

Bottled water firm steamed about Miami-Dade water ads: Radio commercials that touted Miami-Dade tap water have landed the county in legal hot water with Nestle.

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BY CURTIS MORGAN

In the radio ad, a talking faucet extols Miami-Dade's tap water as cheaper, purer and safer than bottled water.

It may have sounded innocuous to most listeners, but the 30-second spot left the nation's largest purveyor of bottled water boiling mad.

Nestle Waters North America, which makes nearly \$4 billion a year selling Zephyrhills and other brands, is threatening to sue if the county doesn't kill commercials the company brands as false advertising.

"It's an attack on the integrity of the company," said Nestle spokesman Jim McClellan. "It's an attack on the product we produce -- and it's blatantly wrong."

With the ads ending a five-week run last month and no plans to revive it, the county considers the legal issues moot. But John Renfrow, director of the Water and Sewer Department, defended the county's right to tout its tap water. "Basically, the message is that our water is fine," he said. "It's wonderful. It's delicious. This is just one of many different spots we've done."

Environmentalists blasted the threat against the state's largest utility -- believed to be a first -- as a warning shot from an industry worried about slow sales after years of gushing growth.

"Nestle should be ashamed for harassing Miami for promoting its own water," said Wenonah Hauter, executive director of Washington-based Food & Water Watch. "This is just outrageous. It's just a way to scare off other utilities."

McClellan said Nestle -- which contacted The Miami Herald to publicize its complaint -- has never challenged utilities hawking tap water as cheap and safe. But Miami-Dade, he argued, had stepped over the line in besmirching bottled water.

'LIE TO PEOPLE'

"This is the first time we have ever seen a municipality attack a product. They took out paid advertising and spent rate payer dollars to essentially lie to people."

The county ads, which cost \$100,000 for 1,654 spots on 12 FM radio stations, began airing in August. Renfrow said they were primarily aimed at educating a

large immigrant population, some from countries lacking reliable potable water systems.

The ad, delivered in lame Brooklyn-ese, opens, "This is your water faucet speaking. . . ." It names no brands but questions bottled water quality:

"You think bottled water is purer and safer? You think it's better? Well, you're wrong. It's just the opposite. Bottled water is not regulated by the Environmental Protection Agency. Tap water is. That's why you always can be sure Miami-Dade tap water is superior. Stop wasting your money!"

Two weeks ago, an Atlanta law firm representing Nestle sent an eight-page letter to Renfrow demanding the county yank the "false or misleading" ads, pledge in writing not to run them again and supply testing to prove county water "superior" to Nestle products. The next day, Nestle sent a complaint to Florida's attorney general.

The county didn't respond in detail but told Nestle it's not re-airing the ads. "I don't see any legal problems," said Henry Gillman, an assistant county attorney.

Nestle, which employs 70 in Miami-Dade, is still pondering legal options. It's also testing county taps, McClellan said, and initial results exceed federal standards for fecal coliform, often an indicator of exposure to animal or human waste.

"When you make a statement and say your water is better than our water, we want to find out," said Kevin Mathews, director of health and environmental affairs for Nestle, which is based in Greenwich, Conn.

Joe Doss, president of the International Bottled Water Association, which represents companies that recorded \$11.7 billion in sales in 2007, called Nestle's demands understandable. "Quite frankly, we were considering similar action."

Nestle has a lot at stake in the Sunshine State. Florida ranks third behind Texas and California in bottled water sales, gulping more than 575 million gallons a year. The company also operates two plants in Zephyrhills and Madison County and can draw about 2.5 million gallons a day from four springs.

Both Doss and McClellan disputed that Nestle's warning was motivated by a sales drought. Still, after a decade of boom, bottled water, along with other beverages, is showing signs of slowing, said Gary Hemphill, managing director of Beverage Marketing Corp. in New York, which tracks industry sales.

A sagging economy and rising costs are the big issues, he said, but environmental concerns also are making a dent. A number of "green" groups have mounted campaigns calling the plastic bottles wasteful, the water expensive and no healthier than tap. While bottled water is regulated by the Food and Drug

Administration, the industry doesn't have to test as often or for as many contaminants as utilities do under EPA rules, Hauter said.

"We're pretty comfortable saying that when you're drinking bottled water, you don't know what you're getting," she said.

MINIMAL FEES

Environmentalists also have fought to block bottlers' operations in Florida, where companies tap underground springs for minimal fees of a few hundred dollars a year.

Linda Young, director of the Florida Clean Water Network, which has opposed state environmental permits for bottlers, called Nestle's arguments dubious.

"Tap water is superior in some ways. It's right there in your house," she said. "If these companies think they're going to come into Florida and threaten citizens or governments when we give an opinion, that's another reason to make them leave."

The industry disputes activists' charges, saying companies are reducing plastic in bottles. Nestle's Mathews argues that additional treatment -- including reverse osmosis, ozone disinfection instead of chlorine and sealed bottles -- delivers a better, and better tasting, product than tap.

Renfrow, Miami-Dade's water director, wouldn't discuss Nestle's allegations in detail, saying only, "Our water meets every requirement for health." He added, "I like their chocolate."