



THE
CrossFit JOURNAL

Soda War

BY ANDRÉA MARIA CECIL

Bills requiring health-warning labels for sugar-sweetened beverages have failed to become law but succeeded in raising awareness.



New York Assemblyman Jeffrey Dinowitz is one of two lawmakers in the U.S. to introduce a bill requiring health-warning labels for sugary drinks.

The United States' first two legislative measures seeking to add health-warning labels to sugar-sweetened beverages aren't winning battles against Big Soda yet, sponsoring lawmakers conceded, but they are bolstering the war effort.

"It's part of a national movement," said Sen. Bill Monning, the Democrat who first introduced the Sugar-Sweetened Beverages Safety Warning Act in February 2013 as [Senate Bill 1000](#) in the California State Senate.

The label would read, "Safety warning: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay." It would apply to any sweetened nonalcoholic drink that has added caloric sweeteners and contains 75 calories or more per 12 fluid ounces, according to the proposed act.

"We think it's good public policy, but it also provides an avenue for education, for raising the awareness of both our colleagues and the public and our constituents in the growing knowledge of the adverse effects of sugar-sweetened beverages," Monning said.

SB 1000 passed the Senate but ran out of time during the regular legislative session for the House to consider it. In February 2015, Monning again introduced the act—this time as [SB 203](#). It failed to make it out of the Senate Health Committee. Monning called its failure disappointing and "a testament to the power of the (Big Soda) industry."

"From a public-health point of view—whether a member agrees with this being the best strategy—you would think a health committee would want the opportunity for it to be heard," said Monning, the Senate majority leader.

During the next legislative session, which is scheduled to begin in December 2015, the senator from Carmel said he intends to revisit efforts aimed at reducing consumption of sugar-sweetened beverages. That could manifest itself as a version of SB 203 or of 2013's [SB 622](#)—which would have required a tax on sugar-sweetened beverages—or an entirely different strategy.

"We haven't made any decisions for 2016," Monning said in mid-October. "I remain committed to advancing education on the known public-health risk ... in our communities."

Meanwhile, in New York state, Assemblyman Jeffrey Dinowitz, a Democrat from the Bronx, modeled his Sugar-Sweetened Beverages Safety Warning Act after Monning's measure. Dinowitz introduced the bill in January.

"My hope is (this act) will be one of many things that help contribute to diminishing the amount of sugar intake for people, particularly kids," he said.

Two of the New York Assembly's committees—Health as well as Consumer Affairs and Protection—held a joint public hearing on the bill in April. Dinowitz intends to vigorously pursue the measure come January but is realistic about its future.

"This is not something that we're going to necessarily pass immediately," he said.

In the interim, it's important to raise consumer awareness and consciousness, Dinowitz added.

"The very fact that this issue's being discussed, I think, is important."

The Good Fight

What Dinowitz and Monning face is a Big Soda lobby fortified by wealth and political influence.

"I understand that the industry is very powerful, and they put their money where their mouths are when it comes to stopping legislation they don't like," Dinowitz said.

Indeed.

Big Soda has spent US\$106 million between 2009 and 2015 to defeat public-health initiatives at the local, state and federal levels, according to "[Big Soda vs. Public Health](#)," a report published by the Center for Science in the Public Interest.

Among other tactics, the industry portrays such initiatives as job killers, calls them regressive and "will try to paint the public-health measure as somehow denying consumers freedom of choice," explained Jim O'Hara, the report's author and the director of health promotion policy at the center.

In July, the American Beverage Association (ABA)—representing the likes of The Coca-Cola Co. and PepsiCo—[sued the City of San Francisco](#) over two ordinances, one of which requires health-warning language on ads for sugar-sweetened beverages: "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 ABA claims the ordinances violate the First and 14th Amendments to the U.S. Constitution.

In September, the city asked the U.S. District Court for the Northern District of California to **dismiss the suit**.

The ABA called Monning's and Dinowitz's bills "misguided and misleading" via an email from external spokeswoman Kelley Kaufman.

"Warning labels on beverages does nothing to help inform or educate people about their beverage choice."

The Epidemic

On a so-called "fact sheet" CalBev issued to encourage a "no" vote on SB 203, the California industry association noted that a 2.1-oz. glazed donut, an 8-oz. pomegranate-blueberry juice drink and an 8-oz. protein juice beverage all separately have more calories than a 12-oz. can of soda yet would be exempt from the health-warning label.

