

The Center For Consumer Freedom

April 19, 2005

Dr. Julie Gerberding
Director, Centers for Disease Control and Prevention
1600 Clifton Road NE
Atlanta, GA 30329

Dear Dr. Gerberding,

The medical journal *JAMA* released a study today from a team of researchers at the Centers for Disease Control and Prevention and the National Institute of Health, which concluded obesity was responsible for 112,000 American deaths in the year 2000. This estimate, based on a refined method of calculating obesity-attributable deaths and using recent data, stands in sharp contrast to your agency's estimate of 400,000 deaths, as well as your updated estimate of 365,000 deaths.

Today's scientifically superior study further demonstrates that the Center for Consumer Freedom's long-standing criticism of the CDC's obesity scaremongering was well-founded. Since June, when we published "An Epidemic of Obesity Myths," the Center for Consumer Freedom has repeatedly called on the CDC to retract its false claim that obesity kills 400,000 Americans each year and that it would soon become the number one cause of preventable death. This erroneous statistic from the CDC has become the rallying cry for trial lawyers pursuing obesity lawsuits against restaurants and for the self appointed food police seeking regulations and taxes.

When considered in the context of numerous controversies surrounding the CDC's previous estimates, it seems appropriate that you officially and very publicly retract your previous statements on the number of obesity-attributable deaths. Moreover, you should lend the CDC's considerable weight to today's study, which is far better than the one you co-authored last year.

According to a May 2004 article in *Science* magazine, experts within the CDC questioned your estimate of 400,000 obesity-related deaths well before it was published. The article read in part: "Some researchers, including a few at the CDC, dismiss this prediction, saying the underlying data are weak. They argue that the paper's compatibility with a new antiobesity theme in government public health pronouncements—rather than sound analysis—propelled it into print ... A CDC scientist says internal discussions on these issues got 'very contentious' months before publication and left some feeling that the conclusions were not debatable." According to *The Wall Street Journal*, the CDC's Dr. Terry Pechacek wrote an internal email saying: "I would never clear this paper if I had been given the opportunity to provide a formal review."

A summary of an internal CDC review committee's investigation into the erroneous 400,000 number (which was buried on your agency's website) reported: "While there was at least one error in the calculations and both the presentation of the paper and limitations of the approach could have been expressed more clearly, the fundamental scientific problem centers around the limitations in both the data and the methodology in this area."

Nearly two months ago, the Center for Consumer Freedom submitted a Freedom of Information Act request to see the full report by the CDC's internal review committee. Our request has not yet been honored, even though we were told the information is readily available. Given the importance of this issue, our request should be honored in a timely manner as required by law.

Failure to comply with our FOIA request has the appearance of a cover-up. Describing the reaction of experts within the CDC to the 400,000 study, the CDC's summary report stated: "The scientists expressed concerns and did meet with some of the authors but they were not convinced that their perspectives were listened to or that requests for data were acknowledged." The American people deserve access to the full report, which will presumably provide further detail on this allegation.

In fact, months before your well-publicized announcement, two studies that undermined the logic of the 400,000 statistic were submitted for publication in major medical journals. Written by a group of CDC and NIH experts, these studies suggested that the mortality figure was almost certainly too high. "We urge caution in the use of current estimates of the number of deaths attributable to obesity," one of these papers concluded.

Despite the internal dissent over the validity of the 400,000 statistic, you continued to use it to hype the problem of obesity—in one instance comparing it to the Black Death of the Middle Ages. Responding to the controversy over your obesity-deaths statistic, your Chief of Science, Dr. Dixie Snider, wrote: "...we cannot and should not let this discussion of scientific methodology detract from the real issue." The American people deserve a CDC that takes scientific methodology seriously. As you know, statistics play a critical role in public policy debates.

Today's study in *JAMA* is the best evidence to date that your agency's original estimate of obesity-attributable deaths was a wild exaggeration. Unlike your previous figures, which relied on data dating as far back as 1948, today's *JAMA* study employs the latest data from the CDC's National Health and Nutrition Examination Survey (NHANES). Today's study uses the CDC's own, more recent data, which shows a much lower risk of obesity. It's a scandal that the CDC's 400,000 deaths estimate didn't use this information, which was readily available on the agency's computers.

That's because improving medical technologies—particularly with respect to cardiovascular disease, cholesterol, and high blood pressure—have substantially reduced the risk of obesity-attributable mortality. In fact, of the three data sets used by today's study, the most recent shows that obesity is linked to 43,000 a year—even lower than the 112,000 that will be widely reported.

The study also shows that putting on a few extra pounds is not a fatal mistake. In fact, the study found that being overweight (as opposed to obese) poses no risk of increased mortality, and may in fact have a protective effect. Indeed, the study reported that, when added together, combined deaths from overweight and obesity was just 25,000.

Today's study represents a substantial advance in measuring obesity-attributable deaths. We hope that you will embrace it as a case of improving science—from the CDC's own researchers—in the agency's future pronouncement on obesity.

The American public deserves to know where the CDC stands on this greatly reduced number and whether obesity is truly worse than the Black Death, as you have stated. The bloated 400,000 figure was accompanied by a massive publicity campaign that served to terrify the American people about their weight. This new study shows the CDC was wrong in many respects.

As the director of the nation's most visible public health institution, you owe the American people an explanation and a much more public *mea culpa*. That may upset the policymakers, trial lawyers, and pharmaceutical companies banking on misplaced hysteria about obesity, but it will help restore faith in what stood until recently as one of the nation's most respected governmental institutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Berman". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard Berman
Executive Director
Center for Consumer Freedom

Cc via fax: 404-639-0874