

nplan | NATIONAL POLICY & LEGAL ANALYSIS NETWORK  
TO PREVENT CHILDHOOD OBESITY

**Warning Labels on Sugary Drinks:  
Promoting Informed Choices**



September 24, 2014



**ChangeLabSolutions**

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**SPEAKERS**



**Ian McLaughlin, JD**  
*Senior Staff Attorney & Program Director*  
ChangeLab Solutions



**Harold Goldstein, DrPH**  
*Executive Director*  
California Center for Public Health Advocacy

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**SPEAKERS**



**Xavier Morales, PhD, MRP**  
*Executive Director*  
Latino Coalition for a Healthy California



**Jim O'Hara**  
*Director of Health Promotion Policy*  
Center for Science in the Public Interest

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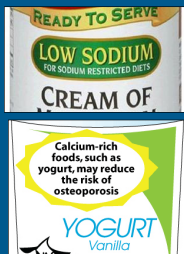
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## NUTRITION LABELING AND EDUCATION ACT

Nutrition Facts		Serving Size 1 Cup (24g)	
		Amount Per Serving	
		% Daily Value*	
<b>Calories</b>	110	22%	500
Calories from Fat	10	20%	50
<b>Total Fat</b> 1g	2%	2%	100
Saturated Fat 0.5g	1%	1%	100
Trans Fat 0g	0%	0%	100
Polysaturated Fat 0g	0%	0%	100
<b>Cholesterol</b> 0mg	0%	0%	100
<b>Sodium</b> 135mg	6%	9%	1500
<b>Potassium</b> 50mg	1%	7%	700
<b>Total Carbohydrate</b> 25g	8%	10%	250
Dietary Fiber 5g	11%	11%	45
Sugars 12g			
<b>Protein</b> 1g			
Vitamin A	10%	15%	
Vitamin C	20%	20%	
Calcium	0%	10%	



NLEA allows requirements for "a warning concerning the safety of the food or component of the food"

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## FIRST AMENDMENT

*The government*  
"shall make no law . . . abridging the freedom of speech"




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## FIRST AMENDMENT

Also protects "commercial speech"




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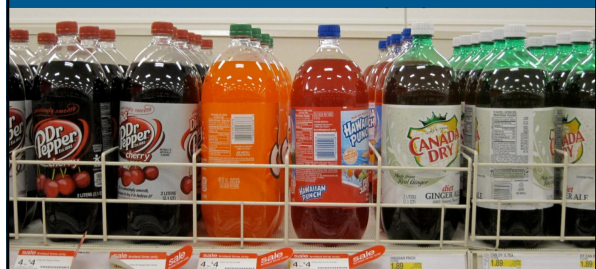
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### FIRST AMENDMENT

Also protects “commercial speech”



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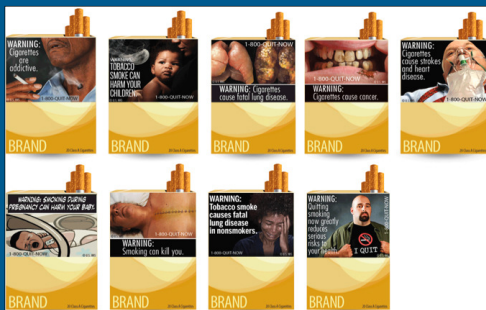
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### “COMPELLED SPEECH”



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### COMPELLED SPEECH TEST

The required warning (compelled speech) must be:

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### COMPELLED SPEECH TEST

The required warning (compelled speech) must be:

- Factual and uncontroversial

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### COMPELLED SPEECH TEST

The required warning (compelled speech) must be:

- Factual and uncontroversial
- Reasonably related to a legitimate government interest.

