



1800 Diagonal Road, Suite 600
Alexandria, VA 22314
703-647-4609
jculora@bottledwater.org
www.bottledwater.org

June 20, 2024

Michael Symes – News Editor
Peter Johnson – Deputy Managing Editor
Nathan Estep – Assistant Managing Editor
Glenn Cook – Senior Editor
CC: Katelyn Newberg – Reporter
Las Vegas Review-Journal
P.O. Box 70
Las Vegas, Nevada 89125

Dear Editors:

I am writing on behalf of the International Bottled Water Association (IBWA) regarding your article “*Real Water to pay \$3B in lawsuit, jury rules, after liver failure outbreak*” (<https://www.reviewjournal.com/crime/courts/real-water-to-pay-3b-in-lawsuit-jury-rules-after-liver-failure-outbreak-3070295/>). This article includes incorrect information that misinforms readers about bottled water regulations. We request that you update your story to include the following important bottled water facts so that your readers are not misled about the safety and quality regulations for bottled water products sold in the United States.

We want to state at the outset that Real Water has never been an IBWA member, and we are not in any way defending their actions. We have no firsthand knowledge about the facts of the various lawsuits brought against Real Water. However, based on what we have read, it seems very clear that they did not comply with the stringent bottled water regulations issued by the U.S. Food and Drug Administration (FDA).

We ask that you correct a few misleading statements about the regulation of bottled water that were included in the article.

Las Vegas Review-Journal: “*During the trial, an expert with the International Bottled Water Association testified that it is not industry standard to automatically test all new bottled water products, Kemp said.*”

IBWA: Firstly, the above statement, attributed to the plaintiff’s attorney, gives the impression that bottled water companies don’t test new products. That is not the case. All bottled water—both new and existing products—must be tested according to comprehensive and stringent regulations issued by FDA.

FDA regulations—found in [21 CFR Part 129.80 for Processing and Bottling of Bottled Drinking Water](#)—state the following: *“Product water samples shall be taken after processing and prior to bottling by the plant and analyzed as often as is necessary to assure uniformity and effectiveness of the processes performed by the plant.”*

In addition, on the [FDA website](#), the agency’s Current Good Manufacturing Practices (CGMPs) for bottled water are identified. They require bottled water producers to:

- Process, bottle, hold and transport bottled water under sanitary conditions;
- Protect water sources from bacteria, chemicals, and other contaminants;
- Use quality control processes to ensure the bacteriological and chemical safety of the water;
- Sample and test both source water and the final product for contaminants.

In addition, FDA has established bottled water Standards of Quality (SOQs) for more than 90 substances ([21 C.F.R. § 165.110 \(b\)](#)). The vast majority of FDA bottled water quality standards are the same as the Environmental Protection Agency’s (EPA) maximum contaminant levels (MCL) for tap water systems. The few differences are usually the results of the substance (usually tap water disinfectant byproducts) not being found in bottled water or the substance is regulated under another provision of law, such as FDA’s food additives program.

By federal law, FDA regulations governing the safety and quality of bottled water must be as protective of public health as the EPA’s standards for tap water. And, in some cases, such as lead, the bottled water regulations are more stringent. On a gallon per gallon basis, bottled water is required to be tested 36 times more often than tap water.

Secondly, your article states that *“an expert with the International Bottled Water Association testified”* during the trial. The way that sentence is worded could cause your readers to think that the expert witness was there on behalf of IBWA, which is incorrect. An expert witness testifying during a trial may be a member of IBWA but that does not mean that they are there on behalf of the association. We request that you revise your article to clarify that point.

We request that you update the article as suggested above to ensure your readers have the facts about this issue. Misleading information about the safety and quality of bottled water could deter consumers from drinking the healthiest packaged beverage on the shelf: bottled water.

And drinking water—whether it’s tap, bottled, or filtered—should always be encouraged. [Data](#) from the Centers for Disease Control and Prevention (CDC) show that obesity affects over 40% of adults in the United States, and diabetes and heart disease remain major health issues as well. But Americans are making a conscious effort to live better lives by choosing healthier foods and beverages. That’s reflected in research by the Beverage Marketing Corporation that shows bottled water continues to be the No.1 packaged beverage (by volume) in the United States. News articles that contain

misleading information could discourage people from choosing bottled water, which is not in the public interest.

We request that you update your online text and audio article to reflect the facts we've provided so that the *Las Vegas Review-Journal* does not misinform its readers about bottled water's safety and quality regulations.

Sincerely,

Jill Culora

Jill Culora
Vice President Communications
International Bottled Water Association

This email was sent to:

msymes@reviewjournal.com
pjohnson@reviewjournal.com
nестep@reviewjournal.com
gcook@reviewjournal.com
cc: knewberg@reviewjournal.com