NYC Bans Big, Sugary Drinks at Restaurants

DAVID B. CARUSO & JENNIFER PELTZ,Associated Press

NEW YORK (AP) — Over a decade, New York City has outlawed smoking in bars and offices, banned trans fats, and forced fast-food restaurants to list calorie counts on their menus.

Now, the Big Apple has set its sights on sugary beverages with a first-in-the-nation rule barring restaurants, cafeterias and concessions stands from selling soda and other calorie-rich drinks in containers larger than 16 ounces.

Will it make a difference, or be just another health lifestyle initiative that people ignore?

Public health experts around the nation — and the restaurant and soft-drink industry — will be watching closely to see whether the new restrictions on supersized colas, adopted Thursday by the city's Board of Health, lead to changes in the way New Yorkers eat and drink.

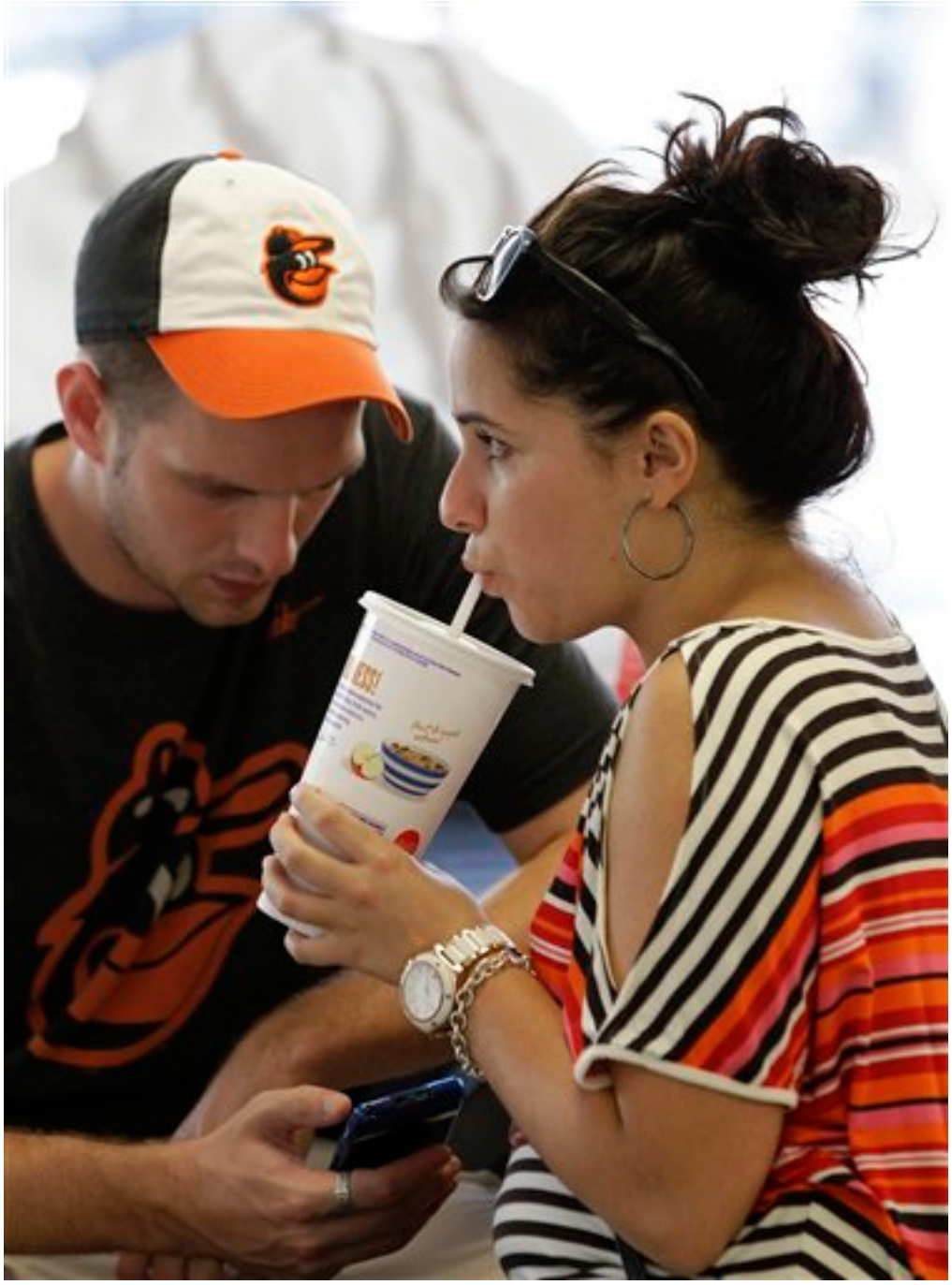
No other U.S. city has tried to fight the obesity epidemic by restricting portion sizes at restaurants, but city officials said they were willing to take dramatic action as a way of getting a skeptical public to embrace the idea that empty-calorie foods are a menace.