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### MODEL LEGISLATION

**10 WAYS TO LIMIT SSBs IN YOUR COMMUNITY**

Our recommended 10 strategies to reduce SSB consumption and improve health in your community:

1. Limit Soda in Amusement Centers
2. Limit Soda in Government Property
3. Limit Soda in Neighborhoods
4. Restrict Sales of SSBs in 1 Year School Groups
5. Restrict Soda in Churches & Other Religious Assembly
6. Restrict Soda Marketing in Schools
7. Eliminate Soda from "VAC" Vendors
8. Limit SSB in Retailers
9. Tax Soda
10. Limit SSB in Public Sites

Locations: SCHOOL, FAST FOOD, MARKET

1 YOU'RE DRINKING 16 PACKS OF SUGAR IN THAT COLA

HEALTHY CHOICE

Charter Solutions | nplan

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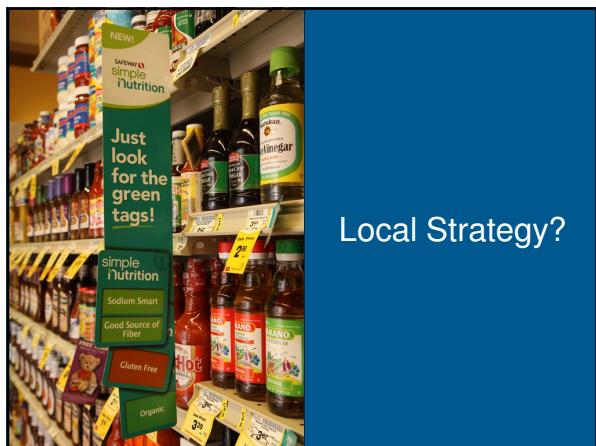
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**A NEED TO KNOW,  
A RIGHT TO KNOW**

**CA's Warning Label Legislation**  
Senate Bill 1000 (Monning)

**Harold Goldstein, DrPH**  
Executive Director  
California Center for Public Health Advocacy



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**Partners**

(CCPHA Staff)

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**Outline**

- **Label Language**

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**Outline**

- **Label Language**
- **Rationale**

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**Outline**

- Label Language
- Rationale
- Support and Opposition

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**Outline**

- Label Language
- Rationale
- Support and Opposition
- Accomplishments

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**Outline**

- Label Language
- Rationale
- Support and Opposition
- Accomplishments
- Next Steps

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**Value of Warning Labels**

- Laser guides attention to specific products based on science

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**Value of Warning Labels**

- Laser guides attention to specific products based on science
- Provides an authoritative statement

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**Value of Warning Labels**

- Laser guides attention to specific products based on science
- Provides an authoritative statement
- Educates consumers

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**Value of Warning Labels**

- Laser guides attention to specific products based on science
- Provides an authoritative statement
- Educates consumers
- Early strategy to change social norms

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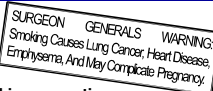
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**Effectiveness of Warning Labels: Evidence from Tobacco**

✓ Health warnings on the face of cigarette packages can **increase health knowledge, perceptions of risk, and can promote smoking cessation** by both youth and adults. (Hammond, 2011)



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**Effectiveness of Warning Labels:  
Evidence from Tobacco**

- ✓ Health warnings on the face of cigarette packages can **increase health knowledge, perceptions of risk, and can promote smoking cessation** by both youth and adults. (Hammond, 2011)
- ✓ Two-thirds of all smokers indicate that **the package is an important source of health information** and health knowledge is strongly associated with an intention to quit smoking. (Hammond, 2006)



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**Effectiveness of Warning Labels:  
Evidence from Tobacco**

- ✓ Health warnings on the face of cigarette packages can **increase health knowledge, perceptions of risk, and can promote smoking cessation** by both youth and adults. (Hammond, 2011)
- ✓ Two-thirds of all smokers indicate that **the package is an important source of health information** and health knowledge is strongly associated with an intention to quit smoking. (Hammond, 2006)
- ✓ In addition to conveying important health information, warning labels decrease the attractiveness and appeal of cigarettes and **help to create an environment where non-smoking is the norm**. (Campaign for Tobacco Free Kids)



