find its own proof.

In the absence of the ABC News laboratory results, Stossel's investigation would have amounted to little more than a televised version of Avery's controversial writings.

Stossel's investigation appeared to validate Avery's warnings with first-of-its-kind laboratory tests by ABC News.

Dr. Doyle did not test for pathogenic *E. coli* for ABC News.

ABC News' Distortion of the E. coli Test Results. Most of the more than 100 strains of the *E. coli* bacteria are benign. Many inhabit the human gut to beneficial purpose. Only some strains of *E. coli* cause food poisoning, however, the most notorious being *E. coli* O157:H7, which produces a toxin that can be especially deadly to children. According to the CDC, "*E. coli* O157:H7 was first recognized as a cause of illness in 1982 during an outbreak of severe bloody diarrhea; the outbreak was traced to contaminated hamburgers. Since then, most infections have come from eating undercooked ground beef."

Scientists have developed "generic" tests that can detect the presence of the *E. coli* family of bacteria on food. But these generic tests alone cannot determine the presence of the specific members of that bacteria family that causes disease—most prominently the pathogenic O157:H7 strain. Separate laboratory procedures are required for that purpose.

As Dr. Doyle has made clear to ABC News, the Organic Trade Association, the Environmental Working Group, and publisher Maria Rodale, the *E. coli* tests that he conducted under contract to ABC News at the University of Georgia were of the generic kind. They could detect, and did detect, on both organic and conventional foods, the "generic" presence of the *E. coli* family. As he has made equally clear, the tests his Georgia lab performed for ABC News could not, and did not, specifically detect the O157:H7 strain, or any other pathogenic strain of *E. coli*. The fact that elevated levels of generic *E. coli* were detected on some organic samples of lettuce in the ABC News tests did not signify a greater likelihood that the O157:H7 strain was present. In the normal course of investigating the outbreak of a food-borne illness, researchers conduct follow up tests of foods found positive for generic *E. coli* with separate tests to determine if the pathogenic strains like O157:H7 are present.

As Dr. Doyle has also made clear, he did not test for pathogenic *E. coli* for ABC News. And Dr. Crawford informed us that his colleagues at Georgetown conducted no *E. coli* tests whatsoever.

In his letter to EWG, ABC News producer Fitzpatrick acknowledged the distinction between the two types of tests, and admitted that *20/20's* tests were "generic".

"As to the type of *E. coli* tested, it was 'generic' and not 'pathogenic,'" Fitzpatrick wrote us, adding that "any 'generic' findings of the bacteria serves [sic] as a watchlamp to the presence of the most deadly type of *E. coli*."

But no scientific investigation of bacterial food poisoning would conclude from the “watchlamp” test that pathogenic *E.coli* were present and a risk of food poisoning was in evidence. In a government investigation, for instance, more tests would be done to confirm the pathogen—and avoid stigmatizing foods that might well be safe.

Fitzpatrick was patently misleading when he stated “we [20/20] were extremely careful to have expert testimony point out that it is pathogenic, not ordinary, *E.coli* that are dangerous.” Avery and Stossel referred in passing to “nasty strains” of bacteria, but ABC News did not test for them. Nowhere in his story did Stossel make clear that the ABC News laboratory results detected only the generic presence of *E. coli*, not the “nasty strains” that can make people sick—or kill them.

Yet, throughout the course of the broadcast, Stossel repeatedly relied on the ABC News lab tests to support alarming statements about food poisoning risks posed by organic food.

We excerpt the most important passages from the transcript:

1. “Real bad news for organics buyers...”

Stossel: “By a small margin, more of the organic produce was contaminated [with *E. coli*] than the conventional. But the real bad news for you organics buyers is that the average concentration of *E. coli* in the contaminated spring mix was much higher.”

The concentration of *E. coli* does not indicate the presence of the pathogenic strain, which might have been detected in either the organic or conventional samples found positive for the generic *E. coli*.