Mayor Michael Bloomberg didn't mince words Thursday in describing the role that sugary beverages have played in the obesity epidemic: He likened the restrictions on caloric soft drinks to banning lead paint, and cited the surge in young children being diagnosed with a type of diabetes more commonly found in overweight adults.

"We are dealing with a crisis ... we need to act on this," said Board of Health member Deepthiman Gowda, a professor of medicine at Columbia University.

So will New Yorkers listen, or simply get their next 20-ounce soda at the many thousands of convenience stores and supermarkets not covered by the rule?

By nature, many are likely to see the restrictions as an infringement on personal liberty. A New York Times poll last month showed that six in 10 New Yorkers opposed the rule.



"It's a slippery slope. When does it stop? What comes next?" said Sebastian Lopez, a college student from Queens, adding that even though he isn't much of a soda drinker, "This is my life. I should be able to do what I want."

The regulations apply to any establishment with a food-service license, from the delis and theaters of Broadway, to the concession stands at Yankee Stadium and the pizzerias of Little Italy.

There are exceptions for beverages made mostly of milk or unsweetened fruit juice.

Complying might prove complicated for some establishments, and health officials said they would set up a process for restaurants to submit recipes if there was a question about what drinks were covered.

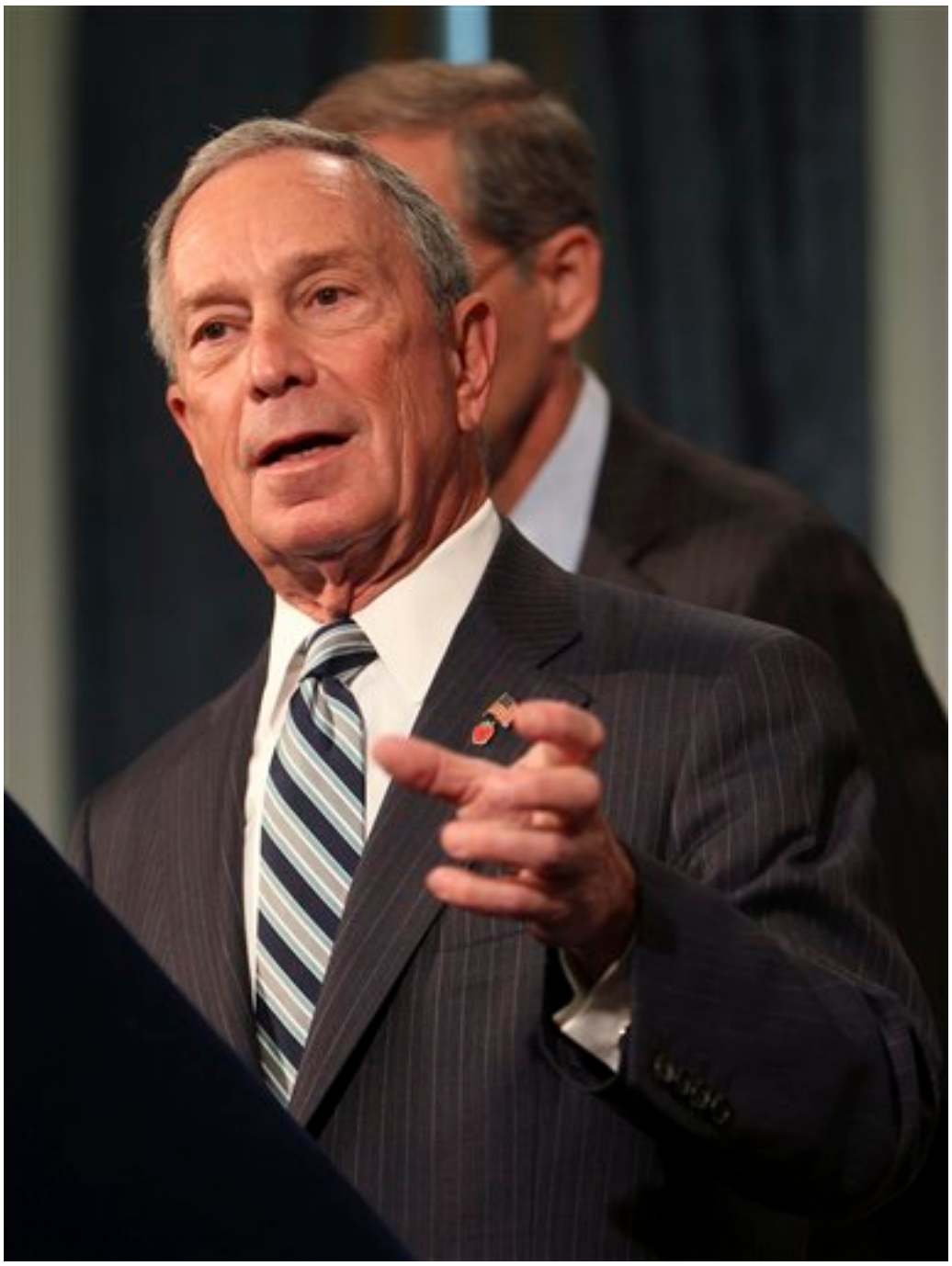
Starbucks is trying to figure out whether it will be barred from selling Frappuccinos in the 24-ounce size. The drink is loaded with calories, but is also made with a significant amount of milk. New York's new rule would exempt products that are at least 50 percent milk.

Another issue could be iced coffee, which many cafes sweeten with liquefied sugar. Customers might now have to add the sweetener themselves.

