

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

**Preventing Obesity and Chronic Disease: Education vs.
Regulation vs. Litigation**

Wednesday, June 14, 2006
10:30-12:00 pm

Moderator: Janet Collins, PhD, Director, National Center for Chronic Disease Prevention and Health Promotion, CDC, Atlanta, GA

Panel: Hon. Michael Cardin, Connecticut General Assembly, Tolland, CT

Thomas A. Farley, MD, MPH, Professor and Department Chair, Tulane University, New Orleans, LA

Amanda Purcell, MPH, Policy Director, California Center for Public Health Advocacy, Davis, CA

Session Purpose:

Rising rates of obesity in the U.S. and globally have been well-documented and are a great cause for concern. The latest data from the National Center for Health Statistics show that 30 percent of U.S. adults 20 years of age and older—over 60 million people—are obese and that 16 percent of young people aged 6-19 years are overweight.¹ Law and policy are among the important tools that should be considered in addressing this epidemic. Measures such as requiring healthy food and beverage to be sold in schools, mandating school wellness policies, efforts to improve and enforce physical education standards in schools, and preventing marketing of obesity-related food to children all may be helpful and have important legal and policy components.

This session will focus on lessons applicable to preventing obesity that can be learned from experiences in addressing other chronic conditions, giving examples of potentially effective legislative and policy interventions. This session will also review the American Beverage Association's recent agreement with the Alliance for a Healthier Generation (A joint initiative of the William J. Clinton Foundation and the American Heart Association) to establish guidelines that would limit portion sizes and to sell only lower calorie and nutritious beverages to school children. The panelists also will comment on proposals to use litigation as a tool vis-à-vis obesity prevention.

Tom Farley, one of the authors of "Prescription for a Healthy Nation", will discuss the impact of the everyday environment on behavior as well as policy-based actions to create

¹ <http://www.cdc.gov/nccdphp/dnpa/obesity/>

health-promoting environments, particularly those that facilitate physical activity and healthy eating.

Amanda Purcell will discuss her efforts while at the California Center for Public Health Advocacy to develop nutrition and physical activity legislation in the schools, including considerations taken into account in choosing a legislative approach rather than alternative approaches.

State legislator Michael Cardin will discuss recent efforts in Connecticut to pass legislation related to school health and to prevention of obesity and other chronic disease risk factors.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Describe risk factors for obesity as well as environmental and behavioral conditions that have helped contribute to chronic diseases and obesity;
- Describe major legal issues related to obesity prevention and control;
- Explain lessons learned from state legislatures' efforts to prevent and control obesity, especially in school-aged children; and
- Discuss recent policy and legal measures related to obesity in children and adults, and identify any commonalities in the use of legal tools for prevention vis-à-vis obesity and other chronic diseases.

Session Conveners:

The Division of Public Health, Georgia Department of Human Resources, and National Center for Chronic Disease Prevention and Health Promotion, CDC

Resource Materials:

CDC: Information on Overweight and Obesity: <http://www.cdc.gov/nccdphp/dnpa/obesity>

Tom Farley and Deborah A. Cohen. Prescription for a Healthy Nation: A New Approach to Improving Our Lives by Fixing Our Everyday World, Boston, MA: Beacon Press: 2005.
www.healthscaping.org

Tom Farley and Deborah Cohen, "Fixing a Fat Nation: Why diets and gyms won't save us from the obesity epidemic," Washington Monthly (December 2001).
<http://www.washingtonmonthly.com/features/2001/0112.farley.cohen.html>

California Center for Public Health Advocacy
www.publichealthadvocacy.org

The Strategic Alliance for Healthy Food and Activity Environments
www.eatbettermovemore.org

Alliance for a Healthier Generation

Lessons Learned:

1. Tom Farley

The obesity epidemic continues to grow in spite of decades of education about the benefits of exercise and nutrition as well as high degrees of motivation by people to lose weight or remain thin. No one wants to be fat, but still most of us are. These facts indicate that the source of the problem is not within ourselves but instead is in our environment. We do not expend enough calories because we live in a built environment that inserts barriers to physical activity (highways, long distances between houses and stores) and makes it easier to be sedentary (televisions, computers). We consume too many calories because calorie-dense snack foods are ubiquitous and heavily promoted. The food environment is causing Americans to change their pattern of eating from one of discrete meals to constant snacking, and portion sizes have steadily increased. Foods that appear to be particularly important to the obesity epidemic are soft drinks and other sweetened beverages, salty snacks such as potato chips, French fries, and pizza. Policy and environmental changes that can increase physical activity include rezoning communities to mix commercial and residential areas, requiring sidewalks and bike lanes on roads, building neighborhood playgrounds, and establishing recreation programs for children and adults. Policy and environmental changes that can reduce calorie consumption include removing snack foods from schools and workplaces, reducing the number of fast-food restaurants and convenience stores in neighborhoods, counter-advertising against junk food, and taxing calorie-dense snack foods.

2. Amanda Purcell: California Lessons on School Nutrition Legislation

It is essential to paint a local picture of school food issues. We often talk about obesity, nutrition, and physical activity issues from a national or state perspective. But if we want state or local policymakers to take action on these issues, we need to show them exactly what these issues mean for children in their legislative districts and/or communities. Local public health data or simple surveys publicized through the media can help accomplish this.

Nutrition legislation is highly political and can take many years to pass. The food industry is a huge lobby in the United States and will devote their money and influence to defeat any legislation that potentially restricts where and to whom products can be sold. This means that legislation is often defeated the first couple times it is introduced. Defeating the food lobby takes extensive education of legislators and the building of coalitions containing other power groups like health insurers. Persistence seems to be paying off because several states have passed school nutrition legislation despite heavy lobbying by the food industry.

Carefully consider the enforcement issue. Without good enforcement language in school nutrition bills, states run the risk of having legislation that is never successfully implemented. However, strong enforcement language can also be the issue that gets a bill defeated. Policy advocates must balance these two realities. Regardless of the strength of enforcement language, advocates must have a plan for ensuring the implementation of school nutrition legislation. This may mean subsequent legislative efforts to strengthen or enforce compliance.