

LOS ANGELES (Court TV)

(sorry links have changed over time)

- McDonald's french fries caused an autistic child to suffer from tantrums and digestive problems, according to a lawsuit filed by the boy's guardian in Los Angeles Friday.

After eating french fries at a McDonald's in Valencia, Calif., according to the suit, Roman Brown experienced increased aggression and tantrums, while his ability to communicate and take care of himself diminished.

The culprits, according to the suit, were gluten and casein - ingredients found in milk and wheat products - and which some parents of autistic children believe can exacerbate the condition.

Earlier this year, McDonald's acknowledged

<http://www.courttv.com/news/misc/docs/mcdonaldsstatement.html?link=yhlk>>

that its hash browns and french fries, which the restaurant chain historically had reported as allergen-free, in fact may contain wheat and milk ingredients from the oil they are cooked in.

The complaint alleges fraud, false advertising and negligent misrepresentation by McDonald's Corp. and McDonald's Restaurants of California and seeks \$15,000 for Roman Brown's medical expenses, along with a share of profits made by the company for the alleged misrepresentation and unspecified compensatory and punitive damages.

The plaintiffs also are asking for certification of the lawsuit as a class-action on behalf of other autistic children who they allege may have been similarly harmed.

"In most cases, elimination of gluten and casein from an autistic child's [diet] results in dramatic improvements in the child's condition, often enabling the child to attend mainstream educational programs in a matter of months," the suit states.

The complaint was filed in L.A. Superior Court by Richard Brown, who was identified as the boy's guardian. The court papers do not state the relationship between the guardian and the child, nor specify the child's age.

Brown's lawyer did not respond to requests for comment.

"We care very much about our customers, and we take these allegations seriously," said Lisa Howard, a spokeswoman for McDonald's. "However, as we haven't seen this lawsuit, it would be inappropriate for us to comment further at this time."

In February, McDonald's announced that frying oil used to prepare french fries and hash browns included a natural flavoring that contained hydrolyzed milk and hydrolyzed wheat, and could no longer be considered allergen-free for those with milk or wheat allergies.

Some parents of children with special dietary needs were rankled by the news that a treat they had once allowed was in fact tainted by the very ingredients they had so vigilantly been avoiding.

Brown's complaint joins suits that sprung up earlier this year against the burger chain, many from parents who say their children are allergic to wheat or dairy products.

"The real issue here is that McDonald's put these items on a list of gluten-free menu items," says Florida attorney Brian Smith, who currently represents about 50 individuals, mostly children, who suffer from milk allergies, celiac disease and autism.

Smith says some of his clients received literature <http://www.courttv.com/news/misc/docs/mcdonaldsletter.html?link=yh1k> from McDonald's, before the February announcement, touting its gluten-free items.

Sufferers of celiac disease must abstain from eating any wheat, barley, rye or oats. The Celiac Sprue Association released a memo that appears on McDonald's corporate Web site, announcing that it had examined the commercial manufacturing process of the natural flavoring in McDonald's fries and found detectable levels of gluten in the wheat ingredient.

But the autism-gluten connection, according to some medical experts, is a popular theory that lacks strong scientific underpinnings.

"No scientific research has consistently shown a connection," says Dr. Ami Klin, one of the country's leading autism experts and an associate professor at Yale University's School of Medicine. "It's a popular hypothesis, and something that is circulated among a group of individuals that have a grip on parents as to the importance of those things. But the reviews of that subject have not turned up any solid evidence."

The Browns did not find out about the gluten and casein contents in McDonald's french fries until Feb. 13, when the company admitted using both for flavoring, their lawsuit alleges.

McDonald's said the move came in response to new rules by the U.S.

Food and Drug Administration <http://search.news.yahoo.com/search/news/?p=Food+and+Drug+Administration> for the packaged foods industry, including one requiring that the presence of common allergens such as milk, eggs, wheat, fish or peanuts be reported. The FDA cannot mandate that restaurants also provide the information, but the Oak Brook, Ill.-based McDonald's is doing so voluntarily.

The company paid \$10 million in 2002, according to AP reports, to settle a lawsuit by vegetarian groups after it was disclosed that its fries were cooked in beef-flavored oil despite the company's insistence in 1990 that it was abandoning beef tallow for pure vegetable oil.

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