COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON PUBLIC HEALTH AND

HUMAN SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 10, 2008
1:15 p.m.

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PRESENT:
COUNCILWOMAN MARIAN B. TASCO, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN MARIA QUINONES-SANCHEZ
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 080167 - An ordinance amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new section requiring that chain restaurants and retail food establishments make available certain nutrition information for food and beverage items offered for sale...

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COUNCILWOMAN TASCO: Good afternoon. I call this hearing to order regarding Bill 080167.

We ask the Clerk to read the bill.

THE CLERK: Bill No. 080167, an ordinance amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new section requiring that chain restaurants and retail food establishments make available certain nutrition information for food and beverage items offered for sale, all under certain terms and conditions.

COUNCILWOMAN TASCO: Thank you very much.

The Chair calls the Administration.

(Witnesses approached witness table.)

DR. SCHWARZ: Good afternoon, Councilwoman Tasco, members of the Committee on Public Health and Human Services. I'm Donald Schwarz, Health

Commissioner and Deputy Mayor for Health and Opportunity. Thank you for the opportunity to present testimony today on Bill 080167, which would require certain nutritional information to be included on chain restaurant menus in Philadelphia. I am pleased to say that I am in full support of this legislation, which is a proportionate public health response to the growing prevalence of obesity and related chronic diseases that we are seeing both in Philadelphia and across the nation.

Americans are increasingly relying on restaurants to feed themselves and their families. It is reported that adults now consume an average of four meals per week that are not prepared at home, with American adults and children consuming about one-third of their calories from restaurants and other food-service establishments. A growing body of scientific evidence links eating outside of the home with higher caloric

intake and conditions that include increases in body mass index, or BMI, weight gain, insulin resistance and obesity both in adults and children.

McCory and colleagues found that the frequency of restaurant food consumption is positively and statistically associated with an increase in body fat among men and women ages 19 to 80.

One reason for the strong relationship between the frequency of eating out and obesity is that compared to home-prepared foods, restaurant foods are generally higher in calories and saturated fats and lower in nutrients and fiber. Because Americans average four meals out per week, there is an increasing risk of exceeding one's caloric requirement, not just on the day the person eats out, but also for the entire week.

The increase in eating out is having a particular impact on our

children. A recent study reported in the journal Hypertension shows that there was a significant association between salt intake and total fluid intake, which more often than not includes sugar-sweetened soft drinks in this British study among children ages 4 to 18. The high sodium content of fast food causes children to crave high content corn syrup drinks in super sizes, which further contributes to the child obesity epidemic, according to the authors.

The Department of Public Health and its pediatricians are witnessing overweight children as young as 12 with impaired fasting glucose, which is also called Type 2 diabetes, hyperlipidemia or high fats in the blood, and abnormal blood pressure, conditions that can be brought on by poor diet and, in part, treated through nutrition.

The Department has pioneered an approach to childhood obesity that includes teaching overweight children to

count calories and pay attention to nutritional information, just as we do with adults who are obese or have such chronic diseases as diabetes and heart disease.

Nutritional information at the point of sale would significantly help our patients and the public at-large better manage their weight and chronic conditions. Information on sodium, carbohydrates, saturated and trans fats and caloric content is necessary for individuals to make informed dietary choices. It is necessary because most of us lack the nutrition intuition or training necessary to estimate accurately the nutritional or caloric content of prepared foods.

Even trained specialists don't always get it right. A New York University study found that some trained nutrition professionals inaccurately estimated the number of calories of common menu items. When shown a

fast-food hamburger and onion rings, a sample of dieticians estimated that the combination contained only 865 calories while it actually contained 1,550, almost twice that number.

Consumers would be unlikely to do much better. Research from Burton and colleagues shows that consumers substantially underestimate the caloric, fat, saturated fat and cholesterol content found in many of our less healthy food menu items.

The good news is that when reliable nutrition information is provided, people do tend to make choices based on that information, and those choices tend to be healthier. These results are consistent with the observations of other researchers when nutrition content labeling for packaged foods sold at supermarkets became a requirement.

By requiring information at the point of sale, we hope to change the

culture of purchasing and consuming food while increasing awareness of healthier food choices and the health consequences of poor choices. The Institute of Medicine, the Food and Drug Administration, the Surgeon General of the United States and the U.S. Department of Health and Human Services all recommend providing nutrition information at restaurants. Consumers do as well. A nationwide survey by a large food-service corporation in 2005 found that 83 percent of Americans believe that restaurants should make nutrition information available for all menu items.