2. “Maybe we shouldn’t buy this?”

Stossel (voice over): I took our test results to Katherine DiMatteo of the Organic Trade Association, which represents organic growers and retailers.

Stossel (on camera): You’ve seen our research.

DiMatteo: Yes, I have.

Stossel: Does this bother you?

DiMatteo: No. You found more samples of some pathogen contami-

Three full months before ABC News broadcast Stossel's investigation, OTA's DiMatteo warned *20/20* Executive Producer Victor Neufeld that Stossel was seriously misinterpreting ABC lab tests.

nation in some products. It's not a sample that would be scientifically valid.

Stossel: But the organics were twice as likely to have *E. coli* and had larger amounts.

DiMatteo: It was a snapshot sample at a given point in time, and it was only the salad mix that actually showed up twice as likely.

Stossel: The salad mix is this stuff. [He holds up a bag of lettuce.]

DiMatteo: Yes that's correct.

Stossel: So maybe we shouldn't buy this?

DiMatteo came across as defensive in this exchange, but it is easy to understand why. According to DiMatteo, she had been told by ABC News producer David Fitzpatrick that the *E. coli* results provided ahead of the interview (in the three-page report from Dr. Crawford) came from "the same tests the CDC does" for *E. coli*. Fitzpatrick would not confirm if that meant testing for pathogenic *E. coli*, or generic testing.

3. "...this stuff could kill you."

Stossel: Shouldn't we do a warning that says this stuff could kill you, and buying organic could kill you?

DiMatteo: I think that would be impractical, unnecessary, and unfair.

Considering the limitations of the tests ABC News conducted, Stossel's question can only be seen as recklessly provocative, and potentially very damaging to the reputation of organic food among consumers. Neither Dr. Doyle nor Dr. Crawford--nor any other reputable food safety expert--would suggest that generic *E. coli* tests could provide evidence for the "warning" Stossel urges on organic food.

ABC News Was Forewarned of Stossel's Distortion. Three full months before ABC News broadcast Stossel's investigation of organic food, OTA's DiMatteo warned *20/20* Executive Producer Victor Neufeld in writing that Stossel was seriously misinterpreting lab tests that the network had commissioned, and which she had been confronted with during her October 18, 1999 interview.

Neufeld never responded to DiMatteo's warning, even though she had bolstered it with powerful evidence: the judgment of the very scientist who had conducted the tests for ABC News.

"As a result of my interview, we have several concerns about the segment," DiMatteo wrote on November 8, 1999. "Based on our further in-depth research, we feel Mr. Stossel is misrepresenting the facts from a study *20/20* conducted."

DiMatteo advised Neufeld that "Mr. Stossel asked several times if 'organic food will kill you.' Numerous questions along these lines were posed to me during the interview, many of which were citing non-existent data or incorrect information."

DiMatteo's letter then briefly and precisely summarized the results of *E. coli* tests that had been conducted for ABC News by Dr. Doyle.

"These specific results were the focus of the line of questions from Mr. Stossel during the interview," DiMatteo wrote. "We asked Mr. Fitzpatrick numerous times prior to the interview to clarify what types of *E. coli* were tested for. His only answer was that they were "the types the CDC tests for.""

DiMatteo's letter continued:

"The researcher who conducted the tests, Dr. Michael Doyle of the University of Georgia, indicated during a discussion with one of our communications specialists that the produce was tested for a 'generic' *E. coli* screen. In his words, the test 'does not differentiate between pathogenic and non-pathogenic *E. coli*.' He went on to say that for Mr. Stossel to pursue a line of questioning indicating that 'organic food will kill you' is 'a strong statement. [The presence of *E. coli*] doesn't mean that it contains pathogens that will kill you.'"

