

File No. 150245

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 1, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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Completed by: Andrea Ausberry Date May 28, 2015

Completed by: _____ Date _____

1 [Health Code - Sugar-Sweetened Beverage Warning for Advertisements]

2

3 Ordinance amending the Health Code to require advertisements for sugar-sweetened
4 beverages to include a warning about the harmful health effects of consuming such
5 beverages and authorizing the Director of Health to impose penalties for
6 noncompliance.

7 NOTE: Unchanged Code text and uncodified text are in plain Arial font.
8 Additions to Codes are in *single-underline italics Times New Roman font*.
9 Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
10 Board amendment additions are in double-underlined Arial font.
11 Board amendment deletions are in ~~strikethrough Arial font~~.
12 Asterisks (* * * *) indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Health Code is hereby amended by adding Article 42, Division I,
16 consisting of Sections 4200 through 4206, to read as follows:

17 **ARTICLE 42: SUGAR-SWEETENED BEVERAGES**

18 **DIVISION I: Sugar-Sweetened Beverage Warning Ordinance**

19 **SEC. 4200. TITLE.**

20 *Division I of this Article 42 shall be known as the "Sugar-Sweetened Beverage Warning*
21 *Ordinance."*

22 **SEC. 4201. FINDINGS AND PURPOSE.**

23 *Human consumption of Sugar-Sweetened Beverages (SSBs) is linked to a myriad of serious*
24 *health problems including, but not limited to: weight gain, obesity, coronary heart disease, diabetes,*
25 *tooth decay, and other health problems. Scientific evidence shows that underlying these chronic health*
problems is metabolic syndrome (MetS). MetS is characterized by changes in a body's normal

1 biochemistry that can lead to obesity, insulin resistance, hypertension, dyslipidemia (high cholesterol),
2 and visceral fat. SSBs are linked to excess weight and obesity, which are putting more Americans on
3 the path to MetS. Heavy added sugar consumption may itself be a direct cause of MetS by increasing
4 the risk for hypertension, dyslipidemia, and visceral fat. While most people with MetS are obese,
5 normal-weight individuals can acquire the syndrome as well, given poor dietary habits. Heavy
6 consumption of sugary drinks has been linked to MetS through a variety of biological pathways, and is
7 therefore a risk factor in chronic disease.

8 The consumption of soft drinks, according to the American Dental Association, has displaced
9 nutritious beverages and foods from the diet. According to the American Heart Association, for the
10 American diet, soft drinks and other sugar-sweetened beverages are the primary source of added
11 sugar. According to the first print (February 2015) of the United States Department of Agriculture's
12 Scientific Report of the 2015 Dietary Guidelines Advisory Committee (the "2015 USDA Report"),
13 although added sugars provide calories, they do not provide other nutrients.

14 Sugar-sweetened sodas, and fruit drinks containing less than 100% juice by volume, are major
15 sources of added sugars in American diets, contributing an average of 10.58 teaspoons of added sugars
16 each day. The American Heart Association recommends that adult women consume no more than six
17 teaspoons of added sugars daily, that adult men consume no more than nine teaspoons daily, and that
18 children ages 4-8 years old consume no more than three teaspoons daily. However, most Americans
19 consume more than 19.6 teaspoons of added sugars per day. Even regular, moderate consumption of
20 sugary drinks (one 12-ounce can a day) increases the risk of cardiovascular disease mortality by nearly
21 one-third.

22 The American Heart Association reports that about one in three teen or younger children in the
23 United States are overweight or obese and that childhood obesity is now the number one health
24 concern among American parents, ahead of drug abuse and smoking. Obese children suffer more often
25 from sleep apnea, asthma, joint problems, fatty liver disease, gallstones, and acid reflux (heartburn).

1 Obese children are more likely to become obese adults, further increasing their risks for higher rates of
2 type 2 diabetes, heart disease, and some cancers later in life. Profound mental health and quality of
3 life impacts are seen in children with severe obesity. Obese children are more prone to low self-
4 esteem, negative body image, and depression. As of 2010, nearly one-third of children and adolescents
5 in San Francisco were either obese or overweight. Among adults, consumption of SSBs is associated
6 with a risk of weight gain and obesity, cardiovascular disease, a significantly higher risk of stroke, high
7 blood pressure, type 2 diabetes, dental erosion, and the risk of pancreatic cancer. The 2015 USDA
8 Report concludes that the consumption of added sugars negatively impacts obesity, type 2 diabetes,
9 cardiovascular diseases and dental caries, and “strong evidence supports reducing added sugar intake
10 to reduce health risks.” (See also, USDA, Report of the Dietary Guidelines Advisory Committee on
11 Dietary Guidelines for Americans, 2010.) In 2011-2012, 41.8% of adults in San Francisco were either
12 obese or overweight.

