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Manufacturers of the top sunscreen brands relied upon by millions of American swimmers and sunbathers each year have lied about the effectiveness of their products in blocking sun rays and preventing skin diseases, including cancer, according to several coordinated lawsuits filed in California Superior Court in Los Angeles.

Such famous brands as Coppertone, Banana Boat and Hawaiian Tropic, marketed as protective "sunblocks," are in fact unreliable in protecting adults and children and can create a sense of false security that actually endangers users, the complaint charges.



- [Sunscreen Makers Lie, Suits Charge](#)
- [Study Warns Tanning May Be Addictive](#)

"Sunscreen is the Snake Oil of the 21st Century and these companies that market it are Fortune 500 Snake Oil salesmen," said Samuel Rudman, a New York attorney. "False claims such as 'sunblock' 'waterproof' and 'all-day protection' should be removed from these products immediately."

"Parents, especially, have been defrauded into believing the false labeling and advertising claims of these products. They have sent their children to play or swim in the sun, believing that slathering them with one of these products specifically marketed for children provides protection, when it does not," said Mitchell Twersky, another New York attorney. "And the guys who are marketing these products know their claims are false," he added.

The attorneys are litigating coordinated class actions, alleging systematic fraud, false advertising and persistently misleading claims that exaggerate the ability of sunscreens to protect against the sun and reduce the risk of cancer and other skin ailments.

The seven defendants and their five brands named in the suits include Schering-Plough (Coppertone); Sun Pharmaceuticals and Playtex Products (Banana Boat); Tanning Research Laboratories (Hawaiian Tropic); Neutrogena Corp and Johnson & Johnson (Neutrogena); and Chattem Inc. (Bullfrog).

"Coppertone WaterBabies advertises 'Instant Waterproof Protection, UVA/UVB Sunblock lotion 45 SPF' on the bottle as well as the representation that the product provides '45 times

your child's natural sun protection', giving parents a false and dangerous sense of security," said Twersky. "The 45 SPF applies only to UVB rays, the product is not waterproof, and it does not actually block the sun. The main element being blocked is the truth."

The suits show how manufacturers are making deliberately fraudulent and misleading claims on their labels, Web sites and advertising and seek an injunction on the claims, compensation for consumers and other remedies, including a public education program concerning sun protection paid for by the industry.

SPF designations, the suits say, apply only to protection from UVB rays, but manufacturers use it to imply a similar level of UVA protection, which it does not in fact provide. The FDA accepts SPF standards for UVB but there is no standard to measure UVA protection. Both UVA and UVB pose health threats.

The suits also note that the "waterproof" designation is deceptive because all sunscreen products lose efficacy when immersed in water and there is no standard for measuring their efficacy against UVA rays.

The impact of these misleading claims on consumers is enormous. A report by The International Agency for Research on Cancer, World Health Organization, stated that "(s)everal relevant epidemiological studies have shown significantly higher risks for melanoma in users of sunscreens than in non-users. The protective effects of sunscreens can be outweighed by overexposure based on the false assumption that sunscreens completely abolish the adverse effects of UV-light."

The Federal Trade Commission and Food and Drug Administration addressed the over-reaching claims of the sunscreen industry in 1997 and 1999, respectively.

The FTC reached an agreement with Coppertone's manufacturer, Schering-Plough, to cease and desist from misrepresenting the length of time protection is provided by their products and the efficacy of their products' protection against the harmful effects of the sun. Schering-Plough has not complied with the agreement and false claims still appear on their products.

The FDA drafted new rules to specifically restrict the use of these misleading labeling claims, but in 2001 cosmetics industry lobbyists -- arguing that "commercial speech" protection for sunscreen manufacturers was more important than truthful consumer protection for the public -- persuaded the FDA not to implement the rules. According to the Skin Cancer Foundation,

more than 1.5 million skin cancer cases are diagnosed annually in the U.S., with 8,000 deaths per year -- more than breast, prostate, lung, and colon cancer combined.

The coordinated cases are before Judge Carl J. West.