



Comment of

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Before the
New York City Board of Health

Comment Regarding
Proposed Amendment of Article 81
of the New York City Health Code

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Good afternoon. My name is Jennifer March-Joly and I am the Executive Director of Citizens' Committee for Children of New York (CCC). CCC is a 68-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. I would like to thank the New York City Board of Health for holding today's public hearing about the proposed amendment to Article 81 of the New York City Health Code.

CCC strongly supports the proposed amendment to Article 81, which would establish a maximum size of 16-fluid ounces for sugary drinks sold in "Food Service Establishments," such as restaurants, mobile food carts, delis, and concession stands at movie theaters, stadiums, and arenas. As the proposal recognizes, these drinks contain no nutritional value, yet add unnecessary sugar and calories to New Yorkers' diets, and have thus played a role in New York City's current obesity epidemic. In light of these facts, the proposed amendment aims to reduce the consumption of sugary drinks, and ultimately decrease New York City's obesity rates. The many New Yorkers who are at risk of developing obesity-related health conditions stand to benefit from the adoption of this amendment.

The proposed amendment is of critical importance to New York City's school children, an alarming number of whom are obese or overweight. The City's Department of Health and Mental Hygiene (DOHMH) Fitnessgram data show that a large percentage of New York City public school students in grades kindergarten through eight can be categorized as "obese" or "overweight." Specifically, during the 2010-2011 school year, 18.1 percent of these students were "overweight" and 20.7 percent were considered "obese," including almost 6 percent of whom were "extremely obese."¹ For certain children the data is even bleaker, as these rates are elevated for children who live in high-poverty neighborhoods. For example, in neighborhoods where over 40 percent of the population lived below the federal poverty level, 24.1 percent of New York City public school students in kindergarten through eighth grades were considered "obese," including 7.1 percent of whom were "extremely obese."

High obesity rates are not confined solely to New York City's younger students, but can be found among public high school students as well. According to the Center for Disease Control and Prevention's Youth Risk Behavior Survey, in 2011, 15.5 percent of all New York City public school students in grades 9 through 12 were considered "overweight," and 11.6 percent were "obese," with higher obesity rates existing in certain boroughs, such as the Bronx (14.8 percent) and Brooklyn (12.8 percent). In addition, when surveyed, many of these teenagers revealed that they drank sugary beverages daily: 20.9 percent said that during the previous week they drank a can, bottle, or glass of soda one or more times each day, and 14.8 percent said they had done so two or more times per day.

As noted in the "Statement of Basis and Purpose" accompanying the proposed amendment, the potential negative outcomes resulting from childhood obesity are well-documented and

¹ In this context, children are classified as "overweight" if they have a BMI of more than or equal to 25, or have a BMI less than the 95th percentile, but more than or equal to that of the 85th percentile. They are "obese" if they have a BMI of more than or equal to 30, or have a BMI equal to or greater than that of the 95th percentile. They are "extremely obese" if they have a BMI greater than or equal to 35, or have a BMI that is 120 percent of that of a child in the 95th percentile.

troubling. Beyond immediate negative short-term impacts, which include increased school absences and poorer overall health, obesity also increases children's risks of developing chronic and life-threatening diseases that can impact life expectancy, such as diabetes and cardiovascular disease. Given the magnitude of the obesity epidemic, it is incumbent upon New York City to establish policies that will help children and their families combat obesity's devastating effects. The proposed amendment represents one such policy, as it teaches all children important lessons about portion control, and will ultimately help reduce over-consumption of the sugary beverages that contribute to obesity rates. We therefore support the proposed amendment.

Thank you for this opportunity to comment.