Half of all large chain restaurants already have nutrition information and would incur little or no costs for analyzing their products. Readily available nutrition software should help with changing menu items. Nutrition Facts, a free online software program, provides detailed information on 7,500 foods. Other products, like

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nutraCoster Professional, Version 2.1 analyze recipes for cost and nutritional content to provide all the nutritional information required under this bill at a relatively low cost.

Enforcement of the requirements of this bill would be carried out by the Department's existing food establishment inspectors. A review of the Department's current data reveal that there are approximately 520 establishments in Philadelphia that meet the bill's definition of a chain restaurant. I should know note that this represents about four percent of the food establishments currently under inspection by the Department. We've estimated that the additional time to review the records of these establishments during the course of a routine sanitation inspection would require less than one-half of one full-time equivalent, or approximately $20,000 in personnel costs.

Thank you for allowing me to

present testimony on this very important public health issue. I'm happy to answer any questions that you might have.

COUNCILWOMAN TASCO: The Chair recognizes Councilwoman Brown.

COUNCILWOMAN BROWN: Good afternoon, and thank you for your testimony.

DR. SCHWARZ: Good afternoon.

COUNCILWOMAN BROWN: Having heard your testimony, what would be your opinion on the notion that this is or is not a silver bullet to the issue of obesity?

DR. SCHWARZ: I don't believe that there is any single answer to obesity. It's a very complex issue. I believe we probably have a lot of smaller steps that we need to take in order to get there, but this is one very important step in that pathway.

COUNCILWOMAN BROWN: Thank you very much for your testimony.

COUNCILWOMAN TASCO: Councilman

Kenney.

COUNCILMAN KENNEY: Thank you very much.

As you understand the bill -- and maybe the sponsor could enlighten also -- this applies only to chain restaurants, not to a restaurant where you'd walk in, a tablecloth, menu that changes, specials?

DR. SCHWARZ: It relates --

COUNCILWOMAN BROWN: That's -- I'm sorry.

DR. SCHWARZ: I'm sorry.

COUNCILWOMAN BROWN: That's exactly correct, Councilman Jim Kenney. It only applies to chain restaurants of ten or more. And so unlike the bill that was introduced over a year ago, which indeed captured the restaurant community as a whole, this one only applies to restaurants ten or more across the country.

COUNCILMAN KENNEY: And this is if you are a chain company that owns --

if you have less than ten, you are not --

COUNCILWOMAN BROWN: It does not apply at all.

COUNCILMAN KENNEY: So a corner steak shop wouldn't have --

COUNCILWOMAN BROWN: No application at all.

COUNCILMAN KENNEY: Thank you.

COUNCILWOMAN BROWN: You're welcome.

COUNCILMAN KENNEY: Oh, just one other question. I'm sorry.

COUNCILWOMAN BROWN: Surely.

COUNCILMAN KENNEY: Is the issue of caloric content the most important element in making a healthy food decision or are there other elements about a particular food item that -- I assume the higher caloric -- the higher calorie number is the less healthy for you because it's got products in there that are not healthy to begin with, or less healthier than others, but are there other issues other than caloric?

DR. SCHWARZ: The content of food, not just the total caloric amount -- remember that fat is a very highly concentrated substance in terms of calories. Protein and carbohydrate per gram has fewer calories. So not only the total number of calories, but the distribution makes a difference. So that the proportion, for instance, of fat in our diet makes a difference particularly to those who have a tendency toward arteriosclerotic disease, hardening of the arteries.

COUNCILMAN KENNEY: How about issues relative to salt?

DR. SCHWARZ: Certainly sodium is important. We know that about 25 percent of those with high blood pressure or a tendency toward hypertension are sensitive to salt. About three-quarters of those aren't, but because 25 percent is a high proportion of the population, we're very careful about requesting at least that all food products present us

with sodium information.

COUNCILMAN KENNEY: But as far as this particular bill is concerned and these charts, you think that calories is probably the most telling?

DR. SCHWARZ: I think the obesity epidemic is the one that we're really trying to address.

COUNCILMAN KENNEY: Thank you.

COUNCILWOMAN TASCO: Are there any more questions regarding this bill of the Commissioner?

(No response.)