13 The World Health Organization recommends that not more than 10% of calories be from added
14 sugars, and the Institute of Medicine (U.S.) recommends not more than 25%. Medical research has
15 shown that for over 70% of adults, 10% or more of calories is from added sugars, and for
16 approximately 10% of adults, 25% or more of calories is from added sugars, and that the risk of
17 mortality from cardiovascular disease increased exponentially with an increase in the percentage of
18 calories from added sugars. The 2015 USDA Report concludes that even though an appropriate
19 pattern of consumption of added sugars for most people is 4% to 6% of total calories, the mean intake
20 of total calories from the consumption of added sugars in the U.S. population is 13%, and from 15% to
21 17% for children 9 years of age and older, adolescents, and young adults, and the evidence shows that
22 when added sugars in foods exceed 3% to 9% of total calories, a healthful food pattern may be difficult
23 to achieve.

24 Low-income families are more likely to be affected by obesity and diabetes. For example, the
25 Bayview-Hunters Point neighborhood had more per capita emergency room visits due to diabetes

1 between 2009 and 2011 than any other neighborhood in San Francisco. Eighteen percent of three- to
2 four-year-olds enrolled in San Francisco Head Start were obese, with an additional 13% being
3 overweight. Head Start serves children of low-income families.

4 According to the American Dental Association, a steady diet of sugary foods and drinks,
5 including juice and sports drinks, can damage teeth. Cavity-causing bacteria in the mouth feed on
6 sugar and produce acids that attack tooth enamel for up to 20 minutes after eating or drinking. In
7 extreme cases, softer enamel combined with improper brushing, grinding of the teeth, or other
8 conditions can lead to tooth loss.

9 The annual cost of being overweight and obese to California families, employers, the health
10 care industry, and the government is estimated to be \$21 billion. The San Francisco Budget and
11 Legislative Analyst estimates that up to \$61.8 million in costs incurred by San Franciscans with obesity
12 and diabetes are attributable to sugary beverage consumption. The total national cost of diabetes in
13 2007 was \$174 billion.

14 For adults in San Francisco, approximately 29% of Caucasians, 50% of Latinos, 29% of
15 Asians, and 43% of African Americans consume one or more sodas each day. Of 9th graders in San
16 Francisco, approximately 31% of Caucasians, 48% of Latinos, 31% of Asians, and 58% of African
17 Americans consume one or more sodas each day. On average, children consumed 11.96 teaspoons of
18 added sugars from sodas and fruit drinks per day – 47% of their total intake of added sugars. A single
19 12-ounce can of soda contains eight to ten teaspoons of sugar, and typical container sizes of popular
20 sugary drinks marketed to children far exceed the American Heart Association's recommended daily
21 amounts.

22 Research shows that lifestyle interventions are more cost-effective than medications in
23 preventing or delaying type 2 diabetes. The American Heart Association reports that U.S. food labels
24 do not distinguish between sugars that naturally occur in foods and added sugars, making it difficult
25 for consumers to know the amount of added sugars that are in food or beverages. And food producers

1 and distributors do not typically communicate this information to consumers, in advertisements or
2 otherwise. Yet sugar-sweetened beverages are aggressively marketed, without providing such basic
3 information to consumers, be they children, adolescents, young adults, or others. According to the
4 2015 USDA Report, young adults are among the largest consumers of sugar-sweetened beverages and
5 are the direct targets of marketing for sugar-sweetened beverages.

6 The City's purpose in requiring warnings for SSBs is to inform the public of the presence of
7 added sugars and thus promote informed consumer choice that may result in reduced caloric intake
8 and improved diet and health, thereby reducing illnesses to which SSBs contribute and associated
9 economic burdens. Posting warnings that beverages are sugar-sweetened will inform the public before
10 purchases, which will help ensure that San Franciscans make a more informed choice about the
11 consumption of drinks that are a primary source of added dietary sugar.

12 **SEC. 4202. DEFINITIONS.**

13 "Advertiser" means any Person who is any of the following: (a) in the business of
14 manufacturing, distributing, or selling sugar-sweetened beverages, including without limitation, a
15 Retailer; (b) is in the business of placing or installing advertisements, or who provides space for the
16 display of advertisements; or (c) is an agent or contractor of a Person described in (a) or (b) assisting
17 such Person with the manufacture, distribution or sale of sugar-sweetened beverage, the placement or
18 installation of advertisements, or the provision of space for advertisements. The term "Advertiser" shall
19 not include the employees of a Person, including, without limitation, employees of agent or contractors,
20 except that it shall include individuals acting as sole proprietors.

21 "Base Product" means the same as Powder.

22 "Beverage Dispensing Machine" means an automated device that mixes Concentrate with one
23 or more other ingredients and dispenses the resulting mixture into an open container as a ready-to-
24 drink beverage.

1 "Caloric Substance" means a substance that adds calories to the diet of a person who
2 consumes that substance.

