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Proposed State Law Could Chase High-Fat, High-Sugar Food, Beverages Out Of Schools

American Cancer Society, With Other Foremost Health Organizations, Puts Its Weight Behind A.10729 and S.7367

BY SUSAN CAMPBELL

It's September and students are back to school. Do you know what your children had for lunch today?

Since one-third of a child's daily caloric intake occurs during school, it's an important question not only for kids and parents, but also for an entire community.

America's children are increasingly overweight or obese and facing academic and social issues and chronic health conditions that weigh on their lifestyles and their life expectancies.

There is also the ongoing strain on healthcare costs that everyone share as unhealthy, obese children grow into unhealthy, obese adults.

More and more research has linked obesity to heart attacks, stroke, cancer and diabetes.

Alarmingly, high blood pressure, high cholesterol and heart disease are now becoming common for children under the age of 10, according to data from the Centers for Disease Control (CDC) of the U.S. Department of Health and Human Services.

With the rate of childhood obesity in New York State reaching 20 percent, up

from 15 percent in 1970 according to CDC, change cannot come too soon.

There is currently a bill active in the New York State legislature that has received much media attention for its bold attempts to remove high-fat, high-sugar foods from public schools and replace these with healthier options.

Known as The Healthy Foods and Beverages Act, The American Cancer Society, American Heart Association and American Diabetes Association have put their full support behind this legislation and have been instrumental in developing its goals and language.

The bill is being moved quickly through the legislative process, according to the New York School Nutrition Association (NYSNA), a membership organization that started the Choose Sensibly Marketing Program in 2003 to teach children to read nutritional labeling and encourage students to make good food choices for themselves.

Under consideration is A.10729, introduced by Assemblywoman Sandy Galef of the 90th district.

Assemblywoman Galef also sponsored legislation to raise the tobacco-

purchasing age to 19, up from age 16, which was passed in May of this year. Tobacco is a known carcinogen that also contributes to heart attack, stroke and cardiovascular disease, among other serious conditions.

Senator Kenneth LaValle of the 1st Senate district introduced companion bill S.7367 to restrict the availability of "junk food" in school vending machines, school stores and a la carte lunch lines.

The goal of this legislation is to overhaul all of the State's school nutritional guidelines and to eliminate all sodas and many common snacks and sports drinks from school vending machines, stores and cafeterias.

The exceptions are food or beverage items sold as part of the National School Lunch Program (NSLP), established in 1946 to provide nutritious foods to children while promoting the nation's agricultural interests.

"To make ends meet, too many school lunch programs depend on commodity foods available through the NSLP," said Jen Keller, R.D., nutrition projects coordinator for the non-profit Physicians Committee for Responsible Medicine (PCRM).

"These USDA surplus foods include too many high-fat, high-cholesterol meats, dairy products and processed foods, and not enough produce and healthy vegetarian entrées and side dishes," she explained.

If passed, the bill would dramatically restrict the amount of fat, carbohydrates and sugars now available to students of New York State schools and establish portion sizes.

For example, juices would have at least 50 percent real juice with no sugar added

and be limited to a 12-ounce serving size. Prepackaged foods could not exceed seven ounces, would contain no trans fat, and would have less than 30 percent of total calories from fat.

"Although federal law requires schools to ensure that menus meet the U.S. Dietary Guidelines, including creating menus that derive less than 30 percent of calories from fat, this is not well enforced," reported the PCRM in its 2004 School Lunch Report Card.

That year the New York City Public School District, one of 11 districts assessed annually and the largest in the country, received a "C" grade for obesity and chronic disease prevention, health promotion and nutrition adequacy, and nutrition initiatives.

The report claimed that the "district lost points for the fiber and cholesterol content of the menus and the unavailability of a non-dairy, calcium-rich beverage," although it did credit the school district with introducing more vegetable entrées and side dishes on its menus and healthy snacks such as oat bran pretzels and soy crisps in vending Machines.

A number of states have already enacted stronger standards for vending, beverages and a la carte food sales. The New York State Director of Advocacy for the American Cancer Society believes it is time for New York to take a similar approach.

"We believe New York should be a leader and not a follower in providing state-of-the-art nutrition standards," said Bopp. "The obesity crisis is as severe or more severe here than in other states, as obesity is the #2 cause of adult cancer in the State."

Bopp said that roughly 90,000 cancer deaths a year are related to cancers where obesity is a risk factor, including colon, breast and bladder cancer, according to CDC.

"The number one predictor of an obese individual is a history of being overweight. Once one goes over the tipping point into obesity, health problems are magnified," said Bopp.

Some studies suggest that weight is set in the early teens, from age 10 to 13, he said.

"If a child is overweight then, according to Dr. David A. Kessler, the former commissioner of the Food and Drug Administration (FDA), ahead is a lifetime of fighting weight and all of the chronic health conditions that develop," said Bopp.

