



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
July 9<sup>th</sup>, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Kate Harrison, Mayor Jesse Arreguin, Councilmember Ben Bartlett, and Councilmember Cheryl Davila

Subject: Resolution in Support of SB 347 – Sugar-Sweetened Beverages Safety Warning Act

RECOMMENDATION

Adopt a resolution in support of Senate Bill 347, which requires all sugary beverages to have an English-only health warning label IF an amendment is made to the bill requiring pictorial and multilingual health warning labels instead of the proposed English-only label. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.

BACKGROUND

A study by the UCLA Center for Health Policy Research found that sugary beverages are the largest source of added sugar in the diets of both children and adults in the U.S. Although levels have slowly started to decrease in recent years, children and adults consume roughly 150 calories from sugary beverages on any given day. In fact, between 2003 and 2009, the proportion of children consuming at least one sugary drink per day decreased from 49 percent to 26 percent. However, between 2009 and 2013-14, the number increased to 31 percent. These trends are consistent for adolescents as well. Furthermore, consumption of sugary beverages among minority groups, such as African Americans, Latinos, and multiracial youth was much higher compared to Caucasian youth, with 56 percent of African Americans, 50 percent of multiracial youth and 44 percent of Latino youth ages 2-17 drinking one or more sugary beverages per day compared to only 34 percent of Caucasian youth in 2013-14. However, high consumption of sugary beverages leads to several detrimental health consequences, such as higher rates of diabetes, obesity, and other heart problems.

Currently, the Federal Food, Drug, and Cosmetic Act, regulates the quality and packaging of foods introduced or delivered for introduction into interstate commerce and prohibits the misbranding of food. Additionally, the Nutrition Labeling and Education Act of 1990 regulates labeling laws for state and local governments. The state law, the Sherman Food, Drug, and Cosmetic Law regulates misbranded food and provides that any food is misbranded if its labeling does not conform with the requirements for nutrient content or health claims as set forth in the Federal Food, Drug, and Cosmetic

Act and the regulations adopted pursuant to that federal act. Existing law makes a violation of these requirements a crime.

SB 347 furthers these efforts by establishing the Sugar-Sweetened Beverages Safety Warning Act, which would prohibit a person from distributing, selling, or offering for sale a sugar-sweetened beverage in a sealed beverage container, a multipack of sugar-sweetened beverages, or a concentrate in California unless the sealed beverage container, multipack, or packaging of the concentrate has a health warning. The bill also would require every person who owns, leases, or otherwise legally controls the premises where a vending machine or beverage dispensing machine is located, or where a sugar-sweetened beverage is sold in an unsealed container, to place a specified safety warning in certain locations, including on the exterior of any vending machine that includes a sugar-sweetened beverage for sale. While existing law requires a violation of the Sherman Food, Drug, and Cosmetic Law to result in a civil penalty against the violator of less than \$1000 and authorizes the Attorney General to bring an action in a superior court to grant a temporary or permanent injunction restraining a person from the Sherman Food, Drug, and Cosmetic Law, the State Bill would make the first violation a notice violation that informs the recipient that they have an opportunity to remedy the violation without penalty, and a second violation with a civil penalty less than \$500, but greater than \$50. This bill would also create the Sugar-Sweetened Beverages Safety Warning Fund for the receipt of all moneys collected for violations of those and would allocate moneys in this fund, upon appropriation by the Legislature, to the department for the purpose of enforcing those provisions.

FISCAL IMPACTS OF RECOMMENDATION

No impact. Clerk time necessary to send letter.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

ATTACHMENTS

- 1: Resolution
- 2: Letters

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF SB 347 – SUGAR-SWEETENED BEVERAGES  
SAFETY WARNING ACT

WHEREAS, children, adolescents, and adults of all races and ethnicities should be aware of the negative health consequences of sugary beverage consumption

WHEREAS, current federal law doesn't require health warning labels for drinks with added sugar

WHEREAS, the prevalence of obesity, diabetes and other heart problems is rapidly increasing throughout the country

WHEREAS, sugary drinks are the single largest source of added sugar in the U.S. diet

WHEREAS, despite the Federal Food, Drug, and Cosmetic Act and the Sherman Food, Drug, and Cosmetic Law, consumption of sugary beverages remains high

WHEREAS, violation of the current law result in large financial penalties, and focuses on punishment rather than reform

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council urges Senator Nancy Skinner and Assemblymember Buffy Wicks to support, the California Legislature to pass, and Governor Gavin Newsom to sign into law the California State Bills 347

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

The Honorable Bill Monning  
California State Senate  
State Capitol, Room 4040  
Sacramento, CA 95814

**RE: Support SB 347 (Monning) – Sugar-Sweetened Beverages Safety Warning Act  
SUPPORT from the Berkeley City Council IF warning letter is put in multiple  
languages**

Dear Senator Monning,

We, the Berkeley City Council, wish to express our support for SB 347 with one limitation. While the Council does support the concept of a health warning label for sugary beverages, it does not endorse the English-only label that is being proposed. Rather, the Council only supports a label that can be understood by all California residents to ensure equity among different ethnicities and cultures. An example of such a label can be demonstrated by Chile, where the label is shaped like a stop sign and bi-lingual.

California is currently facing a public health crisis due to high rates of diabetes, obesity, cardio-vascular and oral health diseases. Contributing to this crisis is the consumption of sugary drinks, the single leading source of added sugars in the American diet; daily consumption doubles the risk of tooth decay and increases the risk of obesity by 55 percent and diabetes by 26 percent. Public Health Advocates estimates that California will face 1.9 million new diagnoses of type-2 diabetes within five years and new annual health care costs of \$15 billion, if action is not taken.

In 2014, 76% of voters of Berkeley, California passed the first sugary drink tax in the country to deal with this crisis. Over the last four fiscal years, the Berkeley City Council has invested over \$5 million to school based garden programs, nutrition education for Head Start programs, oral health for low-income patients, and community education in an effort to promote healthier beverage choices among high school students, African American families, Latinx immigrants and the general population of Berkeley. In the next two fiscal years, the Council is emphasizing policy, systems and environmental (PSE) approaches that will support healthy beverage choices in Berkeley, including a local healthy checkout ordinance, policy changes in local institutions and increased access to clean drinking water.

From the Council's experience as the front runners in the California movement, we strongly support pictorial and multi-lingual warning labels that would advise consumers of various backgrounds of the health risks associated with consumption of sugary beverages. We believe that this first step to regulate sugary drinks would greatly benefit all California children, especially children of color who are disproportionately targeted by the beverage companies.

Thank you for your leadership on this reform to promote healthy consumption habits.

Sincerely,

Berkeley City Council  
Mayor Arreguin,  
Councilmembers

Cc: Assemblymember Wicks  
Senator Skinner  
Governor Newsom

