



2021

**VIRTUAL
PUBLIC HEALTH LAW
CONFERENCE**

**Building and Supporting
Healthy Communities
for All**

September 21-23

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Healthy Communities for All**

**Sep. 21-23, 2021
PHLC2021.org
#PHLC2021**

Health and Safety Warnings and the First Amendment

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September 23, 2021

PUBLIC HEALTH ADVOCATES

- **Founded in 1999** – California Center for Public Health Advocacy
- **California-based**
- **Equity-driven**, using data to guide system, policy and environmental change
- **Emphasizing Prevention**
 - Nutrition, Water, Sugary Drinks, Built Environment
 - Diabetes Prevention
 - Trauma



PUBLIC HEALTH
ADVOCATES



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SCHOOL FOOD ENVIRONMENT



- SB 1169 (McGuire 2016) set **nutrition standards** for foods served and sold in CA schools
 - SB 965 Soda ban and SB 12 Junk food ban (Escutia 2005)
 - AB 2084 Soda ban from childcare (Brownley 2010)
- AB 841 (Weber 2017) ensures marketing messages are **consistent** with health messages in school
 - Prevent “grooming”** of young customers in school

RETAIL FOOD ENVIRONMENT



- SB 1420 (Padilla 2008) Chain Restaurant **Menu Labeling**
- SB 1192 (Monning 2018) all restaurant **children's meals default drinks** are water/milk/non-dairy substitute

SAFE DRINKING WATER

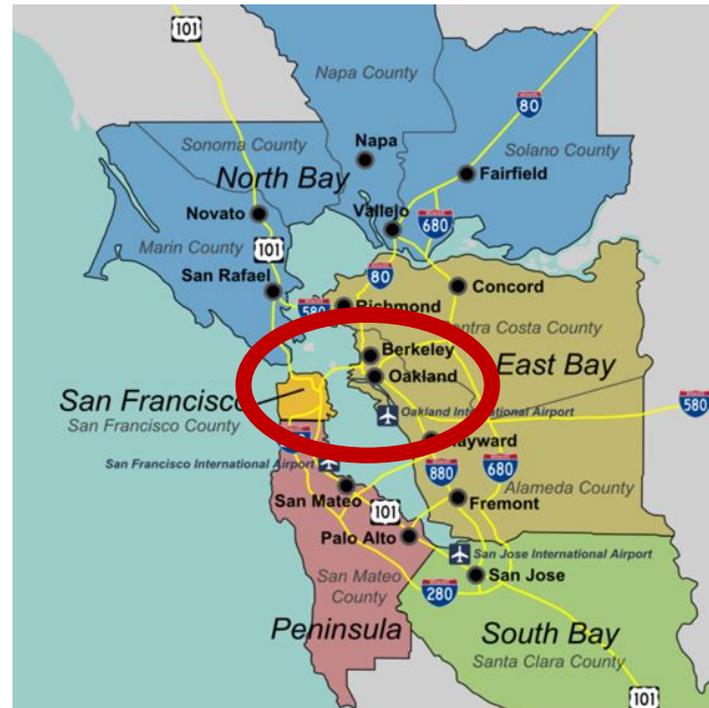


- Prop 68 (2018) \$4 Billion bond measure
 - \$725 million earmarked allocations for **park and green space** development “park poor” and **disadvantaged communities**
 - \$250 million for **clean drinking water** and testing
- SB 200 (Monning 2019)
 - \$130 million from Greenhouse Gas Fund to help water systems provide an **adequate and affordable** supply of safe **drinking water** to communities in need

SUGAR SWEETENED BEVERAGE TAX

Local policies to increase consumption of water and reduce consumption of sugar drinks

- Berkeley
- Oakland
- San Francisco
- Albany



CA FOR LESS SODA



Statewide Sales Tax Proposal

(2¢ per ounce tax = \$2B annually)

State level tax require 2/3 vote of legislature

	Year	Threshold	YES	No
San Francisco	2014	2/3	56%	44%
Berkeley	2014	50%	74%	26%

NEXT STEP IN THE MOVEMENT

“We should work together — government, industry, the public health community and others — to help educate people about moderating their calories from all sources and give them the options to do it.”

– California Government Affairs Representative,
American Beverage Association

SB 347: WARNING LABELS



SB 347 (Monning)

Require a safety warning label on drinks with:

- Added sugar
- More than 75 calories per 12 oz
- **Products to Label:** sodas, iced teas, energy drinks, sports drinks, and flavored waters



STATE OF CALIFORNIA SAFETY WARNING:

Drinking beverages with added sugar(s) may contribute to obesity, type 2 diabetes, and tooth decay.

DEVELOPING THE CAMPAIGN

- **Language**

- “May” Accurately reflect the strength of evidence
- “Contribute”
- “Type 2 Diabetes”
- Availability in Spanish

- **Label Size**

- Not overly burdensome (10% of space)

- **Icon**

- Recognition for low literacy and non-English speaking populations



STATE OF CALIFORNIA SAFETY WARNING:

Drinking beverages with added sugar(s) may contribute to obesity, type 2 diabetes, and tooth decay.

OPPOSITION ARGUMENTS

- Product selection is **arbitrary**
- Not factual and uncontroversial
- **No evidence** of behavior-change
- **Singling out** the beverage industry
- **Manufacturing burden** of a one-state mandate

YES on SB 347

SB 347 (Monning) would place a warning label on any sweetened non-alcoholic beverage that “has added caloric sweeteners and contains 75 calories or more per 12 fluid ounces.” Below are explanations (and corrections) of a few products that will and will not have a warning.

WARNING LABEL	VS	NO WARNING LABEL
 <p>COCONUT WATER Serving: 12 ounces Calories: 99 Sugars: <u>21 grams</u></p> <p>ADDED sugar, but product marketed as “water” to appear “natural”</p>	VS	 <p>PUMPKIN SPICE ESPRESSO DRINK Serving: 12 ounces Calories: 190 Sugars: 36 grams</p> <p>Incorrect: This product is not exempt and WILL have a warning label</p>
 <p>“natural” FRUIT JUICE DRINK Serving: 12 ounces Calories: 165 Sugars: <u>37.5 grams</u></p> <p>ADDED sugar NOT 100% fruit juice</p>	VS	 <p>100% APPLE JUICE Serving: 12 ounces Calories: 165 Sugars: 37.5 grams</p> <p>No ADDED sugar Same amount of sugar in 2 apples* (19g each)</p>
 <p>TROPICAL BLEND JUICE Serving: 12 ounces Calories: 130 Sugars: <u>31 grams</u></p> <p>ADDED sugar NOT 100% fruit juice</p>	VS	 <p>100% ORANGE JUICE Serving: 12 ounces Calories: 220 Sugars: 45 grams</p> <p>36 grams Incorrect sugar listed No ADDED sugar Same amount of sugar in 2 oranges* (18 g each)</p>

**USDA food guidelines recommend 2 – 4 servings of fruit (including 100% juice) per day.*