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# A SIP BECOMES A DRAG

The anti-sugary-drink movement grows as an increasing number of lawmakers propose measures similar to those used to curb smoking.

BY ANDRÉA MARIA CECIL



San Francisco is currently fighting the American Beverage Association in court to ensure billboards like this feature warning labels in the future.



Soda is going the way of the cigarette.

The number of cities, states and countries considering a legislative measure targeting sugar-sweetened beverages is growing. From taxes to health-warning labels, the efforts mimic the American anti-tobacco movement that began in the 1950s. And while soda and cigarettes aren't identical, comparing the two is an easy task.

“They’re not equivalent, but they share similarities in that neither of them are necessary, and both of them have been marketed heavily and (disproportionately) to minority populations,” said Michael Long, assistant professor in the Department of Prevention and Community Health at The George Washington University’s Milken Institute School of Public Health.

Nearly 20 jurisdictions worldwide levy a tax on sugar-sweetened beverages (SSBs) in some way, shape or form—or have recently passed tax legislation, such as the U.K. Of these places, Mexico might be the most well known. It implemented its so-called soda tax on Jan. 1, 2014, in an effort to curb its soaring rates of overweight, obesity and diabetes, among the highest in the world.

But despite all the publicity, Mexico wasn’t the first jurisdiction to pass an SSB tax. Finland, France, French Polynesia, Hungary, Mauritius, Norway, Samoa and Tonga all had a form of such a tax before 2014. And following Mexico’s lead were a host of other places, including Berkeley, California, and Philadelphia, Pennsylvania.

“There’s movement throughout the world to do soda taxes,” said political strategist Larry Tramutola, based in Oakland, California.

Tramutola helped Berkeley pass its tax and is helping San Francisco renew its efforts after the city failed to pass such a tariff in the past.

“There’s movement throughout the world to do soda taxes.”  
—Larry Tramutola

Policy makers also have proposed health-warning labels for SSBs, though in far fewer numbers than those who have proposed taxes. Both approaches bring similar ire from the beverage industry. San Francisco is in the midst of a year-old lawsuit brought by the American Beverage Association over its ordinance requiring warning labels 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.”

At the state level, California Sen. Bill Monning has introduced legislation three times that would have required labels directly on the beverage. Each attempt failed. He’s vowed to continue pursuing the effort, the first of its kind in the country. Both New York state and Baltimore, Maryland, have modeled similar proposals on Monning’s bill.

“First off, I don’t think this issue goes away. I just don’t see that,” Tramutola said. “More and more people ... are going to look at this as something that should be done and discussed. The whole dialogue around this is worth all the effort (being) put into it.”

## History Foretold

As cigarette smoking in the U.S. increased throughout the 1950s, so did lung cancer. Per capita consumption of cigarettes skyrocketed from 54 in 1900 to 4,345 in 1963, according to the American Cancer Society.

“Lung cancer, a rare tumor in 1900, would be the most common cancer diagnosed in American men by 1950,” wrote four doctors led by American Cancer Society Chief Medical Officer Otis W. Brawley in a 2013 commentary published in CA: A Cancer Journal for Clinicians.

Small-scale studies conducted from the late 1920s through the late 1940s suggested there might be a link between smoking cigarettes and lung cancer but did not show causation. Larger-scale studies published in the 1950s did the same. It wasn’t until 1952 that two scientists working for the American Cancer Society embarked on a study in which they tracked the smoking habits of 187,766 men aged 50 to 69 in 10 states.

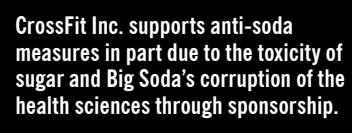
After following the men for 20 months, Drs. E. Cuyler Hammond and Daniel Horn published their findings in 1954 in the Journal of the American Medical Association.

“We are of the opinion that the associations found between regular cigarette smoking and death rates from diseases of the coronary arteries and between regular cigarette smoking and death rates from lung cancer reflect cause and effect relationships,” the scientists concluded in “The Relationship Between Human Smoking Habits and Death Rates.”

