

**Legal and Policy Strategies to Prevent Childhood Obesity**  
**A Local Public Health Perspective**  
**from Seattle/King County**

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**Public Health**  
Seattle & King County



# Legal Authorities of LHDs

- **Police Powers**
- **Rulemaking**
- **Permitting (e.g. restaurants, hospitals)**
- **Investigative subpoenas**
- **Issuance of orders**
- **Nuisance abatement**
- **Limits: preemption**

# LHDs Have Relationships to Influence Local Policymaking

- Executive branch
- Legislative branch
- Local policymaking bodies
  - ◆ Regional planning agencies
  - ◆ Other government departments/agencies
  - ◆ School districts
  - ◆ Housing authorities
- Media
- Influential people and organizations

# **LHDs Have Capacities for Making Policy Change**

- **Content expertise**
- **Assessment**
- **Communications**
- **Legislative affairs**
- **Convening and coalition support**
- **Constituent mobilization**

# Menu Labeling

## FRAPPUCCINO®

### BLENDED COFFEE

Try our blended coffee beverages with our light base for 1/3 fewer calories.

	TALL 12 FL. OZ.	GRANDE 16 FL. OZ.	VENTI 24 FL. OZ.
Caramel	3.85 300 cal	4.45 380 cal	5.05 500 cal
Mocha	3.85 280 cal	4.45 380 cal	5.05 500 cal
Coffee	3.30 180 cal	3.90 240 cal	4.50 340 cal
Caffè Vanilla	3.65 320 cal	4.25 430 cal	4.85 560 cal
Java Chip	3.85 340 cal	4.45 460 cal	5.05 600 cal

### BLENDED CRÈME

Strawberries & Crème	3.85 370 cal	4.45 470 cal	5.05 650 cal
Vanilla Bean	3.30 340 cal	3.90 470 cal	4.50 600 cal
Chai Tea	3.85 340 cal	4.45 440 cal	5.05 580 cal
Green Tea	3.85 370 cal	4.45 490 cal	5.05 650 cal

## TAZO® TEA & CLASSICS

	TALL 12 FL. OZ.	GRANDE 16 FL. OZ.	VENTI 20 FL. OZ.
Green Tea Latte	3.50 170 cal	4.05 240 cal	4.35 300 cal
Chai Tea Latte	3.50 180 cal	4.05 240 cal	4.35 300 cal
Hot Chocolate	2.85 290 cal	3.10 370 cal	3.35 460 cal
Kids® Cocoa	1.50 8 FL. OZ. 210 cal		

Item	Price	Calories
1 WHOPPER	\$4.99	1,020-1,900 Cal
2 DOUBLE WHOPPER	\$5.99	1,260-1,940 Cal
3 TRIPLE WHOPPER with Cheese	\$6.89	1,590-2,270 Cal
4 WHOPPER JR.	\$3.49	710-1,390 Cal
5 Steakhouse Burger	\$6.19	1,290-1,970 Cal
6 TENDERCRISP Chicken Sandwich	\$5.89	1,140-1,820 Cal
7 BK Chicken Fries-9 pc.	\$4.99	720-1,400 Cal
8 TENDERGRILL Chicken Sandwich	\$5.89	830-1,510 Cal
9 Original Chicken Sandwich	\$5.69	670-1,630 Cal
10 Sourdough Bacon Cheeseburger	\$5.79	1,130-1,810 Cal
11 BK Double Stacker	\$4.69	850-1,640 Cal
12 Texas DOUBLE WHOPPER	\$6.49	1,410-2,090 Cal

## Premium & Double Stacked Subs

Item	Price	Calories
590 THE FEAST	\$5.29	590 Cal
520 BIG PHILLY CHEESESTEAK	\$5.29	520 Cal
580 PASTRAMI	\$5.29	580 Cal
DOUBLE Turkey Breast	\$4.99	330 Cal
DOUBLE Sweet Onion Chicken Teriyaki	\$5.49	480 Cal
DOUBLE Subway Club	\$5.29	420 Cal
DOUBLE Italian B.M.T.	\$5.29	630 Cal
DOUBLE STACKED SUB	\$3.00	400-1,380 cal

# Why Menu Labeling?

## Strategic Considerations

- High visibility of obesity issue
- Desire by BOH to play activist role
- Political consensus for action
- Precedent set in New York City
- “Relatively” easy strategy to implement
- Avoids “nanny state” criticism: give customers info to make own choices

“The idea was appealing to me. Because we have this huge problem with people taking in too many calories.”