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**Rationale**

- **This is about the uniquely harmful effects of liquid sugar (new information)**

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**Rationale:**  
Overwhelming Scientific Evidence of Harmful Effects of SSBs

**2 bottles of soda/day for just 2 weeks**  
↑ 20% increase in LDL cholesterol and triglycerides

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**2 bottles of soda/day for just 2 weeks**  
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**2 bottles of soda/day for 6 months**  
↑ Fat in the liver

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**Rationale:**  
Overwhelming Scientific Evidence of Harmful Effects of SSBs

**2 bottles of soda/day for just 2 weeks**  
↑ 20% increase in LDL cholesterol and triglycerides

**2 bottles of soda/day for 6 months**  
↑ Fat in the liver

*Human beings are not designed to consume liquid sugar*

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**Rationale**

- Uniquely harmful effects of liquid sugar (new information)
- **Transparency: Telling the truth and letting consumers decide**

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**Rationale:  
Transparency**

Factual information for consumers to use as they see fit when making purchases



**STATE OF CALIFORNIA SAFETY WARNING:**  
Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.

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**Rationale**

- Uniquely harmful effects of liquid sugar (new information)
- **Transparency: Telling the truth and letting consumers decide**
- **This is about diabetes!**

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### Economic Cost of Diabetes



- Diabetes rates have tripled in the last 30 years
- Diabetes is the primary driver of increased health care costs in the US

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### Adolescents with diabetes or pre-diabetes

**1999-2000: 9%**  
**2007-2008: 23%**

- ➔ 33% boys / 38% girls born in 2000
- ➔ 50% of African Am & Latino kids

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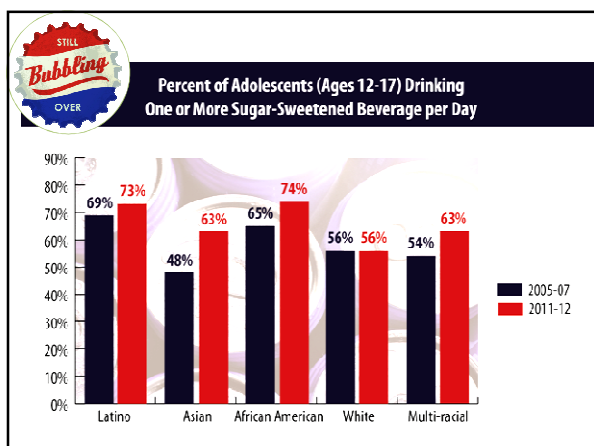
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**1 in 3** Diabetes Tied to a Third of California Hospital Stays, Driving Health Care Costs Higher 

Racial/Ethnic Group	% of patients with diabetes
White	27.5%
Latino	43.2%
Asian Am / Pacific Islander	38.7%
African American	39.3%
Am Indian & Alaska Native	40.3%

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African American	39.3%
Am Indian & Alaska Native	40.3%

**\$2,200 more per hospitalization**

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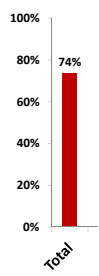
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**Voters Support Sugary Drink Warning Labels**  
Field Research Poll  
February 2014