3 "Caloric Sweetener" means any Caloric Substance suitable for human consumption that
4 humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn
5 sugar, glucose, and other sugars.

6 "City" means the City and County of San Francisco.

7 "Concentrate" means a Syrup, Powder, or Base Product that is used for mixing, compounding,
8 or making Sugar-Sweetened Beverages in a Beverage Dispensing Machine. Notwithstanding the
9 foregoing sentence, "Concentrate" does not include the following:

10 (a) Any product that is designed to be used primarily to prepare coffee or tea.

11 (b) Any product that is sold and is intended to be used for the purpose of an individual
12 consumer mixing, compounding, or making a Sugar-Sweetened Beverage.

13 (c) Any product sold for consumption by infants, which is commonly referred to as "infant
14 formula," or any product whose purpose is infant rehydration.

15 (d) Medical Food.

16 (e) Any product designed as supplemental, meal replacement, or sole-source nutrition that
17 includes proteins, carbohydrates, and multiple vitamins and minerals.

18 "Director" means the Director of Health, or his or her designated agents or representatives.

19 "Medical Food" means medical food as defined in Section 109971 of the California Health and
20 Safety Code, including amendments to that Section.

21 "Milk" means natural liquid milk, natural milk concentrate or dehydrated natural milk
22 (whether or not reconstituted), regardless of animal source or butterfat content. For purposes of this
23 definition, "Milk" includes flavored milk containing no more than 40 grams of total sugar (naturally-
24 occurring and from added Caloric Sweetener) per 12 ounces.

1 "Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the liquid
2 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from
3 the complete restoration of water to dehydrated natural fruit juice.

4 "Natural Vegetable Juice" means the original liquid resulting from the pressing of vegetables,
5 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the
6 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

7 "Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14
8 (commencing with Section 32001) of the California Revenue and Taxation Code.

9 "Person" shall mean the City, an individual, firm, partnership, joint venture, association,
10 corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or
11 combination acting as a unit.

12 "Powder" means a solid or liquid mixture of ingredients with added Caloric Sweetener used in
13 making, mixing, or compounding Sugar-Sweetened Beverages by mixing the Powder with any one or
14 more other ingredients, including, without limitation, water, ice, Syrup, Simple Syrup, fruits,
15 vegetables, fruit juice, vegetable juice, or carbonation or other gas.

16 "Retailer" means any Person who sells Sugar-Sweetened Beverages to the ultimate consumer
17 (retail sales), including, without limitation, a Person who operates a facility where Sugar-Sweetened
18 Beverages may be purchased from vending machines.

19 "Simple Syrup" means a mixture of sugar and water.

20 "SSB Ad" means any advertisement, including, without limitation, any logo, that identifies,
21 promotes, or markets a Sugar-Sweetened Beverage for sale or use that is any of the following: (a) on
22 paper, poster, or a billboard; (b) in or on a stadium, arena, transit shelter, or any other structure; (c)
23 in or on a bus, car, train, pedicab, or any other vehicle; or (d) on a wall, or any other surface or
24 material. Notwithstanding the foregoing sentence, "SSB Ad" does not include the following:

1 (a) any advertisement that is in any newspaper, magazine, periodical, advertisement circular or
2 other publication, or on television, the internet, or other electronic media;

3 (b) containers or packages for Sugar-Sweetened Beverages;

4 (c) any menus or handwritten listings or representations of foods and/or beverages that may be
5 served or ordered for consumption in a Retailer's establishment;

6 (d) any display or representation of, or other information about, a sugar-sweetened beverage,
7 including, without limitation, any logo, on a vehicle, if the vehicle is being used by any Person who is in
8 the business of manufacturing, distributing or selling the sugar-sweetened beverage in the performance
9 of such business; or

10 (e) any logo that occupies an area that is less than 36 square inches and is unaccompanied by
11 any display, representation, or other information identifying, promoting, or marketing a sugar-
12 sweetened beverage.

13 "Sugar-Sweetened Beverage" means any Nonalcoholic Beverage sold for human consumption,
14 including, without limitation, beverages produced from Concentrate, that has one or more added
15 Caloric Sweeteners and contains more than 25 calories per 12 ounces of beverage. Notwithstanding
16 the foregoing sentence, "Sugar-Sweetened Beverage" does not include any of the following:

17 (a) Milk.

18 (b) Milk alternatives, including but not limited to non-dairy creamers or beverages primarily
19 consisting of plant-based ingredients (e.g., soy, rice, or almond milk products), regardless of sugar
20 content.

21 (c) Any beverage that contains solely 100% Natural Fruit Juice, Natural Vegetable Juice, or
22 combined Natural Fruit Juice and Natural Vegetable Juice.

23 (d) Any product sold for consumption by infants, which is commonly referred to as "infant
24 formula," or any product whose purpose is infant rehydration.