The OTA took the extra step of providing the results to another food safety expert for evaluation, Dr. Rodney Welch, Ph.D., at the Department of Medical Microbiology at the University of Wisconsin. As DiMatteo told Neufeld:

"He [Dr. Welch] stated that 'In order for the testing results to mean anything, the lab would have had to conduct additional tests to isolate *E. coli* pathogens versus generic *E. coli*. Based on the data, it is impossible to determine if the *E. coli* found on the produce would be harmful or not.'"

Despite a clear and prophetic warning to ABC News, Stossel's report went on the air with a frightening and patently distorted interpretation of the *E. coli* tests.

Despite this clear and prophetic warning to ABC's Neufeld, Stossel's report went on the air with a frightening and patently distorted interpretation of the tests Dr. Michael Doyle conducted for ABC News.

Did it shock and disturb organic food buyers? Apparently so, to judge from the reaction of one of them, ABC News Anchor Barbara Walters.

At the end of Stossel's story, Avery appears one final time, claiming that his daughter-in-law "cried when I told her this information" (about organic food).

Walters: John, I have to tell you, I may cry, too, because I've been buying organic food. It is more expensive, but it isn't dangerous.

Stossel: No, I wouldn't go that far. We found bacteria on only 5 percent of the foods, both organic and nonorganic. So, wash your produce. You should wash all produce.

Walters: Yeah.

Stossel: But the food supply is pretty safe. The amazing part, though, is that it is twice as much money or more, and it's no better and maybe worse.

John, I have to tell you, I may cry, too, because I've been buying organic food. It is more expensive, but it isn't dangerous.

- ABC News Anchor,
Barbara Walters

Compared to his scare-mongering statements throughout the program, Stossel is timidly judicious in his response to Walters—a response that was not included in subsequent broadcasts.

The truly "amazing part" about his alarmist organic food story, of course, is that it draws its damaging authority almost entirely from an ABC News pesticide study that was never conducted, and another ABC study of bacterial contamination that *20/20* knowingly and recklessly distorted.

The only thing more amazing about this investigation is that, so far, Stossel and ABC News have gotten away with it.

Notes

¹ When the segment was rebroadcast on Friday, July 7 it was introduced by Stossel himself, and was packaged as a “Give Me A Break” segment, at least on the ABC News web site. Stossel’s July 7 introduction was as follows:

“Have you been out buying organic fruits and vegetables this summer? Millions of you have, and you’re paying much more—presumably because you think organic produce is better for you, better for the planet. But is it true? What are you really getting for that extra money? As we told you once before, probably not what you expect.”

² Only one result from the poll, derived from a single question, was mentioned in the original broadcast. Stossel: “...*20/20* did a poll on organic foods and found 45 percent of the public thinks organics are more nutritious.” A graphic during the segment indicated the poll included 1,401 adults. An ABC News release dated August 4, 1999 (“Environment and Health Concerns Fuel the Organic Market”) described other poll findings Stossel did not mention on the air, adding: “One reason people may think organic foods are healthier is the very broad belief that they’re less likely to be contaminated with residues that might make you sick: Seventy percent of Americans think that’s the case. Reporting by *20/20* finds that organic foods in fact are more likely to bear contaminants, albeit natural ones. Respondents may have been thinking of pesticide or other chemical residues, which could be less prevalent but perhaps more potentially hazardous.”

³ Rita Bernstein appeared on camera for a one-sentence comment in the original broadcast, in a segment that described the horrible food poisoning of her three-year-old daughter, Haley. Stossel said Haley Bernstein was poisoned by “organic lettuce that had been contaminated by cow manure.” In a Nov. 8, 1999 letter to ABC News—three months prior to the *20/20* broadcast—the Organic Trade Association provided the following context for the Bernstein tragedy:

“One incident in 1996 [Haley Bernstein’s food poisoning], that we understand may be revisited in the upcoming *20/20* segment, involved a lettuce producer in California that claimed to be organic, but was not certified organic at the time. Its bulk spring mix was sold to stores and restaurants in Connecticut. That particular lettuce operation was eventually shut down by the state regulatory agency because the company did not use safe practices in its production. The company had lost its organic certification prior to the E. coli 0157:H7 outbreak. That particular incident prompted the entire lettuce industry to take a look at quality assurance practices.”

