

Museum of Food and Drink (MOFAD) Roundtable on Soda Regulation: Notes

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Opening Remarks: Nicholas Freudenberg, NYC Food Policy Center Co-Director and Professor at the CUNY School of Public Health

- Tonight is an opportunity to open up dialog and debate that will lead us to better policy.
- Which questions in the debate require more scientific evidence? There is considerable evidence demonstrating the potential negative effects of excessive soda consumption.
 - From 1989 to 2008, calories from sugary drinks increased 60% in children.
 - About 25% of Americans consume at least 200 calories from sugary beverages each day.
 - Those who consume 1-2 cans of soda per day are 26% more likely to develop Type II Diabetes.
- Given the evidence, those who oppose policies to reduce sugary beverages are, in a way, contributing to premature death and preventable illness.
- So what strategies work best to reduce sugary beverage consumption? There are many options. A scientific approach to this issue is needed to decide which is or which are best. Potential strategies include:
 - A sugary beverage tax - but what type of tax? How should it be collected? What kind of beverages will be taxed?
 - Limiting marketing of sugary beverages, especially to children
 - Reduce availability by removing vending machines or improving the beverages offered
 - Upstream approaches
 - Countermarketing, like the Truth tobacco campaign
 - More education
- What is the role of moral values in creating policy?
 - Public health strategy should be informed by cautionary perspective
 - There is ongoing discussion of potential infringements on personal freedoms – “Nanny Bloomberg” vs. “Nanny Coca-Cola”
- What do we want from our government?
- What is the role of politics, power dynamics and democracy?

Brief Panelist Remarks

Justin Wilson, Senior Research Analyst at the Center for Consumer Freedom

- Public health is moving towards protecting us from ourselves, instead of protecting us from the unknown (its previously role).
- It is important to ask “What is the proper role of public health agencies in the U.S.?”
- What is private health and what is public health, and where do we draw the line?

Park Wilde, Associate Professor at the Tufts University Friedman School of Nutrition Science and Policy

- We need to identify the least burdensome policy for both individual and corporate entities.
- A lesser burden, though, sometimes involves “hard tradeoffs.”
- We must choose policy options that reasonable people can agree on.

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- Does not disagree with soda size regulation because they reflect a sense of balance, not a nanny state.

Joel Berg, Executive Director of the New York City Coalition Against Hunger (NYCCA)

- NYCCA does not have a stance on soda regulations, but NYCCA does strongly oppose restrictions on SNAP.
- We should not focus on one product – because the most important point is that so many factors affect obesity.
 - We need, instead, a complex, multi-faceted approach.
 - We cannot identify one corporate evil – it is a distraction.

Lisa Young, Nutritionist and Portion Size Researcher

- Portion sizes have increased in parallel with obesity rates.
- McDonald's, when it first opened, only offered 7oz sodas, but now even the "kiddie size" is bigger than this.
- Large portions encourage us to eat more and we underestimate what we eat when the portion size is large
- We need to create an environment to promote healthy choices, and healthy choices must be the easiest choices.

MOFAD Questions for the Panelists

Is soda regulation a step towards prohibition?

- **Lisa Young:** The regulation is neither a prohibition, nor a ban on consumption. It is more of a marketing technique – more than 16oz of a sugary beverage should NOT be marketed for one person.
- **Joel Berg:** Alcohol consumption actually increased during prohibition. Like the study demonstrated that when treats were banned in a household, obesity actually increased.
- **Park Wilde:** Doesn't buy the analogy between soda regulation and prohibition - this is a reasonable public health measure that does not limit choice.
- **Justin Wilson:** A recent study demonstrated those who ate at Subway ate more calories a day than those who ate at McDonald's because they "allowed" themselves more "treats," because of their judicious dietary choice.
 - Policies that close doors open windows.

What role does labeling play?

- **JW:** Does not know how to make labels more clear – people just have to look at them. It's about personal responsibility.
- **JB (to JW):** Nutrition labels are not clear - you are pushing personal responsibility but the labels are not clear.
- **LY:** There should be clearer labels for single servings – for example, an iced tea marketed as a single serving (100 calories) actually contains three servings.
- **PW:** Improving labeling is the "easier" policy because it is more deferential of people's choices - but is labeling enough?

