



R-21

Date: September 16, 2008
To: Honorable Mayor and City Council
From: Councilmember Patrick O'Donnell, Chair, State Legislation Committee
Subject: **SUPPORT FOR ASSEMBLY BILL AB 1420 (Padilla Bill)**

The State Legislation Committee, at its meeting held August 19, 2008 considered communications relative to the above subject.

It is the recommendation of the State Legislation Committee to the City Council that they support Assembly Bill 1420 (Padilla Bill) as amended by Senator Padilla.

Respectfully submitted,

STATE LEGISLATION COMMITTEE

A handwritten signature in cursive script, reading "Patrick O'Donnell".

Councilmember Patrick O'Donnell, Chair

Prepared by:
Dina Lopez

AMENDED IN SENATE MAY 13, 2008

SENATE BILL

No. 1420

Introduced by Senators Padilla and Migden
(Principal coauthor: Assembly Member DeSaulnier)
(Coauthors: *Senators Alquist, Cedillo, and Romero*)

February 21, 2008

An act to add Section 114094 to the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as amended, Padilla. Food facilities: nutritional information. The California ~~Uniform Retail Food Facilities Law (CURFFL)~~ Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing ~~CURFFL~~ *this code*. A violation of any of these provisions is punishable as a misdemeanor.

This bill would require each food facility in the state that meets specified criteria to provide nutritional information that includes, per standard menu item, the total number of calories, *grams of carbohydrates*, grams of saturated fat, grams of trans fat, and milligrams of sodium. It would also require the menu boards to include the total number of calories *for each listed item*. The bill would provide that, on and after July 1, 2009, a food facility that violates the provisions of the bill is guilty of an infraction, and would specifically provide that a violation of these provisions is not a misdemeanor. By creating an infraction and adding a new local enforcement duty, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:
- 3 ~~(a) Research continues to reveal the strong link between diet~~
4 ~~and health, and that diet-related diseases start early in life.~~
- 5 *(a) Over the past two decades, there has been a significant*
6 *increase in the number of meals prepared or eaten outside the*
7 *home, with an estimated one-third of calories being consumed in,*
8 *and almost one-half of total food dollars being spent on, food*
9 *purchased from or eaten at restaurants and other food facilities.*
- 10 (b) Increased caloric intake is a key factor contributing to the
11 alarming increase in obesity in the United States. According to the
12 Centers for Disease Control and Prevention, two-thirds of
13 American adults are overweight or obese, and the rates of obesity
14 have tripled in children and teens since 1980.
- 15 (c) Obesity increases the risk of diabetes, heart disease, stroke,
16 some cancers, and other health problems.
- 17 ~~(d) Basic nutritional information is extremely important to~~
18 ~~consumers who are dealing with chronic diseases like~~
19 ~~cardiovascular disease and diabetes.~~
- 20 ~~(e) Over the past two decades, there has been a significant~~
21 ~~increase in the number of meals prepared or eaten outside the~~
22 ~~home, with an estimated one-third of calories and almost one-half~~
23 ~~(46 percent) of total food dollars being spent on food purchased~~
24 ~~from or eaten at restaurants and other food facilities.~~
- 25 *(d) Broader availability of nutrition information regarding foods*
26 *served at restaurants and other food service establishments would*

1 *allow customers to make more informed decisions about the food*
2 *they purchase.*

3 ~~(f)~~

4 (e) Three-quarters of American adults report using food labels
5 on packaged foods, which are required by the federal Nutrition
6 Labeling and Education Act of 1990.

7 (f) *Availability of nutrition information regarding restaurant*
8 *food assists consumers who are monitoring their diets or dealing*
9 *with chronic diseases' such as cardiovascular disease and diabetes.*

10 (g) Consumers should be provided with point of purchase access
11 to nutritional information when eating out in order to make
12 informed decisions involving their health and diet.

13 (h) It is the intent of the Legislature to provide consumers with
14 better access to nutritional information about prepared foods sold
15 at food facilities so that consumers can understand the nutritional
16 value of available foods.

