



Legislation Details (With Text)

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Title: Resolution calling on the New York City Board of Health to refrain from passing and implementing a regulation restricting the size of sugary drinks sold at food service establishments in New York City.

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Res. No. 1431

Resolution calling on the New York City Board of Health to refrain from passing and implementing a regulation restricting the size of sugary drinks sold at food service establishments in New York City.

By Council Members Cabrera, James, Comrie, Gentile, Koppell, Mark-Viverito, Mendez, Palma, Rose and Halloran

Whereas, On May 30, 2012, Mayor Bloomberg and the New York City Department of Health and Mental Hygiene (“DOHMH”) announced a proposal to limit the size of sugary drinks sold at food service establishments, including restaurants, movie theaters, stadiums and mobile food vendors, as part of a new City-wide anti-obesity initiative; and

Whereas, According to materials prepared by the New York City Obesity Task Force (“Task Force”), obesity rates in New York City have been steadily increasing over the past ten years and are disproportionately higher in black, Latino and low-income communities; and

Whereas, Obesity can lead to numerous health problems, including Type II diabetes, cancer, heart

disease, arthritis, and asthma; and

Whereas, The Task Force also reported that, “Americans consume about 200-300 more calories per day than 30 years ago, with the largest single increase due to sugar-sweetened drinks,” and almost half of the added sugar Americans consume is from sugar-sweetened drinks; and

Whereas, The Task Force found that the portion sizes of sugary drinks have grown exponentially in recent years, noting that McDonald’s cup size has increased 457% since 1955; and

Whereas, The Mayor’s proposed regulation to limit portion sizes of sugary drinks aims to decrease obesity rates in New York City by reducing the amount of excess calories consumed by New Yorkers; and

Whereas, Such proposed regulation must be approved by the New York City Board of Health; and

Whereas, The proposed regulation defines a sugary drink as any non-alcoholic beverage that is sweetened with sugar or another caloric sweetener that has more than twenty-five calories per eight ounces and contains fifty percent or less of milk or milk substitute; and

Whereas, The proposed regulation would prohibit food service establishments from selling sugary drinks in cups or containers larger than sixteen fluid ounces and would limit the size of cups for self-service to sixteen fluid ounces; and

Whereas, Food service establishments found in violation of the proposed regulation would be fined up to \$200, but such violation would not be considered when determining the establishment’s letter grade; and

Whereas, The Board of Health held a public hearing on the proposed regulation on July 24, 2012 and is expected to vote on the proposal at its September meeting; and

Whereas, The proposed regulation would become effective six months after adoption by the Board of Health; and

Whereas, The proposed restriction would not apply to food establishments not regulated by the DOHMH, including supermarkets and bodegas; and

Whereas, The proposed restriction would not prevent consumers from purchasing more than one sugary

drink; and

Whereas, The proposed restriction would limit the size of self-service cups regardless of the type of beverage a consumer chose to drink; and

Whereas, According to the Centers for Disease Control (“CDC”) data examining the consumption of sugary drinks in the United States from 2005-2008, calories from sugar sweetened drinks account for between five to eight percent of an average American diet, with the vast majority of calories coming from other foods and beverages; and

Whereas, The same CDC data also shows that more than half of sugary drinks consumed are consumed at home, and approximately two-thirds of the sugary drinks not consumed at home are from sources other than a restaurant; and

Whereas, It is questionable that restricting the size of sugary drinks consumed at food service establishments will impact obesity rates in New York City, since consumers would still be free to purchase such drinks at supermarkets and bodegas or purchase several drinks at one time; and

Whereas, According to a July 2012 article in The New York Times, more than twenty percent of City students reported having no physical education classes in an average week during the school year- an increase of nearly six percentage points since 2002; and

Whereas, The New York Times article also noted that the City has not submitted a physical education plan to the State since 1982, even though it is recommended that a new plan be submitted every seven years; and

Whereas, A 2011 national study published in the American Journal of Clinic Nutrition found that the intake of added sugars decreased between 1999 and 2008, primarily due to a decrease in the amount of soda consumed; and

Whereas, However, figures from the American Medical Association show an increase in obesity rates during the same period; and

Whereas, Many New Yorkers are opposed to any governmental restriction on portion sizes, arguing that the amount one eats or drinks is a personal decision; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Board of Health to refrain from passing and implementing a regulation restricting the size of sugary drinks sold at food service establishments in New York City.

LCC