"We're looking at all of our beverages internally," said Starbucks spokeswoman Linda Mills. "I think there will be a lot of subtleties to work out."

Restaurants with self-serve soda fountains will be prohibited from giving out cups larger than 16 ounces, even for diet sodas, but people will still be allowed refills.

Pitchers of non-diet soda will become a thing of the past, even if they are being shared by many diners.



Barring any court action, the measure will take effect in March.

The restaurant and beverage industries complained that the city is exaggerating the role sugary beverages have played in making Americans fat. Soda, they said, is no more of a culprit than potato chips, or sweet deserts.

"This is a political solution and not a health solution," said Eliot Hoff, a spokesman for an industry-sponsored group called New Yorkers for Beverage Choices, which claims to have gathered more than 250,000 signatures on petitions against the plan.

He said the group is considering suing to block the rule, but no immediate legal action was announced Thursday.

Asked whether he was concerned about "well-funded" opposition from an industry with deep pockets, Bloomberg, a billionaire emerging as a major philanthropist on public health issues, suggested he wouldn't be outgunned.

"I don't know it's well-funded. I've just spent roughly $650 million of my own money to try to stop the scourge of tobacco, and I'm looking for another cause. How much were they spending, again?" he said.

The Board of Health approved the big-soda ban 8-0, with one member, Dr. Sixto Caro, abstaining. Caro, a doctor of internal medicine, said the plan wasn't comprehensive enough.

Others spoke forcefully of the need for action to deal with an obesity crisis.

"I feel to not act would really be criminal," said board member Susan Klitzman, director of the Urban Public Health Program at Hunter College.

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Associated Press Writer Alex Katz contributed to this report.

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