"The American Cancer Society thought, if we could help lower the child obesity rate within just a half of a generation, the cancer risk for the adult population would be lowered a little further down the road," he said.

The advocacy department of the American Cancer Society is within the national organization's cancer control division, which looks at what is driving cancer risk and mortality and then selects policy areas in which it believes it can make a difference, Bopp explained.

Past initiatives have included tobacco control programs to lower the consumption rate of tobacco products in adults and children, and influencing New York State to strengthen its insurance mandates for annual mammography in order to detect breast cancer earlier.

The New York State Director for Advocacy for the American Heart

Association, Paul Hartman, said that his organization "applauds Assemblywoman Galef and Senator LaValle for championing this cause."

He also strongly cautioned that "failure to equip our children with a roadmap for healthy living will result in kids who utilize their math skills to calculate their healthcare costs, and put their science knowledge to work in an effort to understand the diseases that are cutting their lives short."

Bopp said Assemblywoman Galef established voluntary School Nutrition Advisory Committees in 2004 to take effect in 2005.

These committees were intended to empower parents and those who worked on child health issues in the school, such as physical education teachers, school nurses and health teachers, to draft a child wellness policy that would include nutritional guidance as well as recommendations for physical activities in school.

Meanwhile a federal law was enacted that required the same committees, so these were no longer voluntary.

Over the next year Assemblywoman Galef worked on legislation to tackle vending machines in schools.

"But the vending machine companies said, what good does it do to pull potato chips from vending machines if the schools serve them on the lunch line?" said Bopp. "So we knew we would have to do something very comprehensive that established a level playing field in the school environment."

Bopp related a story he had heard from a parent at a PTA conference.

"When I asked my kids, how are you doing without the vending machines at

school, they said, 'Oh, the school lunch people walk down the hallways with a cart full of soda and potato chips every class break so we can buy it without even having to go to the cafeteria.'"

Bopp approached Assemblywoman Galef and told her that the American Cancer Society liked her vending bill, but thought a more comprehensive approach was needed.

"It would be a bigger fight, but we would try to do the right thing by expanding the legislation to cover all food items offered in schools that are not part of the federally funded school lunch program, including school store sales," he said.

The pending legislation calls not only for nutritional requirements but also for developing a School Nutrition Report Card and wellness committees to be formed under state and federal law.

These committees would be charged with monitoring school compliance, using any method they chose to put into place, such as surveying parents, having parents do spot inspections, or asking school nurses or other personnel who are the eyes and ears in the school.

"The American Cancer Society wants to make sure parents have a role in these wellness committees and that the committees have enough power to govern the activities in the school," he said.

Bopp believes the bill does this, and much more.

"There is an opportunity here to address the quality of food in the classroom, including social events, after school programs and fundraisers, and to create very strict standards for any foods that

children see associated with their School," he said.

Because schools give credibility to a product, Bopp believes that is one of the reasons why soda companies are adamant about maintaining branded sales through vending machines in the school environment.

"They know they have an opportunity to make an impression on a student who sees their products in the vending machine in the cafeteria day after day," he said. "These companies would not be throwing money into supporting schools if there wasn't a tremendous marketing and business opportunity there."

"Support" comes in a variety of ways on top of revenue sharing. Bopp cited as examples sales incentive programs, underwriting uniforms for the football team, making donations to the school music club, or in some cases, outright cash grants.

While working on vending legislation, Bopp said he was shown a letter received by a member of the Senate from a school superintendent in his district that outlined concerns related to vending beverage sales and the impact on that school's revenue.

The superintendent estimated a \$600,000 loss in revenue over 5 years, and wondered how that money would be replaced.

But numerous studies have demonstrated that 100 percent healthy options in vending machines and a la carte lunch line can bring in as much sales revenue as the dangerously unhealthy ones, according to Bopp.

Since 2002 the Hudson Falls Central School District (HFCSD) has stocked its hallways with vending machines full of

healthier foods and beverages — and has surpassed the former revenue stream.

"Most importantly, our students and staff enjoy the healthier options, and fully support the service," said Mark E. Doody, Superintendent of Schools for HFSCD.

When a new session starts in January, the New York State legislature will have before it clear guidelines for addressing school nutrition and child obesity among its constituents, thanks to Assemblywoman Galef and Senator LaValle.

The problems of overweight and obese children may not be able to be solved completely through legislation. But major health organizations believe the

school environment is the best place to start promoting the fundamentals of healthy eating — alongside reading, writing and arithmetic.

For more information on dietary guidelines, how to calculate BMI and assessing cancer risk, visit the American Cancer Society's Web site, www.cancer.org.

Also visit the Children's Health pages on the American Heart Association's site, www.americanheart.org and take the Diabetes Risk Test at www.diabetes.org, official site of the American Diabetes Association.

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