“These ideas really had resonance, and the Chair-exercising leadership said, ‘We’re going to do something about these areas.’”

“The board was really interested because it’s just very simple. Because of the obesity epidemic...provided more tools for the consumer.”

# Why Menu Labeling?

## Existing studies suggested benefits

- Modeled estimates in CA suggested labeling could prevent 2.9 lbs/yr of weight gain<sup>1</sup>
- Experimental studies showed calorie info reduces calorie intake<sup>2</sup>
- Real-world studies in restaurants lacking

1. Center for Weight and Health, [www.publichealthadvocacy.org](http://www.publichealthadvocacy.org)

2. Harnack 2008, Burton 2006, Gerend 2009.

# Chronology

<b>Sep 2004 – Jan 2007</b>	<b>King County Overweight Prevention Initiative forums held</b>
<b>Oct 2005</b>	<b>Overweight Prevention Initiative 10-point plan adopted</b>
<b>Feb 2007</b>	<b>New Director of PH arrived; supportive of menu labeling</b>
<b>Mar 2007</b>	<b>Resolution supporting policies to support HEAL passed</b>
<b>Apr 2007</b>	<b>Ad hoc Committee on Nutrition formed to advise BOH</b>
<b>Jul 2007</b>	<b>Menu labeling regulation passed</b>
<b>Oct 2007 – Jan 2008</b>	<b>Stakeholder group meets to advise on rulemaking</b>
<b>Jan 2008</b>	<b>4 bills introduced in state legislature, 2 would preempt KC</b>
<b>Mar 2008</b>	<b>Legislature requests KC and WRA to negotiate a compromise</b>
<b>Mar 2008</b>	<b>Amended regulation passed</b>
<b>Jun 2008</b>	<b>Stakeholder group completes work</b>
<b>Jan 2009</b>	<b>Menu labeling goes into effect</b>
<b>Apr 2010</b>	<b>Policy amended to align with national statute</b>



# Board of Health/Public Health Orientation & Actions

## Value of Menu Labeling

- Everyone benefits
- Addresses an epidemic problem
- Consumer right-to-know
- Opportunity to market healthy food
- Opportunity to choose healthy food
- Decrease rates of chronic disease in population
- Increase awareness, knowledge of healthy eating
- Positive impact on rising health care costs
- Reduce health inequities

## Concerns

- Science-based approach
- Best practices
- Consensus building
- Stakeholder participation
- Responsibility for protecting and promoting health of King County
- Well crafted regulation
- Fair & balanced

## Action

- Community Forums: seek expert testimony and recommendations
- Committee on Nutrition: opportunity to hear from industry
- Learn from other jurisdictions
- Move the process to a vote
- Form Stakeholders Group to guide rulemaking
- Train inspectors
- No increase in inspection fee

# Restaurant Industry Orientation & Actions

## Value of Menu Labeling

- Not clear who benefits
- Not scientifically valid
- Our customers don't need this regulation
- Levels the playing field
- Customer has access to information—transparency
- Industry is customer driven-pushes industry where customer is going

## Concerns

- Competition
  - Cost
  - Fairness
  - Protecting brand
- Non-government interference
- Uniqueness of business approach/image
- Clear route to compliance
- They know their customers best