Five years later, Hammond went on to lead another study on the same topic, this time including more than 1 million men and women in 25 states. The “Cancer Prevention Study” provided further evidence that regular cigarette smoking caused lung cancer and is also credited with being a major contributor to the first “Surgeon General’s Report on Smoking and Health,” published in 1964.

The report led to policy changes, including the surgeon general’s warning label on tobacco products, as well as taxes. In the years that followed, nonprofit organizations and government agencies have commissioned anti-smoking campaigns that manifested









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themselves across various media platforms.

“With tobacco, we had multiple interventions,” said Jim O’Hara, director of health promotion policy at the Center for Science in the Public Interest, based in Washington, D.C. “There were obviously taxes, there were warning labels, there were efforts at limiting billboard placements. There (was) the focus on reducing the industry’s uses of trinkets and trash for marketing.”

As the anti-SSB movement expands further, more interventions will come into the fray, he added.

And what’s important to remember is that reducing cigarette and tobacco consumption was an endeavor more akin to a marathon than a sprint, noted Ian McLaughlin, senior staff attorney and program director at Oakland-based ChangeLab Solutions.

“That didn’t happen overnight. That did take time,” he said. “I think we’re developing that same evidence right now (for sugary drinks).”

ChangeLab focuses on law and policy surrounding multiple initiatives, including prevention of childhood obesity and tobacco control. The organization worked with Monning to create the legislation calling for warning labels on sugary drinks in California.

“What mattered most for tobacco control was the taxes, and that same thing is likely to be true for SSBs,” said Long, the assistant professor at The George Washington University. “A warning label allows (for the creation of) a broader campaign.”

### Laying Groundwork

The scientific evidence that sugary drinks, in particular, rapidly increase overweight, obesity, diabetes and a whole host of other metabolic derangements has been mounting to a near fever pitch.

“There is very clear evidence in the literature that consuming SSBs increases your risk of excessive weight gain and cardiovascular diseases,” Long said.

However, unlike tobacco, there is no surgeon general’s warning for sugary drinks.

“A lot of this foundational work is going on right now,” McLaughlin said.

That includes media campaigns, public-education efforts, removing sugary drinks from schools and children’s menus at fast-food restaurants, and encouraging hospital staff to talk with patients about the dangers of flooding their organs with liquid sugar.

“The next wave of policies—warning labels—just builds upon that,” McLaughlin continued.

Already, voters in California have overwhelmingly said they sup-

port warning labels on sugary drinks. A recent statewide poll found 78 percent of them support such a label—a slight increase from 2014, when 74 percent of California voters supported such a measure.

And in January the journal *Pediatrics* published research saying warning labels on SSBs improved parents’ understanding of the harmful health effects associated with over-consuming them and “may reduce parents’ purchase of (sugar-sweetened beverages) for their children.”

Still, taxes are the go-to proposal for lawmakers worldwide.

“Taxes tend to make this conversation about sugar-sweetened beverages become much bigger,” Tramutola noted.

Why?

It’s easier to get people riled up about stickin’ it to Big Soda where it hurts most: the bottom line.

“Everybody feels that the warning-label thing is good and it should be done—and that’s not to say that the industry won’t fight it—but in some ways it’s harder to get people excited about a warning label as opposed to trying to tax the soda industry,” Tramutola said.

Plus, the beverage industry’s public disdain for taxes warms the hearts of public-health advocates everywhere.

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“Nothing generates opposition from the soda industry like soda taxes. It really does. They go ballistic over it. So when they go ballistic, it adds fuel to the fire to be able to talk to people about how much sugar there is in Cola-Cola or Gatorade or soft drinks,” Tramutola said. “The money generated can be used to do educational programs. ... That just drives the (beverage) industry crazy.”

This is the approach taken by Philadelphia Mayor Jim Kenney, who proposed a tax on sugary drinks without ever framing it as a public-health issue. Instead, the money would be used for popular city projects, he said. The American Beverage Association **has threatened legal action.**

Still, those doing work surrounding the policy all said the same thing: Health-warning labels on SSBs are an inevitability.

Warning labels are only affixed to things that are dangerous: al-

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cohol, cigarettes, rat poison.

