



AMERICAN COUNCIL ON SCIENCE AND HEALTH

1995 BROADWAY, 2ND FLOOR, NEW YORK, NY 10023-5860
TOLL FREE: (866) 905-2694 • TELEPHONE: (212) 362-7044 • FAX: (212) 362-4919
www.acsh.org • acsh@acsh.org

Testimony of

Dr. Elizabeth M. Whelan
President, Founder, American Council on Science and Health

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Public Hearing

on

"Food Policy in New York State"

Senate Committee on Health

I'm Dr. Elizabeth Whelan, President and Founder of the American Council on Science and Health. I hold advanced degrees in public health from the Yale School of Medicine and the Harvard School of Public Health and founded the American Council in 1978. The American Council--or ACSH--a nonprofit, tax-exempt (501(c)3) organization, is a consumer education and advocacy group directed and advised by some 350 physicians and scientists. ACSH publishes peer reviewed reports and writes newspaper and magazine commentaries on subjects relating to nutrition, food safety, environmental chemicals, lifestyle risk factors, and other such public health topics. ACSH works to separate real health risks from hypothetical risks. For example, ACSH for 30 years has played a leadership role in educating the public on the dangers of cigarette smoking--a real risk. ACSH has also criticized paranoia about purely hypothetical risks, for example the purported causal relationship of vaccines and autism.

ACSH agrees with the Senate Committee on Health that obesity is a significant public health problem with a wide spectrum of negative consequences.

According to the CDC, in 1990 less than 10% of adult New Yorkers were obese; by 2007 the prevalence increased to between 25 and 29%. Considering the myriad health problems associated with obesity, such as type 2 diabetes and coronary heart disease, such trends bode ill for the future of public health and the healthcare system.

But we do not agree with the three proposed interventions to deal with obesity. ACSH would support more scientifically based solutions to our nation's obesity problem.

One recommendation to which we object would prohibit restaurants from utilizing any artificial trans fats in the preparation of food items--or generally serving any food item containing artificial trans fats.

I must point out first that banning trans fats has no place in a plan to combat obesity. All fats have the same number of calories. Prohibiting trans fats and substituting another fat will not reduce calories in food.

The concern that prompted regulatory action in New York City was based on the premise that trans fats have a negative effect on blood lipid levels. But ACSH has concluded, based on our literature review, that at the levels of trans fat that would typically be in the American diet--representing about 2.5% of our total daily calorie intake--blood lipid levels would not be adversely affected. ACSH opposed New York City restaurant regulation that was the same as that being proposed here for all of New York State.

ACSH has published a full booklet on trans fats and health. It is available on our website at http://ACSH.org/publications/pubID.1415/pub_detail.asp .

A second recommendation would require chain restaurants to post calorie counts for all items on their menu. While ACSH has not issued a formal statement on this topic, we know of no convincing data to support the contention that adding calorie counts to menus and menu boards--when the calories are already offered on websites, food wrapping, in-store wall postings, and tray covers--will cause consumers to reduce their daily caloric consumption.

A third recommendation would require a beverage tax imposed on sugary drinks.

ACSH opposes any proposed tax on soda or sports drinks.

Although consumers are constantly bombarded by offers of magical quick fixes for excess weight--from supplements to diets and exercise equipment--experts agree that long-term changes in lifestyle are necessary to treat and prevent obesity and overweight. Obesity results from an imbalance between energy consumed in foods and energy burned by metabolic processes and physical activity. The opportunity for consumption of excess energy has increased over the last few decades as the requirements for activity in work and leisure have declined. Thus, it is highly unlikely that attempting to alter the consumption of only one type of product will effectively address the obesity problem. Yet in the past few years we have seen regulatory efforts to alter the consumption of various products and ingredients such as certain fats and sugars--at least in part to decrease the obesity problem. The proposal to tax sugar-sweetened beverages is just the latest example of such an effort.

Again, it is unlikely that altering the consumption of only one type of product will effectively address the obesity problem in New York. Unlike taxation of tobacco products, where high prices may discourage use or prevent experimentation by the young, people cannot just stop eating and drinking. While an increased price might decrease use of one beverage, there is no guarantee or even likelihood that one of equal caloric value will not be substituted. Nor is there any guarantee that a more healthful lifestyle will be adopted.

The proposed tax supposedly targets "bad" beverages, which feeds into the misconception that foods can be easily categorized as "good," i.e. healthful, or "bad," i.e. unhealthful, based on simplistic guidelines. In this case, the sugar content is deemed to be "bad." Does this mean we should also tax orange juice, which is also high in sugar and has a similar caloric content? Should we also tax foods such as avocados, high in fat and calories? Of course the orange juice and avocados also contribute other nutrients to the diet, but these are irrelevant to a discussion of obesity--which reflects only caloric consumption and utilization.

Characterization of foods as "good" or "bad" can also mislead consumers in their efforts to attain or maintain a healthful body weight. When dietary fat was deemed generally unhealthful and a myriad of reduced fat or nonfat products were produced, many misperceived such foods as weight-loss products. While such foods can be helpful in a weight-loss plan, it is the number of calories that determine their utility--not the grams of fat per se. Similarly, "fast food" has also been demonized as "bad," and a major cause of obesity, but again this is misleading. It is possible to eat only such foods for an extended period yet lose rather than gain weight.

Thus, the American Council on Science and Health respectfully submits that the proposed taxation of sugar-sweetened beverages will be ineffective in addressing the obesity problem.

See also:

American Council on Science and Health (<http://ACSH.org>)

ACSH's book Obesity and Its Health Effects
(http://acsh.org/publications/pubID.1746/pub_detail.asp)

ACSH's book on Trans Fatty Acids and Heart Disease
(http://www.acsh.org/publications/pubID.1415/pub_detail.asp)