



Sugar-Sweetened Beverage Product  
Panel of Experts Commission

ACTION CALENDAR  
March 27, 2018

To: Honorable Mayor and Members of the City Council  
 From: Sugar Sweetened Beverage Product Panel of Experts  
 Submitted by: Jennifer Browne, Vice Chairperson, SSBPPE Commission  
 Subject: Recommendation that the City Council Establish a City Policy Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages

RECOMMENDATION

The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from:

- 1) Procuring sugar-sweetened beverages with City funds;
- 2) Selling sugar-sweetened beverages on City property, including in vending machines; and,
- 3) Serving sugar-sweetened beverages at City meetings and events on City property.

FISCAL IMPACTS OF RECOMMENDATION

Cost of promulgating information, notifying City Departments and revising clauses in City contracts.

CURRENT SITUATION AND ITS EFFECTS

Currently, the City of Berkeley has no policy regarding procurement with City funds of sugar-sweetened beverages nor sales or distribution of sugar-sweetened beverages at City meetings, events or on City property.

**Definitions:** Sugar-sweetened beverages or SSBs refer to all beverages with added caloric sweeteners with a minimum of 2 calories per fluid ounce, as defined in Chapter 7.72 of the City of Berkeley Municipal Code.<sup>i</sup> SSBs include juices with added sweetener, sodas, energy drinks, sweetened teas and coffee drinks, and sport drinks. These drinks offer little or no nutritional value, but include massive quantities of added sugar. For instance, a single 20-ounce bottle of soda typically contains the equivalent of approximately 16 teaspoons of sugar.

In BMC Chapter 7.72, SSBs exclude 100% juice, diet drinks, waters, and milk drinks as well as medical drinks and baby formula.

## BACKGROUND

In November of 2014, the Berkeley voters passed Measure D with 76% of the vote, which requires both the collection of a 1 cent-per-ounce tax on the distribution of SSBs in the City of Berkeley and the convening of the Sugar Sweetened Beverage Products Panel of Experts (SSBPPE) to recommend investments to both reduce the consumption of SSBs as well as to address the health consequences of the consumption of SSBs including diabetes, dental caries, heart disease and obesity.ii

To accomplish these goals, the SSBPPE recommended that the City create the Healthy Berkeley program to reduce the consumption of sugar-sweetened beverages (“SSB”) in Berkeley and to address the effects of SSB consumption. The City Council unanimously adopted this recommendation on November 29, 2016 and awarded a \$1.5 million per year investment to be granted to community agencies and the Berkeley Unified School District garden and nutrition program. \$225,000, or 15%, of this funding is allocated to the City Public Health Division to administer and evaluate the Healthy Berkeley Program. See November 29, 2016, Council agenda items 33a and 33b.iii

Per this resolution, all funded programs are required by their contract to adopt an organizational policy related to SSBs. The purpose of these organizational policies is to change norms in our community about consuming sugary drink and support the educational work of these programs.

We know from the public health campaigns to reduce tobacco use, that institutional policies that change norms have a powerful impact on behavior and are a vital tool to improving health in our communities. Education and media campaigns are not enough to change behaviors, especially when pervasive and persuasive marketing by corporations influence choices that people make, and when there is an addictive aspect to the behavior as is the case with both tobacco and sugar.iv

## ENVIRONMENTAL SUSTAINABILITY

None

## RATIONALE FOR RECOMMENDATION

In 2014, Berkeley voters overwhelmingly passed Measure D and since then the City of Berkeley has led the effort to reduce the consumption of sugary drinks and resulting health impacts and disparities, not only in Berkeley but also in the Bay Area and nationwide. Sales of sugary beverages have decreased and school and community groups have been funded to continue the effort to reduce sugary drink consumption and improve health. Now is an opportune time for the City to once again provide leadership for City employees and the community by enacting a healthy beverage policy for the City that restricts procurement of sugary drinks as well as the serving and sales of sugary drinks at City events. This policy would be responsive to the will of the voters, supportive of school and community efforts to improve Berkeley residents' health, and a model to other cities. This policy will align the City with other Healthy Berkeley grantees who have already adopted similar policies. The SSBPPE encourages the City to take

this step to set an example and demonstrate its own commitment to the further reducing sugary drink consumption and improvement in community health.

Findings:

- 1) Sugar-sweetened beverage (SSB) consumption is linked to diabetes, heart disease, obesity and poor oral health which increases human suffering and decreases the quality of life while driving health care costs up.v
- 2) Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, people of color, and low resource communities are disproportionately affected.vi
- 3) Beverage marketing disproportionately targets people of color, young people and underinvested communities.vii
- 4) There are also economic costs. Diabetes and pre-diabetes cost an estimated \$37.1 billion in California each year.viii
- 5) The City is committed to promoting access to healthy, nutritious food and beverages.
- 6) Positive changes in the nutritional quality of beverages sold on City property and served by the City can help people make healthier beverage choices.
- 7) The City of Berkeley employees more than 1,300 individuals in a diverse array of services. Giving the City of Berkeley employees access to healthier beverages in the workplace helps reduce the impact of diet-related disease, supports a healthier and more productive workforce, and reduces the City's health care expenses.
- 8) Providing access to healthier beverage options for members of the public when they visit City property also promotes public health and contributes to community norms around healthy beverage choices.

ALTERNATIVE ACTIONS CONSIDERED

There are no identifiable environmental impacts or opportunities associated with the subject of this report.

CITY MANAGER

See companion report.

CONTACT PERSON

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<sup>i</sup> B.M.C. 7388-NS § 7.72, 2014, City of Berkeley

<sup>ii</sup> B.M.C. 7388-NS § 7.72, 2014, City of Berkeley

<sup>iii</sup> Berkeley Nov. 29, 2016 agenda:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2016/11\\_Nov/City\\_Council\\_11-29-2016\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2016/11_Nov/City_Council_11-29-2016_-_Regular_Meeting_Agenda.aspx) Language in the Nov. 29, 2016 Resolution, Agenda item 33a, pages 9 and 11, follows:

“BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses.”

“Funded organizations must have in place or agree to adopt prior to being funded an organizational policy prohibiting serving SSBs at organization sponsored events or meetings.”

<sup>iv</sup> <https://www.theatlantic.com/health/archive/2014/01/the-sugar-addiction-taboo/282699/>

<sup>v</sup> <http://www.kickthecan.info/fact-sheets>: Health Consequences of Sugar Sweetened Beverages.

<sup>vi</sup> City of Berkeley 2013 Health Status Report:

[http://www.ci.berkeley.ca.us/Health\\_Human\\_Services/Public\\_Health/2013\\_Health\\_Status\\_Report.aspx](http://www.ci.berkeley.ca.us/Health_Human_Services/Public_Health/2013_Health_Status_Report.aspx)

<sup>vii</sup> <http://www.bmsg.org/blog/new-brief-highlights-how-food-and-beverage-companies-target-latino-youth>  
<http://www.uconnruddcenter.org/targeted-marketing>

<sup>viii</sup> The Burden of Diabetes by State - American Diabetes Association

[main.diabetes.org/dorg/PDFs/Advocacy/burden-of-diabetes/california.pdf](http://main.diabetes.org/dorg/PDFs/Advocacy/burden-of-diabetes/california.pdf)