

# Soylent LAWSUIT: High Levels of Lead and Cadmium Found?

written by Mike Roberto | August 19, 2015



It's been quite some time since we talked about **Soylent**, the awfully-named "meal replacement" created by silicon valley startup engineers, often sold to other silicon valley startup engineers.

We've been due for an update to that past, as a couple of our opinions have changed\*, but this week's latest topic is how **Soylent's creators are under threat of lawsuit** for violating California's Safe Drinking Water and Toxic Enforcement Act. The threats come from a watchdog group named *As You Sow*, who claim to have found *"a concentration of lead that is 12 to 25 times above California's Safe Harbor level for reproductive health, and a cadmium level that is at least 4 times greater than the Safe Harbor level for cadmium."*[1]

We've heard of patent trolling... but "Prop 65 Trolling"? Let's dig in.

As You Sow have not released their independent lab tests, nor are they even claiming that the Soylent lead and cadmium levels are *illegal*. They're merely saying that the levels are higher than the limits established by the California's Prop 65[2], and because of that, Soylent must make sure California consumers know about the higher levels.[3]

As You Sow has given Soylent a "60-day notice" to fix their violations before

Soylent penned a response on their blog,[4] which states that they do notify California users of the levels, and also link to their certificate of analysis.[5] They state,

*"We are not required to change the product, but we are required to display the Proposition 65 text where we sell our products, which we do."*[4]

Meanwhile, it's worth noting that their lead levels were 0.0434ppm[5], whereas the FDA's "action level" for the infant formula is a much larger 0.5µg/mL[6]

(which easily converts to 0.5ppm[7]). So Soylent is more than 10X less than what would cause concern, even when compared to strictly-enforced infant formulas. California just happens to be more strict about its labels.

This is also nothing new for As You Sow, who's also sued Hershey, Mars, and See's Candies over the same things.[9] We've seen plenty of *patent trolling* in this industry, but this here is a new one.

## How does California Prop 65 Work?

In order to remain compliant in California, Prop 65 provides a few different ways to warn the consumer of these higher lead levels:[9]

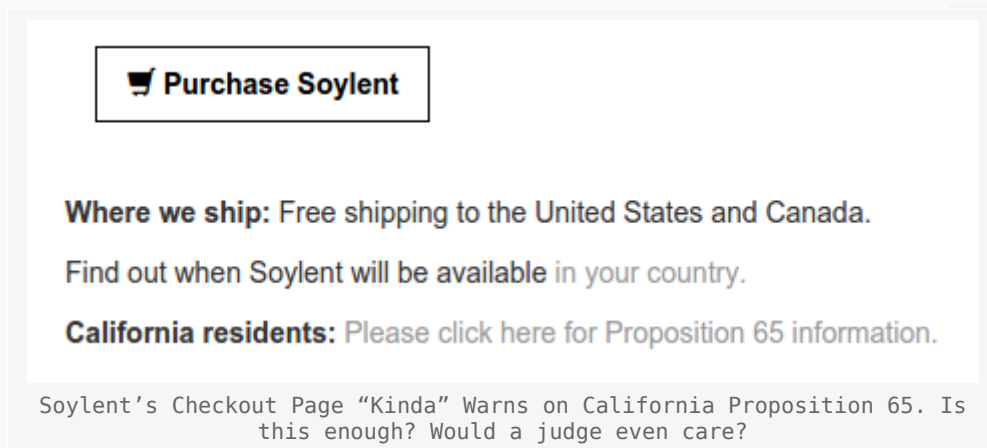
### **25603.1 Consumer Products Exposure Warnings – Method of Transmission**

*The warning may be provided by using one or more of the following methods singly or in combination:*

- *(a) A warning that appears on a product's label or other labeling.*
- *(b) Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.*
- *(c) The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's label or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.*
- *(d) A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.[9]*

Looking at Soylent's checkout page (which is the only way to buy it), you can see that they *do* have a link for California residents, which goes to their statement on California Prop 65 on their FAQ server.[10]

The biggest issue is that the warning is below the Order button, so it could be missed. It's also not discussing the warning *on* the order page.



We're not lawyers, and we're *definitely* not judges either, but this seems like a case worthy of being thrown out. Soylent is only sold online – not in brick-and-mortar retail stores – so there's no need to have this warning on the label.

We're sure Soylent will change this layout so they don't have to deal with these trolls, but seeing as they're funded by billionaire venture capital firm Andreessen Horowitz,[11] who knows what they'll do. If As You Sow expects them to put a warning on the actual product, however, then get ready for sparks to fly.

Chances are, this is nothing more than a publicity stunt by As You Sow, knowing that thousands of Geeks would be blogging their names and linking to their site. Consider us guilty for falling for it too

Regardless, while Soylent is definitely **PricePLOW DISapproved** due to its marketing message, we frown upon such lawsuit trolling even more and wish them the best in this battle.

## Our latest take on Soylent?



In the past, we discussed if this white sludge

could safely replace your diet. Now they're under legal duress in California.

\*In short, it's pretty clear that the leading factor to **weight loss** is **caloric restriction**, [12,13,14,15,16,17,18,19] which Soylent can/should help with.

However, **body composition** (ie not looking scrawny or a skinny-fat slob) is mostly determined by your **protein** intake [16,19,20] (where Soylent is weak, at best), while your overall chances of **death** by cardiovascular disease are **increased** every day you don't eat any fruits or vegetables [21] (which Soylent is basically all about).

So while we're still negative to the idea of living off of this substance, we do admit that it's better than the standard diet of much of their [quite unhealthy] demographic, but is still hazardous in the long run compared to a real diet.

So, if you **do** want to use Soylent, at least add in some meals/snacks with both fruits and vegetables, and grab the **best protein powder for you** to get that protein number up.

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