COUNCILWOMAN TASCO: Thank you very much. We appreciate the time.

DR. SCHWARZ: Thank you very much for taking up this issue.

COUNCILWOMAN TASCO: The next panel, Dr. Margo Wootan, Gary Foster, John Weidman and Amy Margulies.

(Witnesses approached witness table.)

COUNCILWOMAN TASCO: Councilman Kenney.

COUNCILMAN KENNEY: Thank you. Just one clarification on the issue of what is a chain. Would, for example, Capital Grille be a chain that would apply here even though they don't have ten restaurants in the City?

COUNCILWOMAN BROWN: That would be correct.

COUNCILMAN KENNEY: So it's --

COUNCILWOMAN BROWN: Ten or more restaurants nationwide.

COUNCILMAN KENNEY: Nationwide, okay. So the larger chain, tablecloth restaurants would also -- The Palm, the Capital Grille, those few?

COUNCILWOMAN BROWN: Yes.

COUNCILMAN KENNEY: Okay. Thank you.

COUNCILWOMAN TASCO: Would you please limit your remarks to about three minutes, please. If you've submitted your written testimony, it will be entered into the record as presented. If you could summarize, it will help us. We

have a full witness list and then there is a hearing at 3 o'clock. So we thank you for your indulgence. This is the second round on this bill, so we've heard it before.

Thank you.

DR. WOOTAN: Thank you. Good afternoon. My name is Margo Wootan. I'm the Director of Nutrition Policy at the Center for Science in the Public Interest. We're based in Washington, DC, but we have about 40,000 members in Pennsylvania.

I think one of the most important points I'd like to start with related to menu labeling is that this is not the food police, the City acting as the food police and swooping in to tell people what to eat. This is simply giving people the freedom to make their own choices about what they want to order at restaurants. Without menu labeling often people can only guess at the nutritional value of what's on the menu.

How are you supposed to know that a bagel with cream cheese has more calories than two jelly doughnuts or that a strawberry smoothie has more calories than the cappuccino at Wawa, that some of us might be ordering the bagel or the smoothie thinking we're doing the right thing, going for a lower calorie choice, when in fact we're getting more calories than we could.

Menu labeling is also, though, an important public health issue and something that should be the focus of public policy, because studies link eating out with eating more calories and obesity, and eating out is a growing part of our diets, making up about a third of the calories that the average person eats.

Unlike in grocery stores where people have ready access to nutrition information, half of chain restaurants don't provide a single shred of nutrition information to their customers. So even

if you ask, you can't get it. But, importantly, the restaurants that do provide information usually provide it in ways that are very hard to find and to use when people are ordering. Most chains have information on websites, which means you have to have access to a computer and the Internet and log on to the Internet and study the restaurant websites before even going out to eat. Other restaurants have information on the food packages themselves or on tray liners, which people don't get until after they order. Even the posters and brochures are hard to see. In a big study of diners at over 275 restaurants, if you look at the restaurants other than Subway, they found that only three percent of customers actually saw the nutrition information at restaurants that provide it. People just don't see the pamphlets, the posters, the brochures, the kiosks, the tray liners and all these other formats which the restaurant

industry is currently using.

Restaurants know that providing information on the menus is the most effective way of sharing information with its customers, and the New York State Restaurant Association wrote that menu boards are what customers are reading when they're standing in line to place their orders and where they get virtually all their information on what to order. That's where restaurants are listing the menu options, the product descriptions and the menus.

I think if you take a look at these model menus that are up here -- and, actually, that's a real menu from Subway -- you can see how easy it is to use and compare a menu board from Starbucks to a pamphlet from Starbucks and you can see how much easier it is.

Providing nutrition information off the menu is like posting speed limits using pamphlets on the side of the highway rather than on prominent roadside

signs that people can see as they're driving by, or worse yet, only providing speed limits on the back of a speeding ticket.

Menu labeling also would create a consistent standard that customers could count on. People wouldn't have to hunt around to figure out how the nutrition information is provided in each individual restaurant. They shouldn't have to -- it shouldn't have to be a scavenger hunt when you go into each restaurant to figure out where and how the information is provided.

Finally, we know that providing nutrition information in restaurants is practical and it's financially feasible, that half of chain restaurants already have nutrition information. So the other half of chains should be able to provide it as well. What's important is to take those calorie numbers and other nutrition numbers off the website where it's hard for people to use and put it on the menu

where people can see it and use it.