25 (e) Medical Food.

1 (f) Any product designed as supplemental, meal replacement, or sole-source nutrition that
2 includes proteins, carbohydrates, and multiple vitamins and minerals.

3 (g) Any product sold in liquid form designed for use as an oral nutritional therapy for persons
4 who may have a limited ability to absorb or metabolize dietary nutrients from traditional food or
5 beverages.

6 (h) Any product sold in liquid form designed for use for weight reduction.

7 "Syrup" means the liquid mixture of ingredients used in making, mixing, or compounding
8 Sugar-Sweetened Beverages using one or more ingredients, including, without limitation, water, ice, a
9 Base Product, Powder, Simple Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or
10 other gas.

11 **SEC. 4203. SUGAR-SWEETENED BEVERAGE WARNING ON ADVERTISEMENTS.**

12 (a) Commencing on the operative date of this Division 1 (Ordinance No. _____) (the
13 "Operative Date"), which is one year after the effective date of this Division, any Advertiser who posts
14 an SSB Ad, or causes an SSB Ad to be posted, in San Francisco shall place on the SSB Ad the following
15 warning, including as amended in accordance with Subsection 4203(c) below (the "Warning"):

16 "WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and
17 tooth decay. This is a message from the City and County of San Francisco."

18 (b) All the letters in the Warning shall appear in conspicuous and legible type in contrast by
19 typography, layout, or color with all other printed material in the SSB Ad. The word "WARNING"
20 shall appear in capital letters. The Warning shall be enclosed in a rectangular border within the
21 printed advertisement that is the same color as the letters of the Warning and that is the width of the
22 first downstroke of the capital "W" of the word "WARNING." The Warning shall occupy at least 20%
23 of the area of each SSB Ad and the text shall be printed in a size and manner so as to be clearly legible
24 to the intended viewers of the SSB Ad. The text of the Warning shall be positioned such that the
25 Warning and the other information on the SSB Ad have the same orientation, such that text in the SSB

1 Ad and the Warning are read in the same direction (for example, left to right, or bottom to top). The
2 Warning shall be indelibly printed on or permanently affixed to each SSB Ad.

3 (c) The Director may by regulation, following a publicly noticed hearing, modify the Warning in
4 any of the following ways: (1) change the text of the Warning based on available medical or scientific
5 information regarding the health impact of Sugar-Sweetened Beverages; (2) set, and later modify, in
6 the Director's discretion, the size of the text of the Warning within the 20% area specified in subsection
7 4203(b) to ensure the Warning is clear, legible, and conspicuous; or (3) modify the minimum area of
8 SSB Ads that the Warning must occupy to improve or ensure the effectiveness of the Warning. Any such
9 regulations adopted by the Director shall not be effective before one year after the date of the adoption
10 of the regulation. In addition, the Director may, after a publicly noticed hearing, adopt other rules and
11 regulations for the implementation of this Division I. The Director may also issue guidelines
12 pertaining to implementation.

13 (d) This Division does not apply to any action by an Advertiser regarding an SSB Ad posted
14 anywhere before the Operative Date.

15 **SEC. 4204. PENALTIES AND ENFORCEMENT.**

16 (a) The Director may assess and collect administrative penalties for the violation of Section
17 4203 in accordance with Administrative Code Chapter 100, "Procedures Governing the Imposition of
18 Administrative Fines," as may be amended from time to time. Chapter 100, which is incorporated
19 herein in its entirety, shall govern the amount of fees and the procedures for imposition, enforcement,
20 collection, and administrative review of administrative citations; provided that, for each placement of
21 an SSB Ad, each day a violation is committed or permitted to continue shall constitute a separate
22 violation of Section 4203 and each Advertiser that posted or caused the SSB Ad to be posted is a
23 separate violator of Section 4203 subject to penalties under this Section.
24
25

1 (b) A Retailer shall not be deemed in violation of Section 4203 unless the Retailer continues to
2 allow an SSB Ad to be posted in or on the Retailer's establishment 30 days after the Retailer received a
3 written notice from the Director that the SSB Ad is in violation of Section 4203.

4 (c) City departments shall cooperate with the Director in the enforcement of this Division I.

5 **SEC. 4205. SEVERABILITY.**

6 If any section, subsection, sentence, clause, phrase, or word of this Division I, or any
7 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
8 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
9 portions or applications of the Division. The Board of Supervisors hereby declares that it would have
10 passed this Division and each and every section, subsection, sentence, clause, phrase, and word not
11 declared invalid or unconstitutional without regard to whether any other portion of this Division would
12 be subsequently declared invalid or unconstitutional.

13 **SEC. 4206. NO CONFLICT WITH FEDERAL OR STATE LAW.**

14 Nothing in this Division I shall be interpreted or applied so as to create any requirement,
15 power, or duty in conflict with any federal or state law.

