

December 30, 2003

## **DCA CITES FROZEN DESSERT RETAILER CREMALITA FOR FUDGING CALORIE AND FAT CONTENT CLAIMS**

Just when you thought it was safe to start your post-holiday diet, the New York City Department of Consumer Affairs (DCA) today announced it has cited frozen dessert retailer CremaLita Management, LLC with 61 counts of deceptive and misleading trade practices. CremaLita Management, LLC owns 50% or more of each of the eight stores that dispenses CremaLita's frozen dessert product in New York City. The DCA charges that CremaLita deceives its customers by making false claims about the content of its frozen dessert products including that they are "low calorie," "fat free," "ice cream," "low fat," and "cholesterol free." The DCA will seek penalties of \$500 per count, the maximum fine allowed under the City's Consumer Protection Law. In addition, the DCA has subpoenaed the records of Tasti D-Lite, another frozen dessert product sold in New York City, as part of the agency's investigation into similar violations.

"New Yorkers think they're getting a sweet deal, but in reality they are being fed false claims and three times the calories," said DCA Commissioner Gretchen Dykstra. "Our message to the industry is loud and clear -- we take deceptive claims seriously, and will make sure CremaLita and other companies' ads are true so consumers know exactly what they're paying for and how much they won't be losing."

At the request of the DCA, the U.S. Food and Drug Administration (FDA) collected and tested samples of CremaLita's products showing vast differences in what has been advertised over the last year and what is sold in CremaLita's New York City stores. As a result, DCA's charges include:

- **\_ CremaLita claims its products are "low calorie," "fat free," "cholesterol free," and "low fat," when, in fact, its products are not "low calorie" or "fat free," and certain flavors of its product are not "cholesterol free" or "low fat."**
- **\_ CremaLita claims its products contain 60 calories per four-fluid ounces, when in fact depending on the flavor of the products, it contains between 154 calories and as much as 181 calories per four-fluid ounces.**
- **\_ CremaLita claims its products are dispensed in a serving size of four-fluid ounces that contains 60 calories, when, in fact, its standard "small" serving size is approximately six fluid ounces and contains between 235 and 271 calories, depending on the flavor.**
- **\_ CremaLita claims its products are "NY's lowest calorie ice cream" or "incredible fat free ice cream" when in fact the advertised product is not ice cream.**

CremaLita has stores at the following Manhattan locations:

- 1) 2174 Broadway
- 2) 220 8th Avenue
- 3) 1592 Third Avenue
- 4) 1275 Lexington Avenue
- 5) 989 Third Avenue
- 6) 42 Third Avenue
- 7) 2873 Broadway
- 8) 489 Second Avenue



DCA enforces the City's Consumer Protection Law and other related laws at thousands of businesses throughout New York City. Fostering a marketplace where consumers are protected and businesses can thrive, DCA licenses more than 60,000 businesses in 55 different categories citywide. Through free community seminars, licensing forums, and other informational materials, DCA educates consumers and businesses alike about their rights and responsibilities.

For more information or to file a complaint, call 311 within New York City, 212-NEW-YORK outside, or go to the DCA web site at [www.nyc.gov/consumers](http://www.nyc.gov/consumers).