



## Warning Labels on Sugary Drinks

### *AHA Policy Position and Issue Messaging*

#### **Background**

First introduced in California in 2014, sugary drink or sugar sweetened beverage (SSB) warning label legislation is gaining momentum in several states across the United States. Additionally, early survey research published by Roberto and colleagues has shown that parents are significantly less likely to choose an SSB for their child when that beverage was accompanied with a label that warns them of health outcomes associated with sugary drink consumption.<sup>1</sup>

#### **The American Heart Association's Position**

*The American Heart Association supports clinical guidance, programming, education, media campaigns, and policies that help lower the intake of sugar sweetened beverages (SSBs) by the American public. We welcome new and innovative public policy approaches that may help to curb sugar sweetened beverage consumption. Warning labels on sugary drinks are one such intervention and this includes warning labels on advertisements and on restaurant menus. We view a sugary drink warning label approach as one strategy in the broad policy portfolio to combat diabetes, heart disease and other chronic illness, which includes taxes on sugar sweetened beverages.*

*We believe the sugary drink warning label should be designed drawing from the existing evidence with regards to the graphic images and messages that has the potential for the greatest health benefit. As with all new and innovative policies, we advocate that the impact be robustly evaluated including consumer response and purchasing behavior, health impact on heart disease and diabetes, and monitoring the beverage industry response. It is also important to monitor for, and respond to, any unintended consequences such as driving consumers toward beverages that are not necessarily healthier, industry's use of the warning label as a shield against future legal or policy actions, and legal challenges that could significantly delay and increase the cost associated with implementing warning labels.*

*We believe the benefit of such innovative sugar sweetened beverage policy proposals and the resulting public policy discussion is that the dialogue itself has the potential to raise public awareness about the negative health impact of sugary drink consumption. The AHA supports warning labels as part of a broad range of public policy approaches addressing the consumption of sugar sweetened beverages and will continue to adjust the Association policy positions as additional evidence becomes available.*

#### **Legislative Landscape**

The Sugar Sweetened Beverage Safety Warning Act (SB 1000) was introduced in California in February 2014 with the intent of protecting consumers by promoting informed purchasing decisions about the harmful health effects of consuming of sugar sweetened beverages. The Act prohibited the distribution, sale, or offering for sale of certain sugar sweetened beverages in California that do not carry a safety

warning about the health effects of consuming sugar sweetened beverages. The Bill was amended to SB 203 in February 2015. The Bill is no longer active.

The Sugar Sweetened Beverages – Warning Labels Bill (CB 16 0617) was introduced in Baltimore in January 2016. Modelled after the legislation introduced in California, the Bill differs by requiring that warnings indicating health risks associated with sugary drink consumption be viewable on menus, at points of sale, or on the SSB containers themselves. The Bill received no objections from the Baltimore City Environmental Control board, as of January 2016.

Similar to the above legislation is The Sugar Sweetened Beverages Safety Warning Act (SB 06435), which was introduced in New York State in January 2016. This Bill

## AHA Messaging

Appendix A

## Sugar Sweetened Beverage Definition for Taxation

<b>Previous Definition</b>	<b>New Definition</b>
"Sugar sweetened beverage" is defined as any nonalcoholic beverage, whether carbonated or noncarbonated, sold for human consumption, that contains 5 grams or more of added sugar or other caloric sweeteners per 12 ounces	Sugar sweetened beverage is defined as any nonalcoholic beverage, whether carbonated or noncarbonated, sold for human consumption that contains any added caloric sweetener.
SSBs do NOT include:	<b>SSBs do NOT include:</b>
Flavored milks <130 kcal/8oz.	Beverages in which milk is the primary ingredient or the first listed ingredient on the label of the beverage, or soy, rice or similar milk substitute. For purposes of this Act, "milk" means natural liquid milk regardless of animal or plant source or butterfat content; natural milk concentrate, whether or not reconstituted; or dehydrated natural milk, whether or not reconstituted.
100% juice or 100% juice + water including those made from frozen, freeze dried, or concentrate	100% juice or 100% juice + water including those made from frozen, freeze dried, or concentrate with no added caloric sweeteners
Coffee and tea	Coffee and tea without added caloric sweetener*
Water without any caloric sweeteners	Water without any caloric sweeteners
<5 grams of added sugar or other caloric sweeteners per 12 ounces	Beverages with <5 grams of added sugar or other caloric sweeteners per 12 ounces
	Infant formula
	Medically necessary foods and beverages

\*Since this definition is addressing excise taxes, we're addressing those coffees and teas that are packaged for sale. Those individually sold in coffee shops, convenience stores, etc. would be captured under a sales tax in most states and would not be included.

## References:

1. Roberto CA, Wong D, Musicus A and Hammond D. The Influence of Sugar Sweetened Beverage Health Warning Labels on Parents' Choices. *Pediatrics*. 2016.
2. Powell LM, Chriqui JF, Khan T, Wada R and Chaloupka FJ. Assessing the potential effectiveness of food and beverage taxes and subsidies for improving public health: a systematic review of prices, demand and body weight outcomes. *Obesity reviews* : 2016;17(11):1179-1196.