

NEWS RELEASE

## National Advertising Division Recommends Gruma Modify Sugar and Net Carbohydrate Label Claims

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New York, NY, Sept. 11, 2024 (GLOBE NEWSWIRE) -- In a challenge brought by competitor Olé Mexican Foods, Inc., BBB National Programs' National Advertising Division found certain "zero sugar" and "0G sugar" claims supported and recommended that Gruma Corporation, in connection with its tortilla product offerings:

- Discontinue the "1.5G Total Fat Per Serving" claim for all of the challenged products.
- Modify the challenged products' net carb calculation to use total carbohydrates minus dietary fiber for the 54-gram serving size.
- Discontinue the "0G Sugars" and "Zero Sugar" claims for the Mission Zero Net Carb Sundried Tomato Basil Tortilla.

Both Olé and Gruma manufacture and sell zero net carb street-size tortillas to carb-conscious consumers.

At issue for the National Advertising Division (NAD) was whether Gruma's Mission Zero Net Carb Tortilla Original and Sundried Tomato Basil products and Guerrero Zero Net Carb Tortillas Original – High Fiber and Chipotle - High Fiber products use a serving size that is inconsistent with Food and Drug Administration (FDA) regulations and industry practice.

Based on FDA regulations, a serving size for the challenged product is three tortillas. Competitors' label claims are based on this FDA standard serving size. Gruma based its zero net carb and other fat and sugar labeling claims on a

smaller 18g, or one tortilla serving size. NAD found that consumers cannot evaluate or accurately compare the label claims on competitive products if the serving sizes among a product category are inconsistent.

Therefore, NAD determined that the zero net carbs, zero sugar, and 1.5g fat claims based on a one tortilla serving size are misleading in a marketplace with FDA regulations specifying "per serving" calculations.

Gruma argued that its testing supports a "zero net carbs" and "zero sugar" claim even on the FDA compliant 54-gram serving size; therefore NAD also considered the accuracy of nutrition claims regarding net carbohydrates and sugars for the 54-gram serving size.

NAD found the "zero net carb" claim was supported and recommended that Gruma modify its net carb calculation to use total carbohydrates minus dietary fiber for the 54-gram serving size. NAD also found the "zero sugar" and "0G sugar" claims on the 54-gram serving size of the Mission and Guerrero Zero Net Carb Original and Guerrero Zero Net Carb Chipotle tortilla products were supported but recommended these claims be discontinued for the Mission Zero Net Carb Sundried Tomato Basil Tortilla.

Further, NAD noted that the 1.5-gram total fat claim would increase with the serving size of 54 grams. Therefore, NAD did not consider the evidence to support the total fat claim and recommended that Gruma discontinue "1.5G Total Fat Per Serving" for all of the challenged products.

During the proceeding, in reliance on Gruma's representation that it permanently discontinued the "Absolutely ZERO net carbs" claim, NAD did not review the claims on its merits and will treat the claim, for compliance purposes, as though NAD recommended it be discontinued and Gruma agreed to comply.

In its advertiser statement, Gruma stated that it agrees to comply with NAD's recommendations. Gruma further stated that prior to this challenge "it had already determined to increase the serving size for the challenged products. In doing so, Gruma will abide by NAD's recommendation to modify the serving size for the challenged products and the corresponding statements."

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playing field for businesses, and a better experience for consumers. BBB National Programs continues to evolve its work and grow its impact by providing business guidance and fostering best practices in arenas such as advertising, child-and-teen-directed marketing, data privacy, dispute resolution, automobile warranty, technology, and emerging areas. To learn more, visit **bbbprograms.org**.

About the National Advertising Division: The National Advertising Division of BBB National Programs provides independent self-regulation and dispute resolution services, guiding the truthfulness of advertising across the U.S. The National Advertising Division reviews national advertising in all media and its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business.

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