So I hope that the Committee will support the 80 percent of adults that want menu labeling, who want to know what -- they want to know the nutritional quality of the foods that they're ordering at chain restaurants.

If companies can provide information on the fuel efficiency of cars, care instruction for clothing and water usage of home appliances, shouldn't they be able to provide important health information to the thousands of Philadelphians who need this information to manage their weight, their high cholesterol, their high blood pressure or diabetes? I hope today that the Committee's answer will be yes.

Thank you.

COUNCILWOMAN TASCO: Proceed.

MR. FOSTER: Hi. My name is Gary Foster. I'm a Professor of Medicine and Public Health at Temple University and Director of the Center for Obesity

Research and Education at Temple.

I've spent 100 percent of my professional life researching, treating and preventing obesity. Most recently, we published a study in Pediatrics conducted here in Philadelphia, with our colleagues at The Food Trust, that showed that a modest change in nutrition policy could prevent by one-half the number of children who became overweight over a two-year period in Philadelphia schools. That's a way of saying that small changes can make a big difference when it comes to policy change.

However, today I'm here in my role as President of the Obesity Society. The Obesity Society is the leading scientific society in the United States and Mexico and in Canada dedicated to the study of obesity, improving and encouraging research on its causes, treatments and prevention.

It's quite clear that for decades now the government, local, state

and federal, has been encouraging consumers, citizens to manage their BMI and to do so by tracking carefully their physical activity and their energy intake. As the Health Commissioner testified, however, that task is difficult even for trained professionals, let alone for those who aren't trained in the very minute details of what affects caloric intake.

Therefore, the Obesity Society believes that the labeling and nutrition information that's presented here before us may assist weight-conscious consumers, provide an opportunity for parents to educate their children and, most importantly, it's likely to do no harm to consumers.

The Society is aware that definitive scientific studies are not available on which policymakers, the restaurant industry and the public may rely on to conclude with confidence that such information will reduce or lessen

the prevalence of the impact of obesity. Such studies are almost impossible to conduct. They would require randomizing cities at a time to nutrition versus not nutrition information, and they just won't be done. Nonetheless, the Obesity Society believes that more information on the caloric content of restaurant servings, not less, is in the best interest of consumers.

We conclude that such policies are in the consumers' best interest and should be implemented, as well as supported by sound research to evaluate their effectiveness.

Thanks for the opportunity to testify, and I'd be happy to answer any questions.

COUNCILWOMAN TASCO: Thank you.

MR. WEIDMAN: Good morning, Councilmembers and guests. My name is John Weidman. I'm the Deputy Executive Director of The Food Trust. We're a Philadelphia-based non-profit group

working to improve access to affordable, nutritious food. Our work focuses on bringing in more farmers markets and supermarkets to low-income communities, working with corner stores to stock healthier items, and providing nutrition education programming to over 100 Philadelphia schools. I am here today in strong support of Councilwoman Brown's menu labeling legislation which will give Philadelphia consumers the information they need to make healthy food choices.

As you just heard, Dr. Gary Foster's research was just published in Pediatrics last week and it showed that kids in programs developed by The Food Trust had 50 percent fewer cases of children becoming overweight than schools that did not. A key factor in the success of this initiative was that it was a comprehensive approach that combined nutrition education with changing the environment that surrounds children. And a key component -- menu

labeling is a key component of the comprehensive approach that's necessary to fight obesity in Philadelphia.

Chain restaurants are the focus of this legislation, and they should be, and I just wanted to give three quick reasons why. The first was already mentioned by Commissioner Schwarz, and it's that people are eating out more. Americans today get one-third of our calories from eating out.

Number two, you get more calories when you eat out. So studies show that children eat almost twice as many calories when they eat in a restaurant compared to when they have a meal cooked at home, which is no surprise. We know that portions in restaurants are oversized. They're super sized.

And, number three, even people with a fair amount of knowledge about nutrition cannot guess correctly on calorie levels of restaurant foods. Most

would guess that a slice of carrot cake at the Cheesecake Factory was high in calories, no surprise there, but what is surprising is that slice of carrot cake has three-fourths of your total daily calories.

Again, as was already mentioned, the public strongly supports menu labeling. People were asked specifically if they want this information on menus and menu boards. Absolutely, yes. Eighty percent supports it. And it's an easy thing for the chain restaurants to implement. The cost to displaying this information are negligible, and we've already seen it working in New York City.