## Action

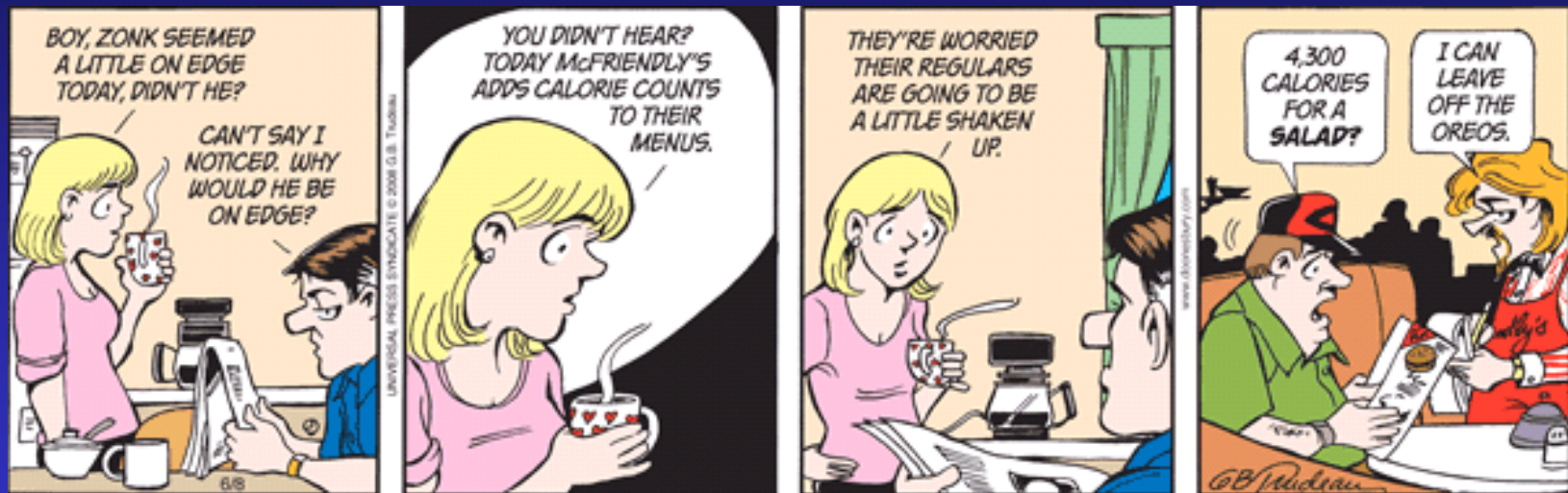
- Pushed for voluntary compliance/ action
- Obstruction
- Resignation- they always intended to do it.
- Behind the scenes, looking to prevent
- Sought preemption
- Active participation in rulemaking

# The Industry “Playbook”<sup>2</sup>

- Too costly
- Not necessary
- Not government’s role
- Could cause loss in business
- Will not reduce calorie intake
  
- During late 2007, WRA closely watched legal case in NYC

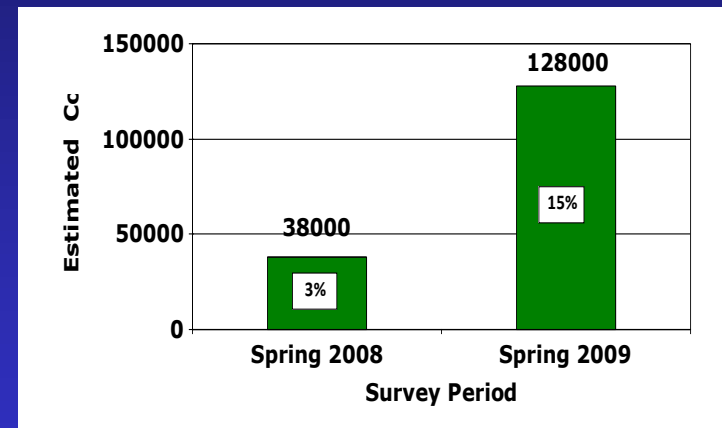
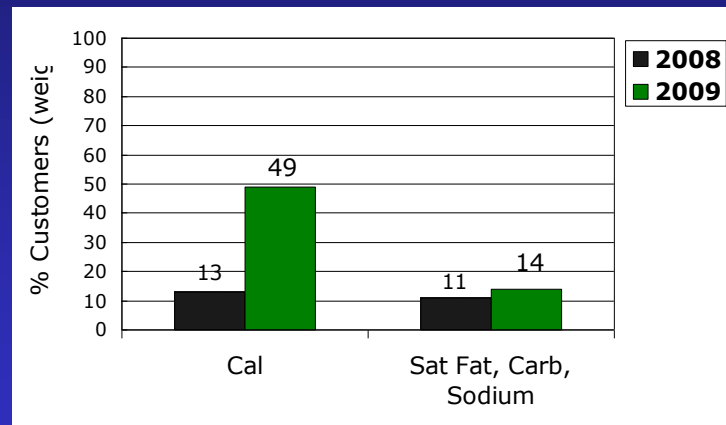
<sup>2</sup> Menu Labeling in Chain Restaurants, Rudd Center, 2008

