

LEGISLATIVE DIGEST
(Amendment of the Whole dated 9.27.10)

[Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or other Youth Focused Incentive Items.]

Ordinance amending Article 8 of the San Francisco Ordinance Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Existing Law

The San Francisco Health Department permits all restaurants in San Francisco under Article 8 of the San Francisco Health Code. The department inspects the permitted establishments and enforces the applicable health and safety requirements.

Amendments to Current Law

The proposed legislation amends Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. The ordinance defines "Incentive Item" as meaning (1) any toy, game, trading card, admission ticket or other consumer product, whether physical or digital, with particular appeal to children and teens but not including "Single Use Articles" as defined in California Health & Safety Code Section 113914 as of January 1, 2009, or (2) any coupon, voucher, ticket, token, code, or password redeemable for or granting digital or other access to an item listed in (1).

Under the amendments to the ordinance, the measure no longer contains a separate set of nutritional standards for "Single Food Items." A restaurant may not provide an Incentive Item linked to the purchase of a Meal (including any single food item or combination of items) if the Meal includes any of the following as defined in the ordinance: excessive calories, excessive sodium, excessive fat including saturated fat, and trans fat exceeding 0.5 grams. A Meal must also contain at least 0.5 cups or more of fruits or vegetables. The amended requirement reduces the amount of vegetables required in a Meal from 0.75 cups to 0.5 cups. Also as amended a new category of items--breakfast items—are required to contain 0.5 cups of fruits. A Meal must now also contain whole grains where bread is part of the offering.

A Restaurant may not provide an Incentive Item linked to the purchase of a Beverage if the Beverage includes any of the following: excessive fats and/or sugars as defined in the ordinance.

The Department of Public Health shall enforce the ordinance and the Director of the Health Department may issue administrative citations for the violations of the ordinance under San Francisco Administrative Code Chapter 100.

Background Information

According to the 2007 California Health Interview Survey (CHIS), 15 percent of adolescents in the greater Bay Area between 12 and 17 years of age are overweight or obese for their age, and 8 percent of children under age 12 are overweight for their age. Obesity, overweight, and unhealthy eating habits pose a serious risk to the health and welfare of San Francisco's children and adolescents. Children and adolescents who are obese or overweight have an increased risk of being obese or overweight as adults, with 75 percent of children who are overweight expected to be overweight as adults. During childhood and adolescence, obese and overweight individuals are already more likely than their peers to exhibit risk factors for heart disease (including elevated cholesterol levels, triglyceride levels, and blood pressure); risk factors for cancer; and impaired glucose tolerance, a precursor for development of Type 2 diabetes.

San Francisco parents identify childhood obesity as a significant concern for their families. San Francisco families also want their children to have access to healthy, nutritional food and to make healthy choices from the food available. But families face limited time to obtain and prepare nutritional food, making dining out an appealing and often necessary option. A 2003 Kaiser Foundation study showed that 40 percent of Bay Area parents said that their child ate at least one fast food meal or snack on a typical day.

The food that children and adolescents consume at restaurants has a significant impact on their risk of developing obesity, overweight, or other related health risks. About one-third of the calories in an average American's diet come from restaurant or other away-from-home foods. And according to 2003-2004 data, San Franciscans consume over one-third of their food, as measured by weight, at fast food and pizza restaurants.

The Institute on Medicine and the U.S. Department of Health and Human Services, among other public health agencies, have developed guidelines and recommendations on healthy nutritional standards for children's meals. The food and beverages that restaurants typically serve to children and adolescents often fail to meet these accepted nutritional recommendations.

Restaurants encourage children and adolescents to choose specific menu items by linking them with free toys and other incentive items. Research analyzing children's meals at major restaurant chains found that many exceed the recommended caloric limits for children. And almost every high-calorie meal in the study came with toys. Research shows that parents frequently make purchases based on requests made by children, particularly for items that are geared toward children. Additionally, children and adolescents ages 4-17 years have increasing discretionary income that is frequently spent on restaurant food.

The intent of this proposed ordinance is to improve the health of children and adolescents in San Francisco by setting healthy nutritional standards for children's meals accompanied by toys or other incentive items. These standards will support families seeking healthy eating choices for their children by permitting restaurants to offer toys and other incentive items only in conjunction with foods meeting specified nutritional criteria. This legislation imposes no requirements for the labeling of food or beverages or disclosure of ingredients.