The Food Trust provides nutrition education in about 100 schools in the region, and reading nutrition labels is an important way for children to learn about eating healthy. We find that lessons children learn are often brought home to inform the parents and

have an impact on parents' shopping behavior. However, when children go on a trip with their parents to McDonald's or Dunkin Donuts, it's extremely difficult for them to put what they've learned to use for themselves or for their families. Menu labeling would help to strengthen the messages children are receiving in schools about healthy eating.

In closing, I'd like to thank Councilwoman Brown for introducing this legislation and the Committee for holding this hearing. In order to have a real impact on obesity, we need to create a food landscape that encourages healthy eating, and nutritional information on menus is a key component of creating that healthy food landscape.

Thank you.

MS. MARGULIES: Good afternoon. My name is Amy Margulies. I am a registered dietician and certified diabetes educator in the Philadelphia area.

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As you have heard already today, more than 120 million Americans are either overweight or obese. Among Philadelphians the prevalence of obesity has increased from 15 percent of both men and women, ages 20 to 24, to 33 percent of women and 27 percent of men, 45 to 64.

Rates of obesity have been rapidly increasing in all age groups. This increase of obesity is having a devastating impact on our nation and in our city.

Over the last 30 years, Americans spending money on fast food has increased from six billion to a 110 billion, or more than 18 fold. In 2004, Americans spent over ten times more in eating out than in 1974. We are eating out, ordering in, picking up, whatever you want to call it, more and more every year. So it is no surprise along with our growing waist lines our portion sizes are growing, or you could say along with our growing portion sizes our waist lines

are growing.

Everything we serve food on is far bigger than it used to be, larger plates, larger cups. When you order what you think is a single serving, whether it's a muffin or a slice of pizza or a super size meal, you think that's a single serving for yourself. However, it might be a serving for five people to serve your entire family.

We are spending the money. You want to get your money's worth when you're eating, and we're getting our money's worth as far as the meal goes, but as far as the epidemic of obesity goes, we are spending far too much money treating heart disease, diabetes and the list goes on.

It's easy to see how calories can add up. An extra ten calories per day could equal the weight gain of just a pound a year. However, an extra 200 calories per day could be a weight gain of 20 pounds per year. It's easy to

understand how this path of eating out more; therefore, eating more calories, is causing this rapid weight gain and a dramatic increase in obesity.

It is a fact that extra calories consumed by the larger portion sizes are leading to this epidemic of obesity. We need to help the people of Philadelphia consume smaller, healthier portions of food.

Since people are eating more meals out than at home, it seems restaurants would be a great place for consumers to be able to take control of their health. They need to know how many calories, how much salt, sugar and fat is in their food so they can make a healthier choice when eating out.

A healthy menu without labeling does not help a person with diabetes know how much carbohydrate or calories is in their meal. They may greatly underestimate how many carbohydrates or calories are in their meal and their

blood sugar level as a cause of that could go up, and this could happen all the time if they are eating out all the time.

In January 2000, the National Department of Health and Human Services launched Healthy People 2010, a comprehensive nationwide health promotion and disease prevention agenda. Healthy People 2010 contains many objectives designed to serve as a roadmap for improving the health of all people in the United States during the first decade of the 21st century.

The health indicators of Healthy People 2010 have two major goals: Increase the quality and years of healthy life and eliminate the disparities in health. The Pennsylvania Department of Health State Health Improvement Plan is focused on three primary areas: Prevention, the prevention of disease; people, addressing their local health priorities; and data and information,

improving community access to relevant health-related data.

To quote Philadelphia's Health Commissioner, Dr. Sal, Disease management should be a public health function. Our public is eating out. We need to help them make healthier choices. Menu labeling would allow the people of Philadelphia to do so on a daily basis, which would have a huge positive impact on their health.

This week is National Public Health Week. One theme in Philadelphia is your health, your home, your neighborhood. We need to focus on our health and the health of our neighbors.

Thank you.

COUNCILWOMAN BROWN: I thank you all very much for your testimony.

Dr. Foster, in your work with the Obesity -- the full name of the organization again is the Obesity?

MR. FOSTER: Society.

COUNCILWOMAN BROWN: Society.

Is it targeted or limited towards children and young people?