"Americans consume nearly twice as many calories from cupcakes, donuts and other processed foods than they do from sugar-sweetened beverages," according to the document.

But over the decades, scientists and researchers have repeatedly said **calories give no indication of how a food will affect the body**. When it comes to the fructose and glucose components of sugar, the body metabolizes them differently and with entirely different tissues and organs, explained Gary Taubes, investigative journalist and best-selling author of "Good Calories, Bad Calories" and "Why We Get Fat." Coca-Cola, for example, contains high-fructose corn syrup, a mixture of unbonded fructose and glucose.

Dinowitz and Monning know as much.

"A nutrition label simply gives you ingredients," Dinowitz said. "It doesn't tell you the effect of those ingredients."

And when it comes to sugar, those effects have been astounding.

More than 29 million people of all ages in the United States—or 9.3 percent of the nation's population—have diabetes, **according to the U.S. Centers for Disease Control and Prevention**. Of those, 21 million people have been diagnosed, while more than 8 million people are undiagnosed.

"The number of people who are obese, the number of people who have Type 2 diabetes has gone up and up, and it's an enormous public-health problem. And it's likely at this point to get worse," Dinowitz said.

He added: "The single-largest contributor to the massive amounts of sugar people are ingesting comes via sugary drinks."

The science doesn't argue.

"When you drink sugary beverages, there's a much more rapid absorption of sugar. You can take in a huge amount in a very short time, so the concentration that hits the liver, and particularly of fructose, is higher than in other types of foods," explained Richard Johnson, author of "The Fat Switch" and professor of renal diseases and hypertension at the University of Colorado Denver's Anschutz Medical Campus in Aurora.

The data, he added, are not only "overwhelming" but "incontrovertible": Sugary beverages increase your risk for obesity, diabetes, fatty-liver disease and chronic liver disease, among other metabolic derangements.

"I understand the defense of 'there are other things in the world that aren't good,'" Johnson noted. "But you've got to start somewhere and this is the one, by far, that is the worst."

Another First

California was among the first states to remove sodas from public schools and to add calorie information to menu boards.

"California is often the first, and it's time for California to be the first again," said Harold Goldstein, executive director of the California Center for Public Health Advocacy.

Goldstein has been working with Monning's office on the health-warning legislation, saying it's a necessary step.

"The fundamental premise of a market economy is that consumers have truthful information about the products that they're going to purchase," he explained. "And right now the vast majority of information that consumers get about the beverages they're going to consume comes from billions of dollars of advertising from Coke and Pepsi and other Big Soda



CrossFit Inc. Founder and CEO Greg Glassman supports a warning label on sugary drinks because "they're poisoning our kids."

companies who spend that money to try to convince people, especially kids, (that soda is not harmful)."

Meanwhile, diabetes is causing **blindness and leading to limb amputation**.

"The free market should not include the right to mislead consumers regarding the safety of any products," Monning stressed. "We don't take away the right to choice. We seek to inform."

"I endeavor to give soda the well-deserved reputation that cigarettes and alcohol have."

—Greg Glassman, CrossFit Founder and CEO

Among the measure's supporters is CrossFit Inc. Founder and CEO Greg Glassman, a self-described "rabid Libertarian."

"Though a Libertarian, I support warning labels on high-voltage lines, tobacco, alcohol, and soda. I'm OK with municipal

limitations on advertising things considered antagonistic to the health and wellbeing of its citizenry."

In early November, Glassman is scheduled to visit a handful of affiliates throughout California to rally support for a health-warning-label bill in the state where CrossFit is headquartered.

"I think they're poisoning our kids and warning is needed," he said.

With such a label, Big Soda would no longer be able to co-opt health science or fitness, Glassman noted.

"The real value for me of the warning label is they can't subvert health sciences once the label's on the can the same way that Marlboro can't open a lung-cancer research hospital, and Jack Daniels isn't going to sell anyone on their drunk-driving research," he said. "Once that label's on there, I don't see how they can be players in the health sciences. I endeavor to give soda the well-deserved reputation that cigarettes and alcohol have." ■

About the Author

Andréa Maria Cecil is assistant managing editor and head writer of the CrossFit Journal.