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So, let's talk about choices.

- **JW:** Maybe we are all not here to live as long as possible, which is the government's view when it comes to these kinds of regulations. There must be an element of enjoyment.
- **PW:** There is, hypothetically, the right of people to gain weight as much as they want. Though people are not very defensive about this right.
- **LY:** What we do in private has public implications – look at obesity costs. Choice now is not even really choice – you only have “big, bigger or biggest.”
- **JW:** There is something about weight- people who are largely not overweight (lawmakers) can infringe upon those who are. ALL private behavior can cost the public.
- **JB:** Enjoying soda is not because people have been brainwashed by corporations necessarily – there *is* an element of pleasure. But many types of pleasurable foods have more calories, and you can't pick on one. We have to deal with the human element of this issue, and depoliticize issues on both sides of the argument.
- **PW:** Agreed – a balanced bundle of policies makes sense. For example, corn subsidies. These may be big part of how cheap soda is. But don't put all your (policy) eggs in that basket.
- **LY:** The current situation is lose-lose - bigger portions either mean people finish it or they waste it.

Is this a conscious choice? Do people know about the calories in soda?

- **JW:** It is insulating to say that people don't understand this. Plus, soda is only 7% of our caloric intake.
- **LY:** But the percent of daily calories from soda is higher now than in the 70s.
- **JW:** Again it's about personal responsibility. But these policies that claim that no one can lose weight in a certain environment send the message that personal responsibility failed.
- **JB:** We have oversimplified the interaction between personal responsibility and environment. We have obscured the fact that the problem is beyond what the individual can (or claims they can) choose.
- **LY:** There needs to be an environment that helps people eat healthily. Our government needs to step in where optional/voluntary interventions have not worked. When you give people bigger sizes even after education on portion sizes, they will eat the bigger size still - education is not enough.

Why is soda a suitable target to test out this type of regulation?

- **PW:** What makes soda different? It is a newer product to humans and humans process liquids differently than food. If you were to make a list of the caloric “bad guys,” soda would be up there.

Do you feel that this kind of regulation is paternalistic?

- **JB:** This policy was a distraction. And if corporations want fewer regulations they should exercise their free choice to do the right thing.
- **JW:** Corporations sometimes do. For example, salads are not very profitable at fast food restaurants but they keep them on the menu. We can let people choose for themselves because there are healthy options.

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- **LY:** But are those salads accessible to everyone, given their higher price compared to healthier menu items? Price structure can favor unhealthy choices – for example, you pay an extra 25 or 50 cents to get significantly more. Additionally, smaller sizes mean more money per ounce.

Panelist Recommendations for Future Steps

- **LY:** Education alone will not suffice – we must combine it with changes to portion size.
- **JB:** Start with reducing poverty and hunger – this should take priority over obesity.
- **PW:** This regulation was never a ban, but point of sale regulation that is reasonable. We need to identify the best bundle of reasonable policies to make the most impact.
- **JW:** There are “carrots” and “sticks” to lose weight. There are ways government can create policies that do not bring about negative outcomes (i.e. “carrots”).

Questions from the Audience

Is a tax better than a reduction in portion size?

- **PW:** Taxes should not be the only policy. And what we need to do is reconsider what society thinks is normal. That said, a 10% increase tax generally leads to a 12% reduction in consumption.
- **JW:** Taxing soda is a function of the economic downturn- sin taxes ok now because of the state of the economy. The city will become addicted to the revenue of a soda tax.
- **JB:** Look on a case by case basis at other utilizations of this kind of tax and see what works.

How does this soda debate affect policy?

- **LY:** We need to make healthy food affordable and available. Let’s use tax dollars to subsidize healthy food in poor neighborhoods. Look at the NYC Green Carts initiative and Health Bucks - these increase consumer choice and help reducing obesity.

Why has soda ban created so much controversy?

- **JW:** Because it has implications for consumer choice, unlike the menu labeling regulations or the trans-fat ban.
- **JB:** Because it affected everyone and not just poor people. A marginal restriction on everyone is not ok, but restricting ANYONE on SNAP from buying soda is ok.