17 SEC. 2. Section 114094 is added to the Health and Safety Code,
18 to read:

19 114094. (a) Each food facility in this state that operates under
20 common ownership or control with at least 14 other food facilities
21 with the same name in the state that offer for sale substantially the
22 same menu items, or operates as a franchised outlet of a parent
23 company with at least 14 other franchised outlets with the same
24 name in the state that offer for sale substantially the same menu
25 items, shall make nutritional information available to consumers
26 for all standard menu items. This information shall include, but
27 not be limited to, all of the following, per standard menu item, as
28 usually prepared and offered for sale:

- 29 (1) Total number of calories.
- 30 (2) Total number of grams of saturated fat.
- 31 (3) Total number of grams of trans fat.
- 32 (4) Total number of *grams of* carbohydrates.
- 33 (5) Total number of milligrams of sodium.

34 ~~(b) Each food facility described in subdivision (a) that uses a~~
35 ~~standard menu shall provide the nutritional information next to~~

36 (b) *The nutrition information required in subdivision (a) shall*
37 *be provided next to each item on the menu in a size and typeface*
38 *that is clear and conspicuous. A page of the menu shall include,*
39 *in a clear and conspicuous manner, the following statement:*
40 *“Recommended limits for a 2,000 calorie daily diet are 20 grams*

1 of saturated fat and 2,300 milligrams of sodium.” If the food
2 facility also uses a menu board, the food facility may limit the
3 nutritional information listed on the menu board to the total number
4 of calories per item in a size and typeface that is clear and
5 conspicuous.

6 (c) Each food facility described in subdivision (a) that uses only
7 a menu board shall provide on the menu board the total number
8 of calories per item in a size and typeface that is clear and
9 conspicuous. This type of food facility shall, upon request, make
10 the other nutritional information described in subdivision (a)
11 available to consumers in writing at the point of sale.

12 (d) Menus and menu boards may include a disclaimer that
13 indicates that there may be minimal variations in nutritional content
14 across servings, based on slight variations in overall size and
15 quantities of ingredients, and based on special ordering.

16 (e) The nutritional information required by this section shall be
17 ~~based upon a verifiable analysis of the menu item, which may~~
18 ~~include the use of nutrient databases, laboratory testing, or other~~
19 ~~reliable methods of analysis.~~ *determined on a reasonable basis.*
20 *For purposes of this section, “reasonable basis” means any*
21 *reasonable means of determining nutrition information for a*
22 *standard menu item, as recognized by the federal Food and Drug*
23 *Administration, including, but not limited to, nutrient databases*
24 *and laboratory analyses. A reasonable basis determination of*
25 *nutrition information shall be required only once per standard*
26 *menu item, provided that portion size is reasonably consistent and*
27 *the covered food facility follows a standardized recipe and trains*
28 *to a consistent method of preparation.*

29 (f) Notwithstanding Section 113789, for purposes of this section,
30 food facility does not include any of the following:

31 (1) Certified farmers’ markets.

32 (2) Commissaries.

33 (3) *Grocery stores, except for separately owned food facilities*
34 *to which this section otherwise applies that are located in the*
35 *grocery store. For purposes of this paragraph, “grocery store”*
36 *means a store primarily engaged in the retail sale of canned food,*
37 *dry goods, fresh fruits and vegetables, and fresh meats, fish, and*
38 *poultry. “Grocery store” includes convenience stores.*

39 ~~(3)~~

40 (4) Licensed health care facilities.

- 1 ~~(4)~~
- 2 (5) Mobile support units.
- 3 ~~(5)~~
- 4 (6) Public and private school cafeterias.
- 5 ~~(6)~~
- 6 (7) Restricted food service facilities.
- 7 ~~(7)~~
- 8 (8) Temporary food facilities.
- 9 ~~(8)~~
- 10 (9) Vending machines.
- 11 ~~(9) Grocery stores, except for separately owned food facilities~~
- 12 ~~to which this section otherwise applies that are located in the~~
- 13 ~~grocery store. For purposes of this paragraph, "grocery store"~~
- 14 ~~means a store primarily engaged in the retail sale of canned foods,~~
- 15 ~~dry goods, fresh fruits and vegetables, and fresh and prepared~~
- 16 ~~meats, fish, and poultry, and includes convenience stores.~~
- 17 (g) For purposes of this section, a standard menu item does not
- 18 include food items that are on the menu for less than six months,
- 19 condiments, other items placed on the table or counter for general
- 20 use without charge and, alcoholic beverages, or packaged foods
- 21 otherwise subject to the nutrition labeling requirements of the
- 22 federal Nutrition Labeling and Education Act of 1990.
- 23 (h) Commencing July 1, 2009, a food facility that violates this
- 24 section is guilty of an infraction, punishable by a fine of not less
- 25 than fifty dollars (\$50) or more than five hundred dollars (\$500),
- 26 which may be assessed by a local enforcement agency. However,
- 27 a food facility may not be found to violate this section more than
- 28 once during an inspection visit. Notwithstanding Section ~~113395~~
- 29 ~~114395~~, a violation of this section is not a misdemeanor.
- 30 (i) *If any provision of this section, or the application thereof, is*
- 31 ~~for any reason held invalid, ineffective, or unconstitutional by a~~
- 32 ~~court of competent jurisdiction, the remainder of this section, shall~~
- 33 ~~not be affected thereby, and to this end, the provisions of this~~
- 34 ~~section are severable.~~
- 35 SEC. 3. No reimbursement is required by this act pursuant to
- 36 Section 6 of Article XIII B of the California Constitution for certain
- 37 costs that may be incurred by a local agency or school district
- 38 because, in that regard, this act creates a new crime or infraction,
- 39 eliminates a crime or infraction, or changes the penalty for a crime
- 40 or infraction, within the meaning of Section 17556 of the