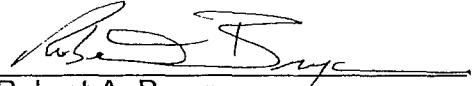
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1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
Robert A. Bryan
Deputy City Attorney

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LEGISLATIVE DIGEST
(Substituted 5/19/2015)

[Health Code - Sugar-Sweetened Beverage Warning for Advertisements]

Ordinance amending the Health Code to require advertisements for sugar-sweetened beverages to include a warning about the harmful health effects of consuming such beverages and authorizing the Director of Health to impose penalties for noncompliance.

Existing Law

The Health Code includes legislation on matters of public health.

Amendments to Current Law

This ordinance amends the Health Code by adding Article 42 (Sugar-Sweetened Beverages), Division I (Sugar-Sweetened Beverage Warning Ordinance) which requires an “Advertiser” who posts, or causes to be posted in San Francisco an advertisement that identifies, promotes, or markets a sugar-sweetened beverage for sale or use to include on the advertisement the following warning: “WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco.” The term “sugar-sweetened beverage” includes, with some specific exceptions, non-alcoholic beverages that have one or more caloric sweeteners and contains more than 25 calories per 12 ounces of beverage. The warning must occupy at least 20% of the area of the advertisement. The purpose of the warning is to inform the public of health impacts before purchases are made, thereby assisting the public to make a more informed choice about the consumption of the advertised beverage.

The warning must be placed on advertisements that are on paper, poster, billboards, in or on stadiums, transit shelters, arenas or any other structures, buses, cars, trains, pedicabs, or any other vehicles, or on walls or any other surface or materials. However, the preceding sentence notwithstanding, the ordinance does not apply to the following: (1) advertisements that are in newspapers, periodicals, magazines, advertisement circulars, or other publications, or on television, the internet, or other electronic media; (2) containers and packages; (3) menus or handwritten listings or representations of foods or beverages that may be served or ordered for consumption in a Retailer’s establishment; (4) any display or representation of, or other information about a sugar-sweetened beverage, including, without limitation, any logo, on a vehicle, if the vehicle is being used by any Person who is in the business of manufacturing, distributing, or selling the sugar-sweetened beverage in the performance of such business; or (5) any logo that occupies an area that is less than 36 square inches and is unaccompanied by any display, representation, or other information identifying, promoting, or marketing a sugar-sweetened beverage. The terms “Retailer” and “Person” are defined in the ordinance. The ordinance applies to advertisements posted on or after the Operative Date of

the ordinance, which is one year after the effective date of the ordinance. It does not apply to any action taken for an advertisement that was posted anywhere before the Operative Date. For example, an Advertiser may remove and relocate such an advertisement without adding the warning.

An "Advertiser" is any individual or entity that is in the business of manufacturing, distributing, or selling sugar-sweetened beverages, placing or installing advertisements, or providing space for advertisements, or its agents or contractors who assist in such business. However, "Advertiser" does not include employees of such individual or entity, but includes individuals acting as sole proprietors.

The Director of Health may by regulation, following a publicly noticed hearing, modify the text of the warning based on medical and scientific information on health impacts, or set or modify the size of the text of the warning to ensure the warning is clear, legible and conspicuous, or modify the minimum area of advertisements that the warning must occupy. Any of these regulations will not be effective before one year after the date of adoption. The Director of Health also may, after a publicly noticed hearing, adopt rules or regulations for the implementation of the ordinance. The operative date of these rules or regulations are not required to be delayed by one year.

The Director of Health may assess administrative penalties against any Advertiser in violation of the ordinance. However, before the Director of Health may assess penalties against a Retailer of sugar-sweetened beverages for posting an advertisement in or on the Retailer's establishment in violation of the Division, the Director of Health must give the Retailer a written notice of the noncompliance. If the Retailer fails to correct the noncompliance within 30 days of receipt of the notice, the Director of Health may then assess penalties. City departments must cooperate with the Director of Health in the enforcement of the ordinance.

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

**YOUTH COMMISSION
MEMORANDUM**

TO: Derek Evans, Public Safety and Neighborhood Services Committee Clerk
FROM: Youth Commission
DATE: Wednesday April 7, 2015
RE: Referral response to BOS Files Numbers: 150241, 150243, 150245, 150252

At our regular meeting of **Monday, April 6, 2015** the Youth Commission voted unanimously to support the following four motions:

To support BOS File No. 150241 – Administrative Code - Prohibiting Advertisements for Sugar-Sweetened Beverages on City Property

To support BOS File No. 150243 – Administrative Code - Barring City Departments from Purchasing and City Contractors from Selling or Distributing Sugar-Sweetened Beverages

To support BOS File No. 150245 – Health Code - Sugar-Sweetened Beverage Warning for Advertisements

To support BOS File No. 150252 – Resolution Supporting California Senate Bill 203 (Monning) - Sugar-Sweetened Beverage Safety Warning Act

Youth commissioners support for these pieces of legislation follows on their previous support of efforts to curb sugary drink consumption to improve public health outcomes for young people, including their 2014 support of the proposed soda tax legislation and their participation in the Open Truth social media campaign.

