

# Ban on big fizzy drinks in NY falls flat

NEW YORK CITY, USA: New York's bid to ban large, sugary sodas on public health grounds suffered a new setback on Tuesday (30 July) when an appeals court upheld a ruling striking down the proposed legislation.



Mayor Michael Bloomberg, who has championed the measure as part of the fight against an obesity epidemic and rampant diabetes, immediately announced that he would take the fight to a higher court.

New York's Board of Health agreed in September last year to restrict soda servings to a maximum of 16 ounces (470ml) in restaurants and other venues in the city, including sports stadiums and music concerts.

But the initiative, which attracted global attention and would have been a first for a US city, was blocked as "arbitrary and capricious" by a lower court ruling in March, just hours before it was due to come into force.

That ruling was upheld on Tuesday (30 July) by the New York State Supreme Court's Appellate Division.

Bloomberg has made health issues a key part of his 12-year reign at City Hall, which comes to an end in November.

He has banned smoking in restaurants, bars and other public places and supported successful campaigns to get food producers to phase out the use of trans fatty acids and cut salt content.

## Temporary setback

He described the court decision as only a temporary setback but representatives of the fizzy drinks industry are confident a last and final appeal to the state's Court of Appeals will also fail.

Christopher Gindlesperger, a spokesman for the American Beverage Association (ABA), said the court had "unanimously declared the soda ban an over-reach of executive power.

"With this ruling behind us, we look forward to collaborating with city leaders on solutions that will have a meaningful and lasting impact on the people of New York City," Gindlesperger said.

Bloomberg said the judges were ignoring a pressing need to address a public health crisis. "Since New York City's ground-breaking limit on the portion size of sugary beverages was prevented from going into effect on March, more than 2,000 New Yorkers have died from the effects of diabetes," Bloomberg said in a statement.

"Also during that time, the American Medical Association determined that obesity is a disease and the New England Journal of Medicine released a study showing the deadly, and irreversible, health impacts of obesity and Type 2 diabetes - both of which are disproportionately linked to sugary drink consumption.

"Today's decision is a temporary setback, and we plan to appeal this decision as we continue the fight against the obesity epidemic," he added.

Bloomberg's proposals triggered a heated debate in New York. Opponents argued the move would infringe civil liberties while supporters pointed to the well-established link between the consumption of sugar-rich drinks and both obesity and Type 2, or adult-onset, diabetes. One in eight New Yorkers suffer from diabetes.

The mayor has repeatedly reminded voters that, only a generation ago, the standard serving of Coke and Pepsi was only six ounces and that people thought 12 ounces a huge measure when that became the standard.

Critics said Bloomberg's plan was inconsistent since it did not apply to dairy or fruit drinks, some of which can contain as much sugar as soda, or to beer, which is often as calorific.

The mayor has admitted that restrictions on serving sizes will not, on their own, prevent New Yorkers from consuming more than is good for them but he believes they will help increase awareness of the issue.

Source: AFP via I-Net Bridge

For more, visit: <https://www.bizcommunity.com>