1 Government Code, or changes the definition of a crime within the
2 meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 However, if the Commission on State Mandates determines that
5 this act contains other costs mandated by the state, reimbursement
6 to local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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Menu Labeling Information

AB 1420 (Padilla Bill) Summary

AB1420 Support List

LA Times Editorial

LA County Resolution to Develop Menu
Labeling Ordinance

Further information

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SB 1420 (Padilla)

Food Facilities: Nutritional Information

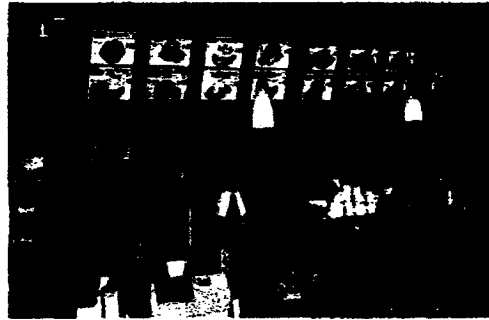


Nutritional Information: Standard Menus and Menu Boards

Each food facility that shares a trade name with at least fourteen (14) other facilities in the state must make available to consumers nutrition information for all standard menu items. Requirements DO NOT apply to "mom & pop" restaurants.

Each menu must include the following:

- Total number of calories
- Total number of grams of saturated fat
- Total number of grams of trans fat
- Total number of carbohydrates
- Total number of milligrams of sodium



Each menu board must include the following:

- Total number of calories
- Other nutrition information must be provided in writing upon request at the point of purchase.



Disclaimer

Menus and menu boards may include a disclaimer indicating that minimal variations in nutritional content across servings may occur due to slight differences in size and quantities of ingredients and special menu orders.



Waiver

Nutritional information requirements do not apply to:

- Items that have been on the menu less than 6 months
- Condiments or other items placed on the table or counter for general use that are free of charge
- Alcoholic beverages

These requirements do not apply to the following types of facilities:

- Certified Farmers markets; commissaries; licensed health care facilities; mobile support units; public and private school cafeterias; restricted food service facilities; temporary food facilities; vending machines.



Implementation Date

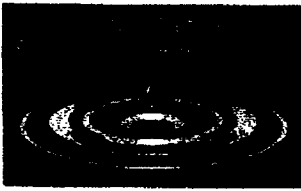
Local enforcement entities have the ability to levy infractions as of July 1, 2009.



Support—Partial List

American Heart Association
California Center for Public Health Advocacy
California State PTA

American Cancer Society
California Optometric Association
California Medical Association



SB 1420 (PADILLA/MIGDEN): ORGANIZATIONS IN SUPPORT

Co-sponsors:

American Cancer Society
American Heart Association
California Center for Public Health Advocacy
California Optometric Association
Alameda County Board of Supervisors
Aliso Viejo, City of
American Academy of Pediatrics (CA)
American Cancer Society
American Diabetes Association
AFSCME
American Heart Association
Baldwin Park, City of
Berkeley City Council
CA Adolescent Nutrition and Fitness Program
CA Association for Health, Physical Education, Recreation and Dance
CA Black Health Network, Inc.
CA Center for Public Health Advocacy
CA Chapter of the American College of Cardiology
CA Chiropractic Association
CA Food Policy Advocates
CA Medical Association
CA Nurses Association
CA Optometric Association
CA Pan-Ethnic Health Network
CA State PTA
CA WIC Association
Catholic Healthcare West
Congress of CA Seniors
Consumer Federation of CA
Consumers Union
Council President Scott H. Peters, City of San Diego
El Dorado County Board of Supervisors
First 5 Santa Clara County
Gray Panthers
Health Officers Association of CA
Latino Coalition for a Healthy CA
Latino Diabetes Association
LA Health Action
Los Angeles County Board of Supervisors
Lucile Packard Children's Hospital of Stanford
Marin County Board of Supervisors
Mission Community Hospital
PolicyLink
Prevention Institute
Roll International Corporation
Rohnert Park, City of
Santa Clara County Board of Supervisors
San Francisco, City and County, Mayor Newsom
Selma, City of
St. Joseph Health System
Stanford Hospital and Clinics
Stanford School of Medicine
State Building and Construction Trades Council of CA
Strategic Alliance
Supervisor Sauld Carbajal, County of Santa Barbara
Yucaipa, City of

Calorie counts on fast food menus? California law would require it

Advocates say SB 1420 would help fast-food eaters make slimmer choices. Others doubt the information will have an effect.

By Karen Ravn
Special to The Times

August 18, 2008

No one's looking to make you go on a diet. But there's a law in the works in Sacramento that might -- just might -- help you lose weight -- or so says a study released Thursday.

The proposed law, SB 1420, which the state Senate has passed and the Assembly will consider soon, would require chain restaurants with 15 or more outlets in California to list the calorie content for each item on their menus and menu boards. (The menus would also include other nutritional information, such as grams of fat and carbohydrates.)

Advocates believe such a "menu-labeling law" could help to halt, or at least slow, the trend that has led to 3 out of 5 Californians being overweight or obese. The new study -- by the Dr. Robert C. and Veronica Atkins Center for Weight and Health at UC Berkeley -- is the latest evidence suggesting they may be right.

By the researchers' calculations, if the law were in effect, adult fast-food customers might, on average, end up weighing nearly 3 pounds less after a year, thanks to having eaten 9,300 fewer calories.

Even if only 80% of the customers see the calorie information, "That adds up to 40 million pounds in the state of California," says Dr. Harold Goldstein, executive director of the California Center for Public Health Advocacy in Davis, which published the study on its website.

Other health experts are less sure what the law would do to Californians' waistlines. On the one hand, they say, a hefty number of studies augur well for the law's success: studies that show just how much fast food people eat, and studies that show how badly people -- even nutrition mavens -- underestimate calorie content when left to do the math themselves.

"People are notoriously inaccurate," says Kelly Brownell, director of the Rudd Center for Food Policy and Obesity at Yale University in New Haven.

Still, there's no definitive proof that the law will make people cut calories -- the kind of proof that could only come from a controlled study of what happens after a law of this sort goes into effect.

"The law is a reasonable thing to try," says James O. Hill, director of the Center for Human Nutrition at the University of Colorado. "You could argue that this is just what people are needing, that when they have this information, they'll make all the right choices. Or you could argue that people already know they're doing the wrong things, but they do them anyway."

Where's the data saying it might work? Anecdotal evidence gleaned from New York City, where a similar law has been in effect for about a month, is pretty dramatic, says Amanda Bloom, policy director at the California Center for Public Health Advocacy. "Diners are shocked at what they're seeing. And restaurants say they're selling out of their lowest caloric choices when they never were before."

Last year, before that law was in force, researchers analyzed the purchasing patterns of more than 7,000 customers at 11 fast-food chains in New York City for a study appearing this month in the *American Journal of Public Health*.

Then, only one of the 11 chains offered calorie-content information in a way that customers could easily see and use it. That was Subway, which provided the information on the splash guard between customers and the ingredients that go into their sandwiches -- so they could refer to it when they placed their orders.

(Calorie information at other chains was provided in less in-your-face locations such as in brochures or on websites.)

When surveyed, 32% of Subway's customers said they saw calorie information, and of those, 37% said the information affected their orders.

That means about 12% of all Subway customers said the information affected their orders.

Researchers compared the average calorie content in meals ordered by Subway customers who said they saw calorie information with customers who didn't, and found that those who said they saw the information ordered meals consisting of 714 calories, on average, versus 766 for those who said they didn't see it -- 52 fewer calories, or about a 7% reduction.