Category	Percentage
Total	74%

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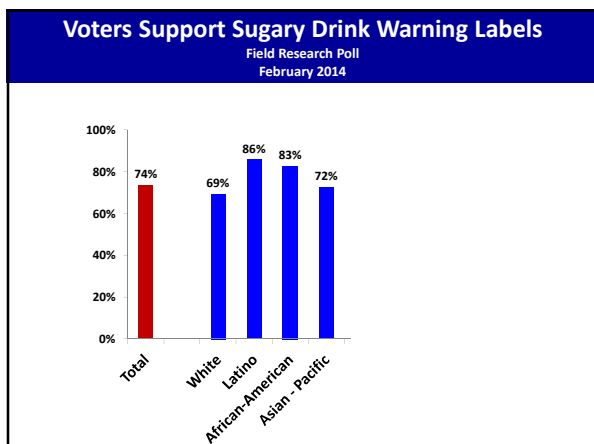
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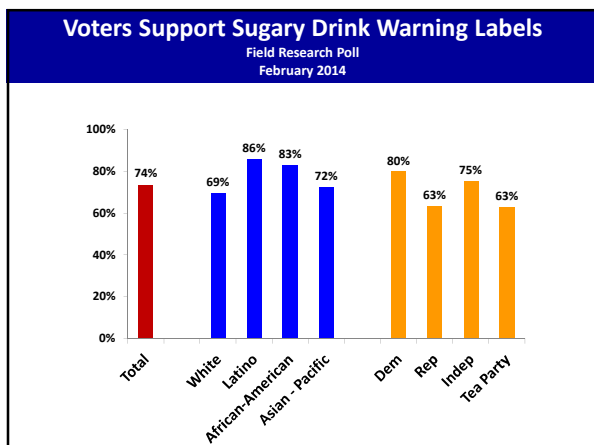
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## Editorial Support:

(when not tied to taxes)

**OPINION**

**Public needs warning on soda's threat to health**

LABELS ON SUGARY DRINKS WILL HELP, ESPECIALLY FOR TEENS

By THE EDITORIAL BOARD

The risks, by now, should be familiar. For years, sugary soft drinks have been linked with skyrocketing rates of obesity and related diseases.

Consider a regular 20-ounce bottle of soda, and you've just downed the highest exposure of 16 sugar packets. Make it a habit —

But that overexposure is getting the message: 50 percent of California teenagers still down one or more sugary drinks daily, for instance, and the report's biggest consumers of those beverages still are Latinos and African Americans.

News, consequently: Type 2 diabetes is now epidemic in black and Latino communities, and nearly 1 in 10 teenagers nationally...

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**SUPPORT:  
SB 1000 (Monning)**

Am Fed of State, County and Municipal Employees, AFL-CIO	CA Primary Care Association
American Academy of Pediatrics,	CA Rural Legal Assistance Fdn
American Cancer Society	CA State Alliance of YMCAs
American Heart Association	CA WIC Association
Blue Shield of CA	Cities of Berkeley, Carson, San Francisco, Santa Ana
CA Acad of Family Physicians	Counties of San Francisco, San Mateo, Santa Cruz
CA Acad of Physician Assistants	Dignity Health
CA Acad of Preventive Medicine	Dolores Huerta
CA Children's Hospitals Association	First 5 Association of CA
CA Chiropractic Association	NAACP
CA Dental Association	Santa Clara County
CA Dietetic Association	Greenlining Institute
CA Optometric Association	
CA Park and Recreation Society	

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**OPPOSITION:  
SB 1000 (Monning)**

**California Automatic Vendors Council**

**California Chamber of Commerce**

**California Grocers Association**

**California Nevada Soft Drink Association**

**California Retailers Association**

**California Restaurant Association**

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Mar 29, 2014



**1. It isn't fair to pick on beverages.**

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May 29, 2014



1. It isn't fair to pick on beverages.
2. Look at the long list of labeled beverages!

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May 29, 2014



1. It isn't fair to pick on beverages.
2. Look at the long list of labeled beverages!
3. It will cost jobs

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May 29, 2014



1. It isn't fair to pick on beverages.
2. Look at the long list of labeled beverages!
3. It will cost jobs
4. It won't effectively reduce obesity/diabetes

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May 29, 2014



1. It isn't fair to pick on beverages.
2. Look at the long list of labeled beverages!
3. It will cost jobs
4. It won't effectively reduce obesity/diabetes

"Putting government warning labels on more than 500 beverages will do nothing to . . . teach people about healthy lifestyles."