⁴ The market for organic food is expected to receive a major boost when USDA finalizes its proposed national standards by the end of 2000, and when USDA-certified organic food begins appearing in stores sometime in 2002.

⁵ For examples of the reaction to the *20/20* story and Avery’s role in it, see the Organic Trade Association’s February 4 press release and related materials at w.ota.com; www.ota.com; “Organic food industry rebuts TV program.” Larry Pynn, *The Vancouver Sun*, Feb. 11, 2000; “Critic of organic food and manure fertilizer is full of it.” Donella Meadows. *The Charleston Gazette*, March 13, 2000. Avery’s Hudson Institute distributed a press release on February 14, 2000 describing his rebuttal of the Organic Trade Association’s “damage control efforts” in the wake of the *20/20* story. “For decades, the organic food industry claimed that its food was safer and more nutritious than the food

produced by mainstream farmers,” the release stated. “Following ABC’s “20/20” segment on Feb. 4, before 14 million viewers, the industry is being challenged to support its claims with peer-reviewed evidence.” None of Avery’s writings or claims on the subject has been peer-reviewed.

⁶ FDA found pesticides on 40 percent of the head lettuce samples, 54 percent of the loose leaf lettuce samples, and 74 percent of the celery samples.

⁷ Numerous commentators on Avery’s writings and on the 20/20 investigation have pointed out that conventional (nonorganic) farmers also routinely utilize manure to grow their crops, and they also use as fertilizer a material that is not allowed on certified organic fields: human sewage sludge, a rich source of the pathogenic O157:H7 strain of *E. coli*. In deference to that tradition, USDA’s pending standards for organic food prohibit the use of sewage sludge in organic agriculture.

⁸ Avery’s Fall 1998 article for the Hudson Institute’s house organ, *American Outlook*, amounts to a screenplay for Stossel’s subsequent 20/20 story, right down to the featuring of the food poisoning of Haley Bernstein. “The Hidden Dangers in Organic Food” began with Avery’s claim that “According recent data compiled by the U.S. Centers for Disease Control (CDC), people who eat organic and natural foods are eight times as likely as the rest of the population to be attacked by a deadly new strain of *E. coli* bacteria (O157:H7).” But CDC has never compiled such a study nor the data that would support it, and Avery’s energetic misinformation efforts ultimately prompted the agency to issue a statement:

“The Centers for Disease Control and Prevention...has not conducted any study that compares or quantitates the specific risk for infection with *Escherichia coli* O157:H7 and eating either conventionally grown or organic/natural foods. CDC recommends that growers practice safe and hygienic methods for producing food products, and that consumers, likewise, practice food safety within their homes (e.g., thoroughly washing fruits and vegetables).”

Avery also stated that the FDA should warn consumers about “the higher levels of natural toxins their researchers regularly find in organic food.” But the FDA official Avery cited in support of his assertion, Dr. Robert Lake told the *New York Times* that he never made such a statement.

The *Times* also pointed out, among other problems, Avery’s habit of incorrectly ascribing a range of safety risks to organic food, such as food poisoning caused by non-organic juice that was unpasteurized, and a *Consumer Reports* study that found salmonella contamination on “premium” labeled chickens that were not organically produced. (See “Anti-Organic, And Flawed.” Marian Burros. February 17, 1999).

⁹ A Hudson Institute press release from February, 2000 states: “Faced with politically correct indignation, the Centers for Disease Control denied it had done any study of the special dangers of organic or ‘natural’ food or had any plans to do so.’ The CDC, of course, had not done a study—Avery made it up. Avery continued in the release: “The Director of the CDC’s Food-Borne Diseases Branch, who was quoted in the *Journal of the American Medical Association* as saying organic food was more dangerous “because it’s grown in manure,” now said he no longer had any opinion on the subject.’)



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