For his part, CrossFit Inc. Founder and CEO Greg Glassman’s **vigorous support for such a label** goes deep. It’s about the toxicity of sugar, Big Soda’s corruption of the health sciences and its targeting of CrossFit affiliates by funding organizations that seek legislation to make CrossFit training illegal.

“I believe that a warning label will address all three of my concerns quite magically.”

## The Fight Continues

Regardless of the proposal, the American Beverage Association and its members—including The Coca-Cola Co. and PepsiCo Inc.—have the money and marketing savvy to fight it.

Between 2009 and 2015, Big Soda spent US\$106 million 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.

Not only has it sued San Francisco, threatened legal action against Philadelphia and **called the U.K.’s tax a “distraction”** as the nation prepares to leave the European Union, but it has also taken to dubbing any sugary drink tax a “grocery tax” and stopping just short of calling it an action of a communist dictatorship.

“Well, ya know, I’ve never considered soda a grocery,” Tramutola said sarcastically.

Such tactics, he continued, demonstrate the beverage industry is losing this fight.

“When they start defending poor people, you know we got them on the run,” Tramutola said.

That’s because Big Soda has disproportionately marketed to minorities in low-income neighborhoods, as well as in Third World countries with scarce potable water.

Lower-income black and Hispanic neighborhoods were home to more outdoor advertisements for SSBs than lower-income white and higher-income neighborhoods in 2009, **according to the Center for Science in the Public Interest.** In 2013, Hispanic youth were 93 percent more likely to visit beverage-company

websites when compared with all youth, according to the center.

“We know that 86 percent of the growth through 2020 for Coca-Cola’s youth-target market will come from multicultural consumers, especially Hispanic, and focusing on this segment is critical to the company’s future growth,” Bea Perez, then-chief marketing officer for The Coca-Cola Co., **was quoted as saying in 2011.**

Yet, for all Big Soda’s money and influence—and despite its claims—the anti-soda movement is working.

Mexico’s 10 percent tax on sugary drinks was linked with an overall 12 percent reduction in sales and a 4 percent increase in purchases of untaxed beverages one year after implementation, according to **“Beverage Purchases From Stores in Mexico Under the Excise Tax on Sugar Sweetened Beverages: Observational Study,”** published in January in The BMJ.

“Given that the tax on sugar sweetened beverages is approximately 10% of 2013 prices, the reduction of more than 10% in the last quarter of 2014 shows that the demand was price elastic (at least in that quarter), and that even a relatively small tax can make some difference in the demand for beverages (with potential substitution to plain bottled waters),” the authors wrote.

Last year, researchers with the Childhood Obesity Intervention Cost Effectiveness Study (CHOICE) at the Harvard T.H. Chan School of Public Health **found** that an excise tax on sugary drinks was among three interventions that would “more than pay for themselves by reducing healthcare costs related to obesity.” The study, **“Three Interventions That Reduce Childhood Obesity Are Projected to Save More Than They Cost to Implement,”** was published in the journal Health Affairs.

Meanwhile, in Baltimore, city leaders are pushing for legislation requiring stores that sell sugary drinks to post health warnings.

“It is the easiest thing we can do with public health,” said Dr. Leana Wen, Charm City’s health commissioner.

And while the beverage association—and its members—has billions of dollars to spend on lobbying lawmakers; marketing to minorities, low-income neighborhoods and children; and on creating faux grassroots groups to counter such efforts, Wen said she feels optimistic.

“There is ample evidence, hundreds of studies that demonstrate the problem of childhood obesity right here in Baltimore City,” she said.

Wen continued: “We hope that legislators will stick with us, stick with the side of the community.”

In its effort to fight passage of Baltimore’s proposal, the beverage industry has claimed posting sugary-drink health warnings in stores will drive out jobs and hurt businesses, Wen said.

It’s all rubbish, she noted.

If customers enter a store to buy a drink because they’re thirsty, those people are not going to change their minds about being thirsty just because they see a health warning posted, Wen emphasized.

“They will choose something else.”

Wen added: “We’re not asking for much. We just want unbiased, evidence-based information to be present at the point of sale so it empowers the consumer, empowers parents to make the best decision for themselves.” ■

**About the Author:** Andréa Maria Cecil is assistant managing editor and head writer of the CrossFit Journal.