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**Timeline of Accomplishments**

- ✓ **Introduced** (February 13)
- ✓ **Senate Health, passed 5-2** (April 9)
- ✓ **Senate Appropriations, passed 5-2** (May 23)
- ✓ **Full Senate, passed: 41 votes** (May 29)

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May 29, 2014




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May 29, 2014



## Senate passes bill to put warnings on sugary drinks



State senators narrowly approved legislation Thursday requiring warning labels on drinks with added sugars, a move supporters hope will curb obesity and diabetes.

"This epidemic is not only damaging the public's health, it is costing all Californians," said Sen. Bill Monning, D-Carmel, who wrote Senate Bill 1000. "Sugar-sweetened beverages represent the single largest contributor to the diabetes epidemic."

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### Timeline

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- ✓ **Assembly Health, failed 7-8** (June 27)

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<b>Next Steps</b>

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<b>Next Steps</b>
<p>✓ <b>Continue Grassroots Organizing</b></p>

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<b>Next Steps</b>
<p>✓ <b>Continue Grassroots Organizing</b> ✓ <b>Expand Organizational Support</b></p>

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**Next Steps**

- ✓ Continue Grassroots Organizing
- ✓ Expand Organizational Support
- ✓ More Community Education

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**Next Steps**

- ✓ Continue Grassroots Organizing
- ✓ Expand Organizational Support
- ✓ More Community Education
- ✓ Reintroduce bill in 2015

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**LCHC**  
LATINO COALITION FOR A HEALTHY CALIFORNIA

**Type 2 Diabetes & Latinos  
SSB Warning Label**

Xavier Morales, Ph.D.  
September 24, 2014

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**Latino Coalition for a Healthy California**

- Founded in 1992
- 9 Regional Networks
- Leading voice for Latino health in California
- Collaborate across California
- Connecting Sacramento & the rest of California



LEGEND OF REGIONAL NETWORKS:  
SACRAMENTO REGIONAL NETWORK  
SAN DIEGO REGIONAL NETWORK  
IMPERIAL VALLEY REGIONAL NETWORK  
INLAND EMPIRE REGIONAL NETWORK  
CENTRAL VALLEY REGIONAL NETWORK  
BAY AREA REGIONAL NETWORK  
SOUTH BAY AREA REGIONAL NETWORK  
FRESNO NORTH REGIONAL NETWORK  
FRESNO SOUTH REGIONAL NETWORK  
SACRAMENTO REGIONAL NETWORK

LCHC

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**Policies to Shift  
Consumption to  
Healthier Options**

LCHC

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### SSB Warning Label



**STATE OF CALIFORNIA SAFETY WARNING:**  
Drinking beverages with added sugar(s)  
contributes to obesity, diabetes, and tooth  
decay.

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### Leading Cause of Deaths Among Latinos

**Among Latinos, heart disease, cancer, stroke, and diabetes account for over 51% of all deaths.**

Source: CDC Deaths: Leading Causes for 2010

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### Lifetime Risk of Developing Diabetes

**1 in 2, or more than 50% of Hispanic/Latino men and women will now develop diabetes in their lifetime!**

Source: CDC Diabetes Resources

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### National Cost of Type 2 Diabetes

**STOP DIABETES**  
A American Diabetes Association

**DID YOU KNOW?**

The economic cost of diagnosed diabetes in the United States is **\$245 BILLION** per year.



Source: American Diabetes Association

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### California Cost of Type 2 Diabetes

The economic cost of diagnosed diabetes in California, the state with the largest diabetic population, is **\$27.6 billion** per year.



