



2021

**VIRTUAL**  
**PUBLIC HEALTH LAW**  
**CONFERENCE**

**Building and Supporting  
Healthy Communities  
for All**

**September 21-23**

2021

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

# **Health and Safety Warnings and the First Amendment**

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# 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

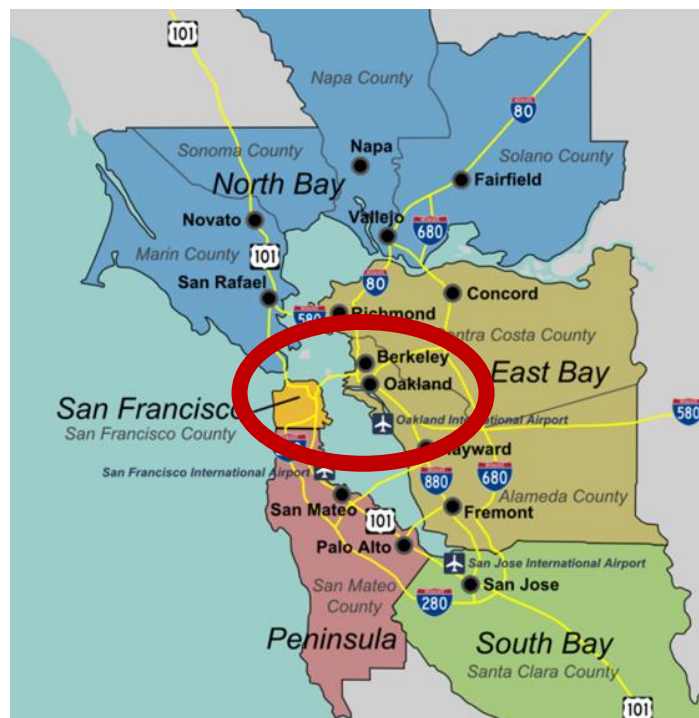


- Prop 68 (2018) \$4 Billion bond measure
  - \$725 million earmarked allocations for **park and green space** development “park poor” and **disadvantaged communities**
  - \$250 million for **clean drinking water** and testing
- SB 200 (Monning 2019)
  - \$130 million from Greenhouse Gas Fund to help 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		NO WARNING LABEL	
 <p><b>COCONUT WATER</b></p> <p>Serving: 12 ounces Calories: 90 Sugars: 21 grams</p> <p><b>ADDED sugar, but product marketed as “water” to appear “natural”</b></p>	VS	 <p><b>PUMPKIN SPICE ESPRESSO DRINK</b></p> <p>Serving: 12 ounces Calories: 130 Sugars: 36 grams</p> <p><b>Incorrect: This product is not exempt and WILL have a warning label</b></p>	
 <p><b>FRUIT JUICE DRINK</b></p> <p>Serving: 12 ounces Calories: 165 Sugars: 37.5 grams</p> <p><b>ADDED sugar NOT 100% fruit juice</b></p>	VS	 <p><b>100% APPLE JUICE</b></p> <p>Serving: 12 ounces Calories: 165 Sugars: 37.5 grams</p> <p><b>No ADDED sugar Same amount of sugar in 2 apples* (19g each)</b></p>	
 <p><b>TROPICAL BLEND JUICE</b></p> <p>Serving: 12 ounces Calories: 130 Sugars: 31 grams</p> <p><b>ADDED sugar NOT 100% fruit juice</b></p>	VS	 <p><b>100% ORANGE JUICE</b></p> <p>Serving: 12 ounces Calories: 220 Sugars: 45 grams</p> <p><b>Incorrect sugar listed No ADDED sugar Same amount of sugar in 2 oranges* (18 g each)</b></p>	

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