# Is Menu Labeling Effective?



# Is Menu Labeling Effective?

- Increase in self-reported awareness and use of calorie information



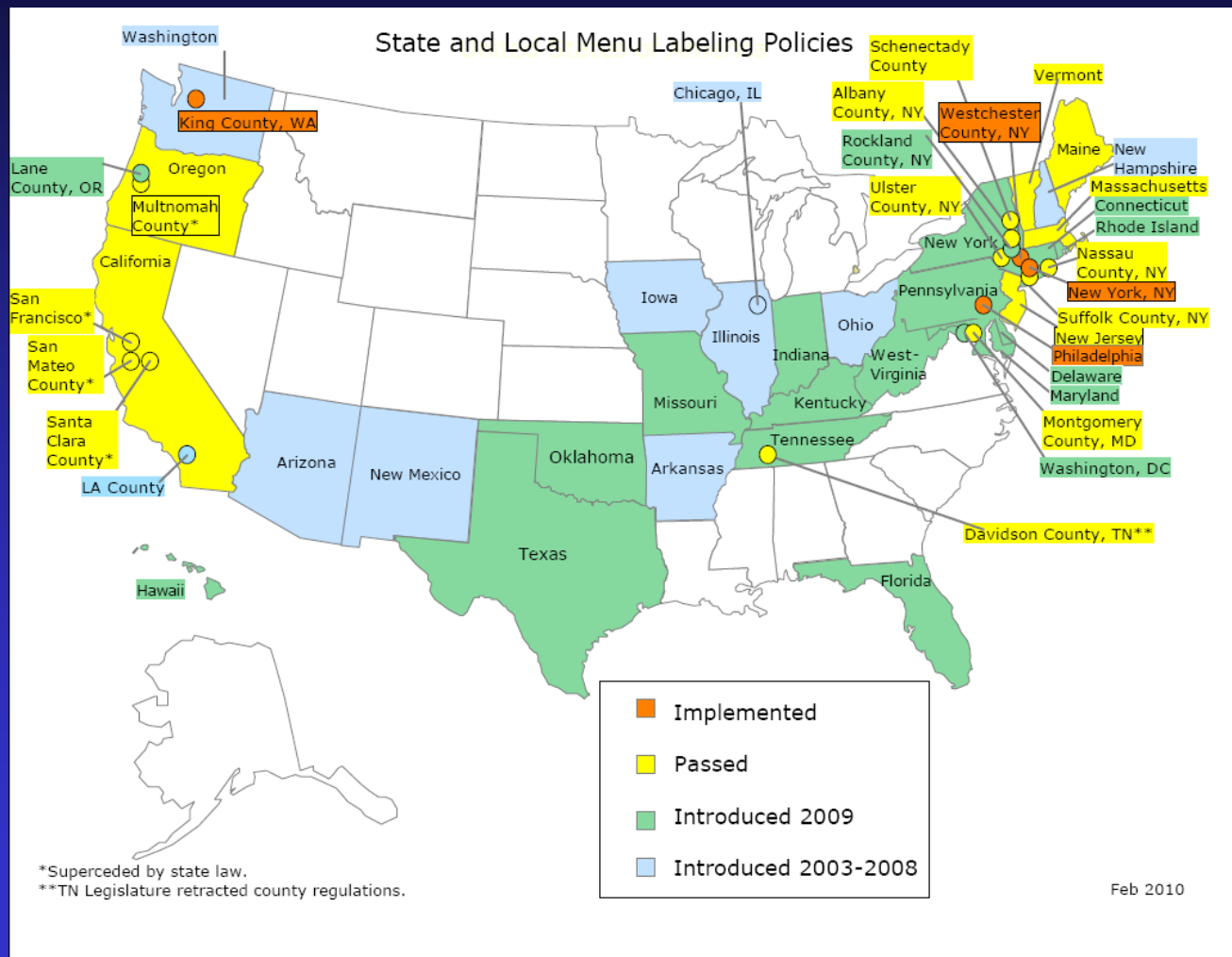
- Unclear if caloric intake decreases
- Possibly bigger caloric effect on those who are overweight or have chronic conditions

# **Is Menu Labeling Effective?**

## **Focus Group Findings**

- **Nutrition a low priority when eating out**
- **Dietary statement not widely understood**
- **Some more motivated to use labels:**
  - ◆ **Pre-existing diseases affected by nutrition**
  - ◆ **Managing weight**
  - ◆ **Family history of disease**
  - ◆ **Health-oriented values**

# Current status of nutrition labeling: Local and State



# Federal Preemption

- National menu labeling including in ACA
- Deal made inside the beltway
- Benefits
  - ◆ Vending, food tags, self-serve
  - ◆ Covers all jurisdictions
- Losses
  - ◆ No sodium, carb, sat fat