Source: American Diabetes Association

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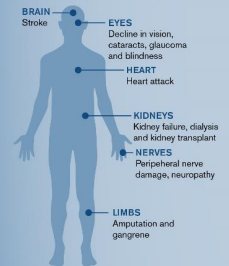
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### Consequences of Type 2 Diabetes

**PARTS OF THE BODY COMMONLY AFFECTED BY TYPE 2 DIABETES**



- Blindness
- Amputations
- Insulin shots dependence
- Kidney failure
- Nerve damage

Photo Credit: Houston Methodist Type 2 Diabetes Information

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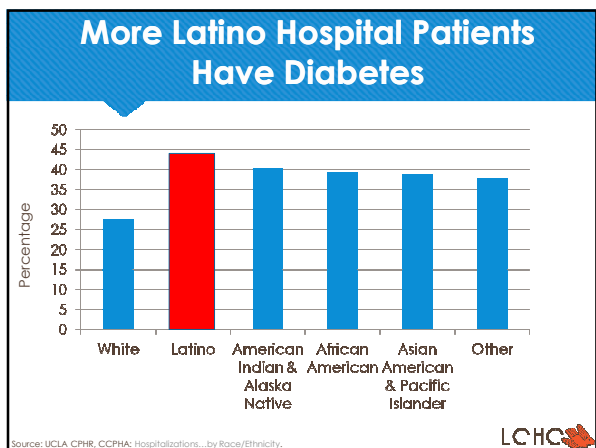
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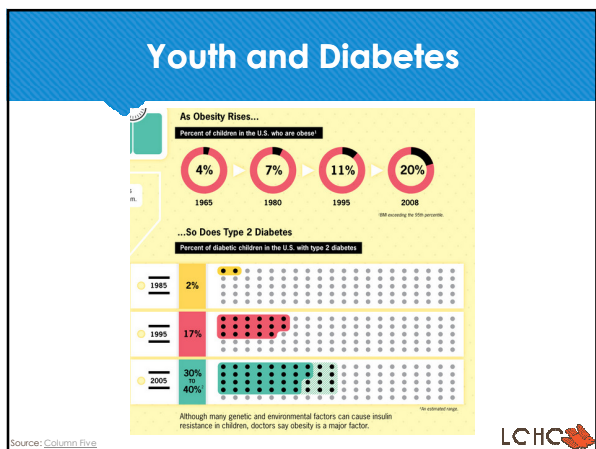
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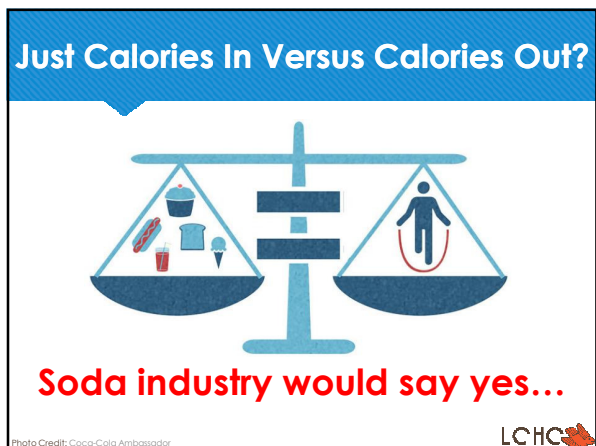
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### But What About Biology?

- The "thrifty gene" hypothesis & fat storage
- Latinos more insulin-resistant than non-Hispanic whites
- Tendency to develop abdominal obesity among Latinos, a determinant of insulin resistance



Source: Caballero, AE. Type 2 Diabetes in the Hispanic or Latino Population...  
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### Healthy vs. Fatty Liver



healthy liver

fatty liver

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### Healthy vs. Diseased Kidneys



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Source: The Visual MD  
LCHC

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**Why Focus on SSBs?**



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**Complex Roots of Diabetes**

- Aggressive Marketing of Unhealthy Products
- Availability of affordable healthy foods
- Parks & Recreational Space
- Safe Neighborhoods
- Hope & Efficacy
- Social Connectedness
- Access to Transportation
- Affordable & Safe Housing
- Community Infrastructure
- Economic Security
- Educational Equity
- Access to Health Care

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**Clear Link to Disease**



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**Latino youth are particularly vulnerable to food and beverage marketing because of their high levels of media exposure.**