Then the researchers looked closer at the juicy details, finding that customers who saw calorie information and said it affected them ordered meals containing 647 calories, versus 746 for customers who saw the information and said it didn't affect them; in other words, they bought meals with 99 fewer calories, on average – a 13% reduction.

Statistically speaking, the difference between those who saw information but ignored it and those who didn't see it at all is too small to count. Essentially, those who said it didn't affect them ordered like customers who didn't see the information.

Researchers conducting the just-released California study used the New York City results to project how many calories citizens here might avoid eating annually if the menu-labeling law gets passed.

To do that, they needed to know how often people eat at fast-food restaurants.

Lots of customers

Turns out, if you haven't been to a fast-food restaurant lately, you're an exceptional human being, or an exceptional Californian at any rate. A consumer survey last year found that 4 out of 5 adults in the state's largest market areas (Los Angeles, Fresno, Sacramento, San Diego and San Francisco) made fast-food purchases at least once a month, and on average 3.44 times a week, or just about once every two days.

Using those numbers, the researchers used a simple formula to calculate how many calories an average fast-food eater might not eat if the proposed law is passed: (52 calories saved per visit) x (3.44 visits per week) x (52 weeks in the year), which comes out to about 9,300 calories per year.

Because consuming 3,500 excess calories translates to 1 pound of weight gain, cutting out 9,300 calories would make a person's weight about 2.7 pounds less at the end of a year than it would be otherwise.

That might not sound like a lot, Bloom says. "But from a public health perspective, we just need a good number of people making small changes." After all, 2.7 pounds multiplied by millions of people starts to add up.

The calculation above assumes that the person would see the calorie information. It also assumes that restaurants won't make any changes to items on their menus – although it seems likely that they will, says Margo Wootan, director of nutrition policy at the Center for Science in the Public Interest.

If so, the law's slimming effects could be even greater.

Legislation has been the mother of product reformulation before, for instance, when trans-fat labeling was required on food packages.

"There's been a 50% decrease in the amount of partially hydrogenated oil used in North America," Wootan says. "We hope and expect that chain restaurants will reformulate their offerings to reduce calories or offer half-portions or whatever."

But there are still open questions.

For example, who's to say that people won't make up for the calories they don't eat at fast-food restaurants by eating more later?

And who knows if 37% of people who see the calorie information will make different choices because of it, as did the Subway customers in the New York study?

There is some evidence that this figure may be high.

A number of studies have shown that typically only 15% to 20% of people pay attention to labels.

Consumer rights

But Yale's Brownell thinks the law would still be a plus. Even if calorie information doesn't make any difference, he says, "there's still the issue of the consumer's right to know."

In 2007, the Field Research Corp., which does marketing and public opinion research, polled 523 registered voters and reported that 84% of Californians say they want to know about calories and other nutritional content in restaurant food.

And whatever they do with that information if they get it, says Michael Jacobson, executive director of the Center for Science in the Public Interest, "I don't think they're going to be eating more food."

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND
MICHAEL ANTONOVICH

AUGUST 12, 2008

Between 1997 and 2005, the obesity rate among adults in Los Angeles County increased by nearly 50%. The most recent *Key Indicators of Health* report by the Los Angeles County Department of Public Health has found that among 5th, 7th, and 9th graders attending public schools in the county, nearly one in four were obese. Adults who are obese are at increased risk for a host of chronic diseases, including heart disease, stroke, type 2 diabetes, and cancer. Children who are obese are more likely to be obese as adults, and are also at increased risk for developing hypertension, high blood cholesterol levels, and type 2 diabetes during childhood and as adults.

Over the past several decades, the trajectory of the obesity epidemic has been mirrored by the growth in consumption of restaurant meals. During this period, so-called "super-sizing" of food and beverage portions at restaurants has become widespread, particularly at fast food and other large restaurant franchises. Frequent consumption of meals at fast food restaurants has been associated with excess weight gain in both children and adults. Researchers for the 2005 Los Angeles County Health Survey found that one in four children aged 2-17 had eaten fast food in the preceding 24 hours.