MR. FOSTER: No. The Obesity Society is looking at obesity as a whole. The work I mentioned was actually work that we're doing with colleagues at The Food Trust, again, in the City of Philadelphia. So we have lots of activities. In my role as Director of the Center for Obesity Research and Education in Temple, we're doing lots of various research and outreach programs, but the position I was speaking on today was the position of the Obesity Society, which, again, represents scientists who specialize in obesity from the United States, Canada and Mexico.

COUNCILWOMAN BROWN: And so to make sure I understand what I thought I heard, there's evidence to suggest that to the extent that young people or adults are provided the information, it follows that they make different or healthier choices?

MR. FOSTER: No. What I'm suggesting is that small -- to your earlier question about the silver bullet, that small changes in nutritional policy, one upon another, can make a big difference. Even one of them can make a difference, and we've got some local example of that with the data of reducing the number of children who become overweight. There aren't data on whether you provide nutritional information --

COUNCILWOMAN BROWN: You say are or are not?

MR. FOSTER: There are not. And the reason for that is, those kind of studies just can't be conducted. You'd have to randomize, say this city gets the information, this city doesn't, this restaurant does, this restaurant doesn't.

And I guess what I want to say in response to that is that if we wait for $50 million trials to be the basis for every change in nutrition policy that we make at the city, state or federal

level, we'll be paralyzed by a lack of data. I think we have to do things that are, frankly, common sense and do no harm, and this seems to be one of them.

COUNCILWOMAN BROWN: Thank you.

Dr. Wootan, very briefly, can you speak to the new bill signed by the Mayor in San Francisco?

DR. WOOTAN: There are three bills that have been passed to require menu labeling in -- San Francisco is the latest one and then also in New York City and in King County.

COUNCILWOMAN TASCO: Could you tell us what the bill in San Francisco encompasses?

DR. WOOTAN: Yeah. The bills are very similar to the one that you're considering today. They would require nutrition information to be on menus and menu boards at chain restaurants. Those bills all define chain restaurants as 15 or more outlets. In New York City they would only require calorie information,

whereas in San Francisco and in King County, they require additional information, like the bill you're considering today.

COUNCILWOMAN BROWN: And, Ms. Margulies, the Healthy People 2010, is that focused on young people, children and young people?

MS. MARGULIES: No. That's focused -- I would say it's probably more towards adults, but it's really just people as a whole, not between children and adults.

COUNCILWOMAN BROWN: Again, I thank you all for your important testimony.

COUNCILWOMAN TASCO: Are there any further questions?

(No response.)

COUNCILWOMAN TASCO: Thank you very much for your testimony.

Next panel, Patrick Conway, Nick Fodera, John Marsella, Miguel Miranda, James Fullam and Kevin Lundy.

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(Witnesses approached witness table.)

MR. CONWAY: Good afternoon.

COUNCILWOMAN BROWN: Good afternoon, gentlemen.

COUNCILWOMAN TASCO: I understand Mr. Lundy is not here, but he did submit testimony -- oh, you are here. Okay. Thank you.

Please proceed with your testimony. Introduce yourselves.

MR. CONWAY: Thank you very much. My name is Patrick Conway. I'm representing the Pennsylvania Restaurant Association.

Chairwoman Tasco, members of the Committee on Public Health and Human Services and members of the Philadelphia City Council, thank you for the opportunity to provide testimony on Bill No. 080167 regarding menu labeling in Philadelphia restaurants.

As I indicated, my name is Patrick Conway and I'm speaking today not

only on behalf of our state restaurant association, but also on behalf of our local chapter here in Philadelphia, our Philadelphia, Delaware Valley chapter. Our association represents restaurants all across the Commonwealth, but today we are speaking for over 10,000 restaurant units located in the City of Philadelphia.

This Committee, I'm quite sure, is fully aware that restaurants have a significant economic impact in Philadelphia. Each one million in sales in Philadelphia eating and drinking establishments provides for over 43 jobs. In addition, nine out of ten restaurants are involved in philanthropic and charitable activities that improve the quality of life in the City and in our neighborhoods, and our business owners, their families and their employees are your constituents.

We appreciate the interest that Councilwoman Reynolds Brown in particular

has shown on this important issue and the work that she has done to provide flexibility working with Philadelphia's restaurants. We've established a very good working relationship and we have a very good productive dialogue, and we appreciate that very much. We understand that this is the first hearing of several and that the bill will not be coming out of Committee in order to facilitate continued discussions, and we appreciate that as well.

