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DCA PUTS THE FREEZE ON MISLEADING CALORIE AND CHOLESTEROL CLAIMS: ANNOUNCES AGREEMENT WITH TASTI D-LITE

Tasti D-Lite Pays \$100K and Agrees to Cease Using Term 'Low Calorie' When Advertising Products

New York City Department of Consumer Affairs (DCA) Acting Commissioner Jonathan Mintz today announced an agreement with A Matter of Taste, Inc.- trademark owner and wholesale supplier of the frozen dessert Tasti D-Lite – that settles the agency's investigation into misleading calorie and cholesterol claims when advertising the company's popular frozen treats. The agreement, which includes a \$100,000 payment to New York City's General Fund, includes assurances that Tasti D-Lite will discontinue using the terms "low calorie" and "cholesterol free" when advertising its product. The agreement also assures that Tasti D-Lite will list the flavors, if any, to which the claim "99% fat free" applies, and will comply fully with federal standards for "low calorie," "fat free," and "cholesterol free" in future advertising, and with New York City's landmark Consumer Protection Law.

"Consumers have a right to truthful information about what they're eating -- particularly those with specific dietary concerns," said DCA Acting Commissioner Mintz. "Tasti D-Lite has paid a hefty price and committed to full compliance in their advertising. On behalf of the City's diet and health-conscious consumers, we're pleased."

As part of the DCA's investigation, testing of Tasti D-Lite's vanilla product was done by an independent, mutually-agreed upon laboratory. The results of the investigation indicated a standard four fluid-ounce serving of Tasti D-Lite's vanilla product included:

- 22% more calories than Tasti D-Lite's advertising claimed, and than is allowed for it to be advertised as "low calorie." Under rules adopted by the U.S. Food and Drug Administration (FDA), to be termed "low calorie," a four fluid-ounce serving cannot have more than 40 calories.
- 3 mg more cholesterol than Tasti D-Lite's advertising claimed, and 50% more than the amount of cholesterol allowed per serving for it to be advertised as "cholesterol free." Under rules adopted by the FDA, to be termed "cholesterol free" a four fluid-ounce serving cannot have more than 2 mg of cholesterol.

"Although retailers are required to disclose the calories in four fluid-ounces, or half a cup of the product, consumers should keep in mind that usually they are served much more," added Mintz.

The DCA began its investigation into the advertising practices of Tasti D-Lite and competitor CremaLita following published reports. The DCA announced an agreement with CremaLita last year settling similar charges.

DCA enforces the New York City Consumer Protection Law and other related laws at thousands of businesses. Fostering a marketplace where consumers are protected and businesses thrive, DCA licenses more than 60,000 businesses in 55 different categories. For more information or to file a complaint, call 311 or visit DCA online at