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions about these recommendations, please do not hesitate to contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script that reads "Michel Li".

Chair, Michel Li
Adopted on April 6, 2015
2014-2015 San Francisco Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Youth Commission
FROM: Derek Evans, Assistant Clerk
DATE: April 3, 2015
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following legislation. At the request of the Youth Commission, this item is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150245

Ordinance amending the Health Code to require advertisements for sugar-sweetened beverages to include a warning about the harmful health effects of consuming such beverages; and authorizing the Director of Health to impose penalties for noncompliance.

Please return this cover sheet with the Commission's response to Derek Evans, Clerk, Public Safety & Neighborhood Services Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

____ No Comment

____ Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Rm 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A. Garcia, Department of Public Health
Regina Dick-Endrizzi, Small Business Commission
Nicole Wheaton, Office of the Mayor

FROM: Derek Evans, Assistant Committee Clerk

DATE: March 16, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety and Neighborhood Services Committee has received the following legislation, which is being referred to your department.

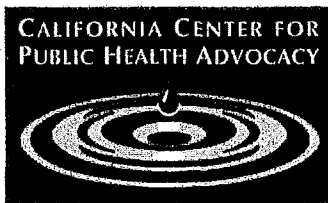
File No. 150245

Ordinance amending the Health Code to require advertisements for sugar-sweetened beverages to include a warning about the harmful health effects of consuming such beverages; and authorizing the Director of Health to impose penalties for noncompliance.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health

A nonpartisan, nonprofit
organization established by the
Northern and Southern California
Public Health Associations



Post Office Box 2309
Davis, California 95617
Telephone 530.297.6000
Fax 530.297-6200
www.PublicHealthAdvocacy.org

Because health doesn't just happen

May 28, 2015

Jane Kim
San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 244

Re: Sugar-Sweetened Beverage Advertising and Purchasing Legislation

Dear Supervisor Jane Kim:

The California Center for Public Health Advocacy (CCPHA) supports the legislation put forth by San Francisco Supervisors Malia Cohen, Eric Mar and Scott Wiener to address the epidemic of type two diabetes, obesity and other diseases related to the consumption of sugar-sweetened beverages. Their legislation will ban sugar-sweetened beverage advertisements on public property, require health warnings on all posted sugar-sweetened beverage advertisements, and ban city spending on sugar-sweetened beverages. These important policies will send a clear message that San Francisco understands the impact the consumption of these beverages has on its residents, will improve the health of people living in San Francisco, and will serve as a model for the rest of the country to follow.

CCPHA is a nonpartisan, nonprofit organization that tackles the underlying factors that perpetuate childhood obesity and diabetes. We advocate for policy change simultaneously at state and local levels, we network local efforts together for statewide impact, and we support our work with grassroots organizing, strategic research, media advocacy, and direct lobbying. We successfully helped establish nutrition standards for foods in schools and helped California become the first state to require menu labeling. We also have a history of working toward requiring health warning labels on sugar-sweetened beverages at the state level.

The facts related to the consumption of sugar-sweetened beverages are clear. One-third of today's youth—and one-half of African-American and Hispanic youth—will become diabetic if actions aren't taken. Drinking just one 12 ounce can of soda a day can increase your chance of getting type 2 diabetes by 25%. This is a public health crisis, and local policy leaders must take the lead to put forth innovative solutions to address the consumption of these drinks.

Please join supervisors Cohen, Mar and Wiener in their efforts to improve the health of San Francisco by voting to support these important measures. These are vital policies to the future health of San Francisco and the rest of the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Goldstein".

Harold Goldstein
Executive Director
California Center for Public Health Advocacy

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May 28, 2015

Norman Yee
San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 244

Re: Sugar-Sweetened Beverage Advertising and Purchasing Legislation

Dear Supervisor Norman Yee:

The California Center for Public Health Advocacy (CCPHA) supports the legislation put forth by San Francisco Supervisors Malia Cohen, Eric Mar and Scott Wiener to address the epidemic of type two diabetes, obesity and other diseases related to the consumption of sugar-sweetened beverages. Their legislation will ban sugar-sweetened beverage advertisements on public property, require health warnings on all posted sugar-sweetened beverage advertisements, and ban city spending on sugar-sweetened beverages. These important policies will send a clear message that San Francisco understands the impact the consumption of these beverages has on its residents, will improve the health of people living in San Francisco, and will serve as a model for the rest of the country to follow.