# Planning and Land Use



# Land Use Planning and Public Health

- Rich history of intersection of land use planning and public health
- Land use is a determinant of health, yet LHD lacks regulatory authority: “*influence without authority*” through partnership
- Guidelines (not regulations)...to bring health elements to land use and transportation planning and development practices

# State, Regional and Local Planning

Growth Management Act

Multi-County Planning Policies  
*"VISION 2040"*

"Communities planned/ designed to promote physical, social and mental wellbeing so that all people can live healthier and more active lives"

Countywide Planning Policies *King County & Cities*

Update in progress; adoption in 2011

County Comprehensive Plan

City Comprehensive Plans

Next major update required by 2014

# **Comprehensive Plan Policies Healthy Community Elements**

- **Board of Health Resolution: May 2010**
- **CPPW Technical and Resource Assistance**
  - ◆ **Model Comp plan elements**
  - ◆ **Technical assistance in drafting plans**
  - ◆ **Funding for local planning staff**

# Healthy Community Elements

## Nutrition

**2) Board of Health Guideline: Residents in all communities in King County have access to healthy, affordable foods.**

**Rationale:** Land use planning incorporates all aspects of the food system, especially access to healthy, affordable, and nutritious foods.

### **Key Healthy Community Planning Elements:**

- A robust local farm to table chain, including community gardens and other food growing opportunities in urban areas;
- Long-term preservation of farm land;
- Number and location of healthy food retail outlets including farmers' markets and grocery stores;
- Safe and reliable transportation options to healthy food retail outlets.

# Healthy Community Elements

## Physical Activity

**1) Board of Health Guideline: Residents in all communities in King County have access to safe and convenient opportunities for physical activity and exercise.**

**Rationale:** Planning and design that encourages and enables access to walking, bicycling, transit, and other means of exercise in safe and inviting environments provides residents with ways to obtain needed levels of daily physical activity.

### **Key Healthy Community Planning Elements:**

- Housing, schools, jobs, parks, and commercial and public services within walkable proximity of neighborhoods;
- Number, size, and accessibility of parks and open space;
- Presence of sidewalks, walking and bicycle paths;
- Transit safely reached by walking or bicycling;
- Presence of affordable community centers and other recreational facilities.

# Lessons Learned

- **Rational criteria for selecting policy option:**
  - ◆ Evidence (OK to act before evidence is clear?)
  - ◆ Impact (reach x effect size)
  - ◆ Cost
  - ◆ Externalities
  - ◆ Feasibility
- **Actual choice of policy often determined by political windows of opportunity**
- **Success requires a comprehensive campaign strategy**
- **Preemption is a critical issue for local action**

# Emerging Activities in King County

- **Improve school nutrition and PE/PA**
  - ◆ Quality PE
  - ◆ Recess before Lunch
  - ◆ Safe Routes to Schools
  - ◆ Nutrition standards and food prep systems
  - ◆ Farm to School
- **Improve childcare nutrition and physical activity**
  - ◆ Standards and guidelines
  - ◆ Linkage to food distribution
- **Small employer worksite health promotion**





# Emerging Activities in King County

- **Increase access to healthier foods and decrease access to less healthy foods**
  - ◆ Support low income/immigrant urban farmers
  - ◆ Promote healthy food retail
  - ◆ Government procurement
  - ◆ Reduce consumption of sugar-sweetened beverages
- **Increase opportunities for physical activity**
  - ◆ Local planning: inclusion of healthy community elements including complete streets, bike and ped master plans
  - ◆ Joint Use Agreements
  - ◆ Increase access to recreation/physical activity programs in low-income communities



# Thanks for your attention!



And thanks for PHSKC for help in preparing this presentation:

David Fleming

Molly McNeas

Julie West

# Restaurant Nutrition Labeling King County

- Chain restaurants with >15 stores and > \$1M annual nationally
- Requires posting of nutrition information
  - ◆ If menu board:
    - Calories: on menu boards or signs
    - Sodium, carbs and saturated fat: poster, pamphlet
  - ◆ If menu:
    - All information: insert, appendix, supplement, kiosk
  - ◆ Dietary statement with recommended daily calorie intake, limits of sodium and sat fat
- January 1, 2009: Effective date
- May 2010: Amended to align with federal law