MOTION

MOLINA _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

BURKE _____

Studies have shown that most people, including nutritionists, greatly underestimate the caloric content of restaurant menu items. While calorie and other nutrition information is required to be posted on packaged food products, such information is rarely available at the point of purchase in restaurants. A recent study by the Los Angeles County Department of Public Health indicates that mandated posting of calorie information on menus and menu boards at fast food and other franchise restaurants is an important strategy for combating the obesity epidemic. The study has found that if just 10% of restaurant patrons ordered reduced calorie meals (with an average reduction of 100 calories per meal) as a result of calorie information provided on menus, it would result in a 39% decrease in weight gain among County residents. An even larger impact would be realized with public education efforts to increase the percentage of restaurant patrons who order reduced calorie meals.

Menu labeling shows great promise as an alternative strategy for reducing the obesity rate as well as the financial and human costs associated with diet-related disease. For this reason, several jurisdictions including New York City, King County of Washington, the City and County of San Francisco, and Santa Clara County have adopted menu labeling ordinances. Pending legislation at the state level (SB 1420 - Padilla), would require chain restaurants with 15 or more outlets in California to post calorie and other nutritional information on menus. Until such time as the state enacts SB 1420 or comparable legislation, Los Angeles County should seize the opportunity to develop a menu labeling ordinance that will allow restaurant patrons and consumers to make informed decisions at the point of sale at any one of approximately 300 to 350 franchise restaurants operating within the unincorporated areas.

WE, THEREFORE, MOVE that the Board of Supervisors:

1) instruct County Counsel, in conjunction with the Department of Public Health, to develop an ordinance requiring that each food facility in the unincorporated area that operates under common ownership or control with at least 14 other food facilities with the same name in the state that offer for sale substantially the same menu items, or operates as a franchised outlet of a parent company with at least 14 other franchised outlets with the same name in the state that offer for sale substantially the same menu items, shall post nutritional and caloric information for all standard menu items on menus and menu boards; and report back for the Board's consideration within 30 days,

2) include within the ordinance a license fee, if necessary, for the enforcement of the menu labeling program, and

3) instruct the Executive Officer of the Board, with the assistance of the Director of Public Health, to send five-signature letters to the Mayors and City Managers of all 88 incorporated cities within Los Angeles County, encouraging them to consider the development and adoption of similar menu labeling ordinances.

Daily Reference Values

Adult 2000 calorie/day average

Food Component	DRV
Fat	65 grams
Saturated	20 grams
Cholesterol	300 mg
Total carbohydrate	300 grams
Fiber	25 grams
Sodium	2,400 mg
Potassium	3,500 mg
Protein	50 grams

Recommended Energy Intake

Category	Age	Calories Per Day		
		Light Activity	Moderate Activity	Heavy Activity
Children	4-6		1,800	
	7-10		2,000	
Males	11-14		2,500	
	15-18		3,000	
	19-24	2,700	3,000	3,600
	25-50	3,000	3,200	4,000
	51+		2,300*	
Females	11-18		2,200	
	19-24	2,000	2,100	2,600
	25-50	2,200	2,300	2,800
	51+		1,900*	

Pregnant women in their second and third trimesters should add 300 calories to the figure the table indicates for their age.

Nursing mothers should add 500.

* based on light to moderate activity

California State Senate

ALEX PADILLA
SENATOR, 20TH DISTRICT



June 9, 2008

Dear Colleagues:

California should be the national leader in the fight against obesity. Each year, approximately 60,000 Californians become obese or overweight, conditions which significantly lead to diabetes, hypertension, and other chronic diseases.

Last year, I authored legislation (SB 120) that would have required nutritional information on menus and menu boards of large chain restaurants. While the Legislature voted for the bill and 84% of California's registered voters polled supported the measure, it was vetoed by Governor Schwarzenegger. I recently introduced SB 1420 which, once again, seeks to require restaurants with 15 or more locations in California to provide nutrition information on menus and menu boards.

Recently, the United States District Court ruled that New York City's menu-labeling law is legal, appropriate, and in the public interest. All restaurant chains in New York City with 15 or more locations are now required to post calorie information on menu boards—similar to the provisions of SB 1420. Restaurants such as Starbucks, Jamba Juice, Quizno's, Subway, Johnny Rocket's, IHOP and Chipotle have begun to comply.

Last month, the Los Angeles County Department of Public Health released a first-of-its-kind study showing that posting calorie information on restaurant menus and menu boards could have a **sizable impact on the obesity epidemic**, even with modest changes in consumer behavior.

