

# Public hearing set on proposed NY sugary drink ban

July 24 2012, by SAMANTHA GROSS

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(AP) — Whether they think Mayor Michael Bloomberg is combating obesity or infringing on their rights, New Yorkers are scheduled to have their say on a proposed ban on large sugary drinks served at restaurants, movie theaters and other eateries.

The proposal requires only the approval of the Board of Health — appointed by the mayor — to take effect. But opponents could still sue to block the ban, or they could convince legislators to step in and block the proposal.

A public hearing was scheduled for Tuesday afternoon, and the board is scheduled to vote on the measure Sept. 13.

"Sugary drink consumption is a key driver of the obesity epidemic," Bloomberg said Monday alongside community leaders who gathered to voice their support for the measure. "This year an estimated 5,800 New Yorkers will die because they are obese or overweight."

A few miles away and about an hour later, more than 100 people gathered on the steps of City Hall to protest the proposed ban — many wearing t-shirts that read, "I picked out my beverage all by myself."

Since Bloomberg proposed the ban in May, opponents including members of the restaurant and soft drink industries as well as libertarians have accused him of attempting to institute a "nanny state" with far-reaching government controls that infringe on individual choice. City

officials, meanwhile, argue they are trying to save lives in the face of an epidemic that is killing New Yorkers and costing \$4 billion a year.

At Monday's rally, protesters called on the administration to target obesity by improving access to physical education for the city's students and better educating the public. The proposed rules, they argued, will do little to curb weight gain and instead will hurt some small business owners while helping others.

A corner deli could be banned from selling 20-ounce (570-gram) soda bottles even while a neighboring chain is allowed to sell giant drinks, because the city's proposal would only apply to food carts and to establishments regulated by the city Health Department, including restaurants, sports arenas and movie theaters. Grocery stores, drug stores and some convenience stores are regulated by the state and would be unaffected.

The rule would apply to [sugary drinks](#) larger than 16 ounces (450 grams). Drinks that are more than half milk or 70 percent juice would be exempt, as would diet sodas. In a letter released Monday by The New England Journal of Medicine, New York University researchers said the ban could affect nearly two-thirds of drinks bought at the city's fast-food restaurants, according to a survey of more than 1,600 receipts. On average, sugary-drink buyers could consume 74 calories less per fast-food outing, the letter said.

Bloomberg acknowledged that it's not only sugary drinks such as soda that are to blame for weight gain, but he said the sweet liquids are especially bad because they contain "empty calories that flood our bodies with sugar without making us feel full."

One protester, real estate broker Danny Panzella, said he doesn't drink soda because of health concerns. But, he said, the idea of government

inserting itself into that decision is an affront to his libertarian values.

Panzella, who carried a sign that read, "My Body, My Choice," said he had no financial stake in the issue. Some other protesters said they worked for Coca-Cola Co., while others represented the restaurant industry.

"I want to have a freedom of choice in a free country," Panzella said. "It's certainly not the role of the government to police what people are putting into their bodies."

City Health Commissioner Thomas Farley argued that such concerns fade in the face of obesity's New York City death toll.

"If a virus were killing 5,800 people this year, people would be clamoring for government action to stop it," he said.

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