



Testimony

Of

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Commissioner

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before the

New York State Senate Standing Committee on Health

regarding

Food Policy in New York State

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Good morning Chairman Duane and members of the New York State Senate Health Committee. I am Dr. Thomas Farley, Commissioner of Health and Mental Hygiene for City of New York. Thank you for the opportunity to testify today on food policies and public health.

The foods we eat and the quantity consumed have a profound impact on our health. Excess consumption of saturated fat, trans fat, salt and calories all contribute to some of the leading causes of morbidity and mortality, particularly obesity, diabetes, and cardiovascular disease. About two thirds of the U.S. population is overweight or obese, including more than half of the adults in NYC. More than 100,000 deaths a year nationwide are directly attributed to obesity, and increased body weight is associated with higher all-cause mortality. Overweight and obesity are epidemic in New York City and in New York State. Diabetes affects approximately one in eight adult New Yorkers. Heart disease is the number one cause of death in New York, and stroke is not far behind.

In New York City, we have begun to take a number of steps to address these public health problems and improve the health of the City's residents. We have been fortunate to have the leadership and the support of Chairman Duane and the Health Committee members, as well as that of Commissioner Daines. The City's initiatives are aimed at discouraging the consumption of harmful foods and making it easier for residents to make healthy food choices.

In December 2006, the City restricted the use of artificial trans fat in food service establishments. Trans fat consumption raises LDL or "bad" blood cholesterol, while lowering HDL or "good" cholesterol, and is a major contributor to cardiovascular disease. While the measure was initially both praised and criticized, it has been resoundingly successful. Restaurants have simply switched to using fry oils, shortening, and spreads that do not contain trans fat. Rates of compliance by food establishments are currently at 91%. Concerns about replacement of trans fat with saturated fat, for the most part, have not been borne out. Several restaurant chains report reductions of saturated fat in their fry oils by 20 to 35% when they switched to trans fat-free alternatives. Another reported decreases of saturated fat of more than 10.5% in its french fries as a result of the change. The widespread reformulations among national chain restaurants and the high compliance rates in the City suggest that the fear of an inadequate supply of healthier substitutes also appears to have been groundless.

Today, as a result of this measure, New York City residents continue to have access to all their favorite foods, but with a healthier fat profile. A large number of other cities and states have now joined New York City in implementing similar trans fat restrictions.

Another public health strategy to improve health has been our health code rule that requires chain restaurants to post information on the calorie content of food items on menu boards in chain restaurants. As with the trans fat rule, this measure has proven feasible and effective. Studies by the City found that 72% of consumers in regulated chains now report seeing calorie information in restaurants, compared to fewer than 4% when we first started the debate in 2007; and that 1 in 5 patrons -- or an estimated quarter of a million consumers a day-- reported using the information and those same fast food patrons made lower calorie purchases. Our evaluation that involved surveying customers before versus after the calorie counts were posted found that the calories purchased declined in 9 of 13 restaurant chains -- and in four chains the decline was

statistically significant. A recently released study of more than 100 million transactions at Starbucks confirmed a 6% reduction in the caloric value of purchases at that chain with no negative effects on business. That rose to a 26% reduction in calories by purchasers who bought more than 250 calories. This policy has now been adopted in other jurisdictions around the U.S. and has sparked national interest; a provision requiring calorie posting by chain restaurants was included in the health care reform bills passed by the U.S. House and Senate.

Continuing with the City's commitment to reduce the risk for obesity, diabetes and heart disease, we have also launched a major campaign to reduce the consumption of sugar-sweetened beverages. Americans consume 250-300 more calories per day than they did 30 years ago, and the increase in consumption of caloric beverages accounts for approximately one-third to one half of this increase. Beverages represented 21% of total daily energy intake in the general American population in 2002, up from 11.8% in 1965, most of it from so-called "empty calories." To raise public awareness, a poster campaign in the subways called "Pouring on the Pounds" was launched last summer. More recently, a You-Tube video – "Drinking Fat" aired – which has been viewed by more than half a million people.

Another City-led effort to prevent disease through healthier eating is the National Salt Reduction Initiative. This initiative is meant to reduce the salt content of processed and restaurant foods, because Americans consume roughly twice the recommended upper limit of salt. The initiative represents a partnership with the State of New York and with 40 other state and local governments and health organizations. We are working with the food industry to set voluntary targets for the reduction of salt in processed and restaurant foods by 25% over 5 years. This effort has enormous potential to reduce the burden of heart attacks and strokes that result from high blood pressure due to excessive salt consumption.

Other City activities aimed at promoting healthy eating have included our work to increase access to fruits and vegetables. With the assistance of the New York State Department of Agriculture and Markets, the NYC Food Policy Coordinator and the New York City Council, the City's farmers' markets have expanded dramatically in low-income communities. The Green Carts program is issuing 1,000 mobile food vending permits (and 1,000 or more new jobs) so that carts selling fruits and vegetables will be a regular presence in neighborhoods where access to fresh produce is limited. We also launched the Healthy Bodegas Initiative to increase the availability of produce and healthier foods at corner stores. Governor Paterson, the New York State Department of Agriculture and Markets, the Empire State Development Corporation, and the New York State Supermarket Commissioner were all instrumental in mobilizing \$10 million in state funding and developing policies to support expansion of access to supermarkets in underserved communities.

We believe that statewide implementation of some of the policies that have been successful in New York City can save many more lives

However, as State lawmakers consider banning trans fat in food service establishments across the State, legislation should be carefully constructed so as not to conflict with local rules such as New York City's Health Code.

DOHMH supports an effective national calorie labeling standard that would benefit all New Yorkers and all Americans. While we support the aims of the calorie labeling legislation pending in New York State, we would not support state legislation that would interfere with the successful rule in New York City or that would excessively restrict local action. We have concerns regarding the timeline for implementation, as well as potential preemption related to local action on other nutrition information, and possible conflicts with provisions anticipated in federal health care reform legislation. We would appreciate the opportunity to work with the Senate to review these concerns.

Another idea being discussed across the country is a policy, such as some form of tax, to raise prices on foods with negative health consequences in order to reduce excessive consumption of these products. In the case of tobacco, taxes have been very successful in reducing the number of smokers while simultaneously raising revenue for the state. While New York and many other states currently tax sugar-sweetened beverages, these are relatively small sales taxes that have limited impact on consumption or on obesity. Economic studies suggest that a 10% increase in the price of sugar-sweetened beverages -- the biggest single cause of the obesity epidemic -- would result in a reduction in their consumption by 8-10%. Such a reduction in consumption could have a measurable impact on obesity. An important measure was proposed in Governor Paterson's Executive Budget to impose a penny an ounce excise tax on sugar sweetened beverages. We believe that such a tax will help reduce consumption of these products, which are the largest single source of empty calories in our diet. Reducing their consumption will help reduce obesity and diabetes. Last year alone, it is estimated that \$147 billion was spent on obesity-related health care for adults in the United States.

New York City is proud of the innovative initiatives that we have undertaken to improve access to healthy foods and healthier eating. Yet more remains to be done, including additional efforts to increase the purchase and distribution of local, healthy foods, particularly fresh fruits and vegetables, in schools and other settings.

These are only a few of the measures that begin to address the problems in our food policies. These actions represent important milestones in improving food choices, leading to a healthier population.

We look forward to working with the New York State Senate to improve the health of New Yorkers. I am happy to answer your questions.

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