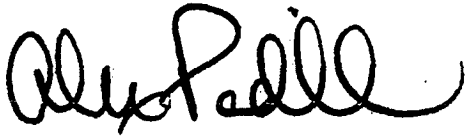
The study found that if just 10% of restaurant patrons ordered reduced-calorie meals (average reduction of 100 calories per meal) as a result of the calorie information, it would result in a 40% decrease in the annual weight gain in the county population.

Knowledge is power in the fight against obesity. I respectfully request your support for SB 1420. Attached please find a picture of a New York City Starbucks menu board



complying with menu-labeling, a sample resolution if you would like to support this measure, as well as the executive summary of the Los Angeles County Department of Public Health study. The full report is available at www.publichealth.lacounty.gov. If you have any questions, please feel free to call me at (916) 651-4020.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Padilla". The signature is fluid and cursive, with the first name "Alex" and last name "Padilla" clearly distinguishable.

Senator Alex Padilla



May 2008

Menu Labeling as a Potential Strategy for Combating the Obesity Epidemic

A Health Impact Assessment

Paul Simon, Christopher J. Jarosz, Tony Kuo, and Jonathan E. Fielding

Executive Summary

Mandated posting of calorie information on menus and menu boards at fast food and other large chain restaurants has garnered growing public and legislative support as a potential strategy for addressing the obesity epidemic. However, no studies to our knowledge have sought to quantify the potential impact of this strategy on the epidemic. To address this gap, we conducted a health impact assessment of menu labeling, as proposed in California's Senate Bill 120 in 2007 and in the current Senate Bill 1420, on the obesity epidemic in Los Angeles County.

Data on population weight gain from the California Department of Education Physical Fitness Testing Program and the Los Angeles County Health Survey were used to quantify the obesity epidemic in Los Angeles County. Additional data to estimate the number of meals served annually at large chain restaurants in the county, the percentage of restaurant patrons that would order reduced calorie meals as a result of menu labeling, and the amount of calorie reductions that would result from patron response to calorie postings were examined using published and unpublished data sources. Multiple scenarios of restaurant patron response to calorie postings were examined to estimate a plausible range of impacts of menu labeling on the obesity epidemic.

Using conservative assumptions that calorie postings would result in 10% of large chain restaurant patrons ordering reduced calorie meals, with an average reduction of 100 calories per meal, and no compensatory increase in other food consumption, menu labeling would avert 38.9% of the 6.75 million pound average annual weight gain in the county population aged 5 years and older. Substantially larger impacts would be realized if higher percentages of restaurant patrons ordered reduced calorie meals or average per meal calorie reductions increased. These findings suggest that mandated menu labeling at fast food and other large chain restaurants could have a sizable salutary impact on the obesity epidemic, even with only modest changes in consumer behavior.

What is a Health Impact Assessment?

A health impact assessment is a combination of procedures, methods, and tools by which a policy, program, or project may be judged in terms of its potential effects on the health of a population, and the distribution of those effects within the population.¹

¹ Health Impact Assessment: Main Concepts and Suggested Approach. Brussels, Belgium: European Centre for Health Policy; World Health Organization Regional Office for Europe; 1999. Gothenburg Consensus Paper.

Available at: <http://www.euro.who.int/document/PAE/Gothenburgpaper.pdf>. Accessed March 25, 2008.

STARBUCKS

New York City

BLENDÉD CRÈME

Strawberries & Crème	3.85	370 cal	4.45	470 cal	5.05	650 cal
Vanilla Bean	3.30	340 cal	3.90	470 cal	4.50	600 cal
Chai Tea	3.85	340 cal	4.45	440 cal	5.05	580 cal
Green Tea	3.85	370 cal	4.45	490 cal	5.05	650 cal

TAZO® TEA & CLASSICS

	TALL 12 FL OZ	GRANDE 16 FL OZ	VENTI 20 FL OZ
Green Tea Latte	3.50 170 cal	4.05 240 cal	4.35 300 cal
Chai Tea Latte	3.50 180 cal	4.05 240 cal	4.35 300 cal
Hot Chocolate	2.85 290 cal	3.10 370 cal	3.35 460 cal
Kids' Cocoa	1.50 8 FL OZ 210 cal		

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SPINACH FETA WRAP \$3.25
 WITH EGG & ROASTED TOMATO
 240 CALORIES

BACON AVOCADO WRAP \$3.25
 WITH EGG & AGED CHEDDAR CHEESE
 380 CALORIES

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