

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

Sample Resolution in Support of SB 1420

Whereas, Obesity rates in adults doubled over the last twenty years--currently, two-thirds of American adults (65%) are overweight or obese and the percentage of seriously overweight children tripled in the past two decades (from 4% to 15%); and

Whereas, Obesity is a major risk factor for many health problems, including heart disease, which is the leading cause of death in the United States, diabetes, and some cancers; and

Whereas, Since 1994, pursuant to the Nutrition Labeling and Education Act (NLEA), food manufacturers have been required to provide nutritional information on nearly all packaged foods. However, the NLEA explicitly exempts restaurants; and

Whereas, In 1970, Americans spent just 26% of their food dollars on foods prepared outside the home, like restaurant meals; today the amount is 46%; and

Whereas, At most restaurants, people can only guess the nutritional quality of the food. Larger portions, higher calories and fat and lack of nutritional information have become a huge problem for the health of today's Americans; and

Whereas, Studies have found a positive association between eating out and higher caloric intakes and body weights. For example, children eat almost twice as many calories when they eat a meal at a restaurant (770 calories) as at home (420 calories); and

Whereas, Recognizing the need for consumers to have the information they need to make healthier choices when eating out, State Senator Alex Padilla (D-Pacoima) has introduced SB 1420; and

Whereas, SB 1420 would require chain restaurants with 15 or more outlets in California to provide nutritional information per item on printed menus and menu boards; and

Whereas, The United States District Court recently ruled that New York City's menu-labeling ordinance—similar to the provisions of SB 1420—is legal, appropriate, and in the public interest; and

Whereas, New York City is already implementing a menu-labeling ordinance, as major food retailers have begun posting calorie counts on menu boards; and

SB 1420 is an important step in giving consumers the information they need to make healthier food choices. Consumers have the right to know the nutritional content of restaurant meals; and now, therefore be it

Resolved, that the City/County of XXX will write a letter to the California legislature stating their support of SB 1420.



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.[†]

[†] 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 | | |

BREAKFAST WRAPS

SPINACH FETA WRAP \$3.25

WITH EGG & ROASTED TOMATO

240 CALORIES

BACON AVOCADO WRAP \$3.25

WITH EGG & AGED CHEDDAR CHEESE

380 CALORIES

oven-toasted