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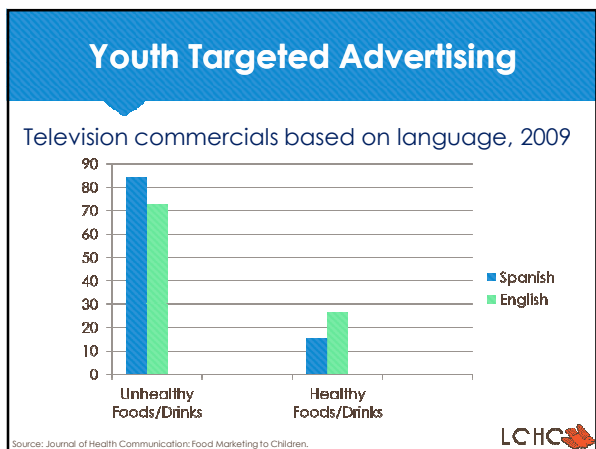
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### Marketing to Kids



The collage features three distinct advertisements: a Pitbull advertisement with a man holding a can and the text 'PASA UN RATO INOLVIDABLE CON PITBULL', a Powerade advertisement with polar bears and the text 'EL ÚLTIMO RECURSO NO ES UNA PATADA. SOY YO.', and another Powerade advertisement with a man holding a can and the text 'POWERADE CATINO'.



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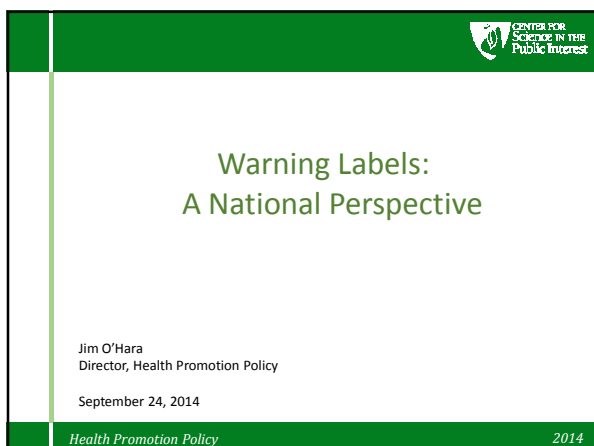
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**National** 

2005: CSPI Petition to FDA

- HFCS and other sweeteners: "food additives"
- Require health notices as condition of use
- Example: The U.S. Government recommends that you drink less (non-diet) soda to help prevent weight gain, tooth decay, and other health problems.

See: [http://www.cspinet.org/new/pdf/final\\_soda\\_petition.pdf](http://www.cspinet.org/new/pdf/final_soda_petition.pdf)

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**New York** 

IN ASSEMBLY

August 20, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Camara) --  
read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the agriculture and markets law, in relation to the labeling of sugar-sweetened beverages with warnings

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**Local Efforts?** 

**NOTICE**  
Employees must wash hands before returning to work



**hardonny 3.25**

**FOOD ALLERGEN WARNING:**

Always be aware that all of our products contain milk, tree nuts, peanuts, wheat, egg, honey, and/or soybeans. Allergies can be fatal. Reading your operator may cause allergic reactions. If you have an allergy, please consult your doctor. For more information, visit [www.allergen.com](http://www.allergen.com)

**-- We do NOT add gratuity or tips on large parties**

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**Evidence of effectiveness** 

**Alcohol and tobacco**

**GOVERNMENT WARNING:** (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery and may cause health problems.

**SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

**Considerations:**

- Package versus retail
- Awareness increase
- What behavior change

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**ChangeLab Solutions**

**We partner with state and local leaders to improve health in communities, especially the underserved.**

**We research legal and policy questions, draft policy language, and train community leaders to put these ideas to work.**



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**DISCLAIMER**

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

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**ChangeLabSolutions**

**THANK YOU!**

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