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Sincerely,

Harold Goldstein
Executive Director
California Center for Public Health Advocacy

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Because health doesn't just happen

May 28, 2015

John Avalos
San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 244

Re: Sugar-Sweetened Beverage Advertising and Purchasing Legislation

Dear Supervisor John Avalos:

The California Center for Public Health Advocacy (CCPHA) supports the legislation put forth by San Francisco Supervisors Malia Cohen, Eric Mar and Scott Wiener to address the epidemic of type two diabetes, obesity and other diseases related to the consumption of sugar-sweetened beverages. Their legislation will ban sugar-sweetened beverage advertisements on public property, require health warnings on all posted sugar-sweetened beverage advertisements, and ban city spending on sugar-sweetened beverages. These important policies will send a clear message that San Francisco understands the impact the consumption of these beverages has on its residents, will improve the health of people living in San Francisco, and will serve as a model for the rest of the country to follow.

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Sincerely,

A handwritten signature in black ink, appearing to read "Harold Goldstein".

Harold Goldstein
Executive Director
California Center for Public Health Advocacy

From: Calvillo, Angela (BOS)
Sent: Tuesday, May 26, 2015 3:42 PM
To: Somera, Alisa (BOS)
Subject: FW: Please Support Sugary Drinks Purchasing and Advertising Legislation

For the sugary drink file please.
Thank you
Angela

From: Sheffield Hale [<mailto:sheffieldhale@gmail.com>]
Sent: Monday, May 25, 2015 10:43 AM
To: Breed, London (BOS); BreedStaff, (BOS)
Cc: Calvillo, Angela (BOS); Mar, Eric (BOS); Cohen, Malia (BOS); Wiener, Scott
Subject: Please Support Sugary Drinks Purchasing and Advertising Legislation

Dear Board President Breed and the San Francisco Board of Supervisors:

I, Sheffield Hale, support the legislation put forth by San Francisco Supervisors Malia Cohen, Eric Mar and Scott Wiener to address the epidemic of type two diabetes, obesity and other diseases related to the consumption of sugar-sweetened beverages.

The proposed legislation will ban sugar-sweetened beverage advertisements on public property, require health warnings on all posted sugar-sweetened beverage advertisements, and ban city spending on sugar-sweetened beverages. These important policies will send a clear message that San Francisco understands the impact the consumption of these beverages has on its residents and will improve the health of people living in San Francisco. The message will extend beyond San Francisco to the rest of the nation. These policies will serve as models for the rest of the country to follow.

The facts related to the consumption of sugar-sweetened beverages are clear. One-third of today's youth—and one-half of African-American and Hispanic youth—will become diabetic if actions aren't taken. Drinking just one 12 ounce can of soda a day can increase your chance of getting type 2 diabetes by 25%.

Sugar sweetened beverages are the largest single source of added sugars in the American diet, are less satiating than solid food, and contain little or no nutritional value. Numerous studies in adults and youth link the consumption of sugar-sweetened beverages with weight gain, obesity, type 2 diabetes, and heart disease. In fact, sugar sweetened beverages are the only beverage or food that has been directly linked to obesity.

Despite recent declines, consumption of sugar-sweetened beverages remains excessively high. In 2010, the average American adult consumed 151 calories per day from sugar-sweetened beverages. Certain populations derive a much larger proportion of calories from sugar-sweetened beverages than others. For instance, adolescent males (ages 12-17) consume, on average, nearly 300 calories a day, or 15% of their recommended daily calorie allowance, from sugarsweetened beverages. Soda, energy and sports drinks, sweetened water, fruit drinks, and sweetened coffee—all drinks that would be subject to the fee—are the largest source of daily calories for adolescents in the US. In addition, sugar-sweetened beverage consumption is highest among groups that have the highest risk of type 2 diabetes and obesity – low income people, Latinos and African Americans.

These high levels of consumption are driven by the extensive and aggressive industry marketing tactics. Moreover, this advertising targets the most vulnerable. For example, Latino and African American children see significantly more ads for sugar drinks and dollars spent on targeted marketing to Latinos and African Americans has increased sharply in recent years. While awareness of the adverse health effects of sugary sodas is increasing, many fewer people are aware that consuming sugary sports drinks and fruit drinks is no different from drinking sodas.

Thus the three measures are perfectly on target by addressing aggressive advertising of a product harmful to health and increasing awareness of the range of sugar-sweetened beverages and their health impacts.

This is a public health crisis, and local policy leaders must take the lead to put forth innovative solutions to address the consumption of these drinks.

Please join supervisors Cohen, Mar and Wiener in their efforts to improve the health of San Francisco by voting to support these important measures. These are vital policies to the future health of San Francisco and the rest of the country.

Sincerely,
Sheffield Hale

340 Church St, SF, CA

Action for Healthy Food

1218 Third Ave,
Suite 505
Seattle, WA 98101

May 13, 2015

London Breed
President, San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 244

Re: Sugar-Sweetened Beverage Advertising and Purchasing Legislation

Dear Board President Breed and the San Francisco Board of Supervisors:

Action for Healthy Food (AFHF) supports the legislation put forth by San Francisco Supervisors Malia Cohen, Eric Mar, and Scott Wiener to address the epidemic of type 2 diabetes, obesity, and other diseases related to the consumption of sugar-sweetened beverages.

The proposed legislation will ban sugar-sweetened beverage advertisements on public property, require health warnings on all posted sugar-sweetened beverage advertisements, and ban city spending on sugar-sweetened beverages. These important policies will send a clear message that San Francisco understands the impact the consumption of these beverages has on its residents and will improve the health of people living in San Francisco. The message will extend beyond San Francisco to the rest of the nation. These policies will serve as models for the rest of the country to follow.

AFHF is a national organization that promotes healthy food policy as a means towards increasing consumption and availability of healthy foods and beverages while decreasing consumption of unhealthy ones. The three proposed policies are innovative and necessary. We will follow closely the progress made in San Francisco and share it with our partners across the country, including local and state governments, foundations, health advocacy organizations, public health agencies, and others.

The facts related to the consumption of sugar-sweetened beverages are clear. One-third of today's youth—and one-half of African American and Hispanic youth—will become diabetic if actions aren't taken. Drinking just one 12 ounce can of soda a day can increase your chance of getting type 2 diabetes by 25%. Sugar-sweetened beverages are the largest single source of added sugars in the American diet, are less satiating than solid food, and contain little or no nutritional value. Numerous studies in adults and youth link the consumption of sugar-sweetened beverages with weight gain, obesity, type 2 diabetes, and heart disease. In fact, sugar sweetened beverages are the only beverage or food that has been directly linked to obesity.

Despite recent declines, consumption of sugar-sweetened beverages remains excessively high. In 2010, the average American adult consumed 151 calories per day from sugar-sweetened beverages. Certain populations derive a much larger proportion of calories from sugar-sweetened beverages than others. For instance, adolescent males (ages 12-17) consume, on average, nearly 300 calories a day, or 15% of their recommended daily calorie allowance, from sugar-sweetened beverages. Soda, energy and sports drinks, sweetened water, fruit drinks, and sweetened coffee—all drinks that would be subject to the fee—are the largest source of daily calories for adolescents in the US. In addition, sugar-sweetened beverage consumption is highest among groups that have the highest risk of type 2 diabetes and obesity – low-income people, Hispanics, and African Americans.

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Thus the three measures are perfectly on target by addressing aggressive advertising of a product harmful to health and increasing awareness of the range of sugar-sweetened beverages and their health impacts.

This is a public health crisis, and local policy leaders must take the lead to put forth innovative solutions to address the consumption of these drinks.

Please join supervisors Cohen, Mar, and Wiener in their efforts to improve the health of San Franciscans by voting to support these important measures. These are vital policies to the future health of San Francisco and the rest of the country.

Sincerely,



James Krieger, MD, MPH
Executive Director
Action for Healthy Food

CC/

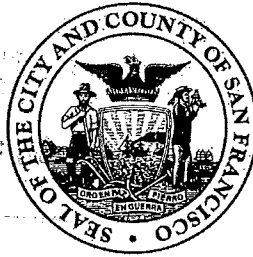
Malia Cohen, Member, San Francisco Board of Supervisors

Eric Mar, Member, San Francisco Board of Supervisors

Scott Wiener, Member, San Francisco Board of Supervisors

Angela Calvillo, Clerk, San Francisco Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
85
President, District 5
BOARD of SUPERVISORS



BOSII, COB, Leg. Dep
Dep city atty, PSNS,
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227
LU

London Breed

PRESIDENTIAL ACTION

Date: 5/4/2015

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

- Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

- Transferring (Board Rule No. 3.3)

File No. 150245 Wiener
(Primary Sponsor)

Title. Sugar-Sweetened Beverage Warning for Adver

From: Public Safety & Neighborhood Services Committee

To: Land Use & Transportation Committee

- Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

A handwritten signature in cursive script that reads "London Breed".

London Breed, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECD IN
BOARD
5-19

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires".
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [150245]
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisors Wiener; Mar, Cohen

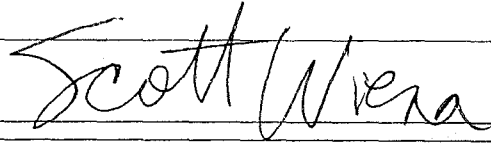
Subject:

Health Code - Sugar-Sweetened Beverage Warning for Advertisements

The text is listed below or attached:

Ordinance amending the Health Code to require advertisements for sugar-sweetened beverages to include a warning about the harmful health effects of consuming such beverages and authorizing the Director of Health to impose penalties for noncompliance.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