We also applaud Philadelphia City Council with your efforts to address the growing problem of obesity, especially childhood obesity in Philadelphia. However, while we support restaurants' efforts to provide nutritional information in some form, we do not support Council Bill 080167 because we oppose any mandate that requires restaurants to post such information directly on menus and menu boards. Considering that the ordering,

preparation and delivery process for restaurant food is very different from purchasing packaged foods in a grocery store, the restaurant industry needs much more flexibility in how we provide such information to our customers.

Many Philadelphia restaurants already provide a great deal of nutrition information to their customers voluntarily, and we support their continued efforts to do so. Restaurants are using a variety of means to share nutrition information with their customers, including the use of kiosks, posters, signs, brochures, tray liners, packaging, customized receipts and restaurant websites. It is important that each restaurant maintain the flexibility to choose the most effective manner for sharing information with its own customers.

Ordering a meal in a restaurant is not like buying a pre-packaged food item in a grocery store. Restaurant

patrons are increasingly ordering menu items today exactly as they want them, and customizing the order changes the nutritional content of that menu item significantly. For example, consider that a sandwich made from just five items, including bread, meat, cheese lettuce and tomato, can be ordered 120 different ways. With the diversity of restaurant menu offerings, ingredients and ordering customization, we'll never be able to experience the same continuity that we have with a standard store-bought labeling program. Government-mandated standardized menu labeling simply is not workable in the restaurant industry.

Another concern is the economic impact that the menu labeling bill will have on locally owned and operated Philadelphia franchises. And it's important to point out that many of the chain restaurants we're talking about today are in fact owned by local franchisees here in Philadelphia. Many

restaurants operate on very tight profit margins, and the average table service establishment makes only four cents on the dollar before tax, creating a very fine line between success and failure. Menu labeling regulations could impose costs of tens of thousands of dollars on vulnerable small businesses by requiring nutritional analysis and reprinting of their entire menus.

Mandatory nutrition labeling on restaurant menus and menu boards will not solve the growing problem of obesity in Philadelphia. We should continue to provide restaurants with the flexibility that they need to make nutrition information available to their customers while also focusing our public efforts on education, moderation, physical activity and personal responsibility. Together, these steps will be the key to reducing obesity and nurturing healthy life-styles among Philadelphians.

In closing, I'd like to thank

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Chairwoman Tasco, Councilwoman Reynolds Brown, the members of the Committee and the Philadelphia City Council for the opportunity to provide testimony again today on the important issue of menu labeling. We look forward to continued dialogue, and we thank you for allowing additional time for further deliberation on this important issue.

Thank you.

COUNCILWOMAN TASCO: Thank you very much.

Next.

MR. FODERA: Chairwoman Tasco, Councilwoman Reynolds Brown and Committee members of the Public Health and Human Service Committee, my name is Nick Fodera and I am speaking on behalf of my Auntie Anne's hand-rolled soft pretzel stores located on South Street and in the Gallery in Philadelphia.

I last appeared before you October of 2007, and I want to thank you for allowing me the opportunity to once

again present testimony to this Committee.

With me again is Andrew Weikert, who is Director of Government Affairs at my franchisor's corporate office based in Lancaster, Pennsylvania. From their headquarters in Lancaster, Auntie Anne's, Incorporated provides business support services to franchisees like myself and approximately 300 others who privately own over 925 stores in 45 states and 13 countries.

I am also speaking on behalf of five of my fellow franchisees who also own and operate Auntie Anne's stores at 30th Street Station, Cheltenham Square, Franklin Mills, the Shoppes at Penn and the Philadelphia International Airport.

Auntie Anne's locations provide customers with a variety of soft pretzels, dips and beverages, with a commitment to exceeding our customers' expectations in regard to the quality of products served, cleanliness in our

stores and excellence in customer service.

In addition to that, we are committed to providing our customers with comprehensive nutrition information for all of our product offerings. As I testified in October, Auntie Anne's has provided this information to customers at the point of sale for almost 20 years via nutrition tear sheets. I have once again provided a copy of the Auntie Anne's nutrition tear sheet with my written testimony for your review. By having comprehensive nutrition information available to them at the point of sale, Auntie Anne's customers are able to make informed nutrition decisions before they purchase food and beverage items at our stores.

While Auntie Anne's is steadfastly committed to providing comprehensive nutrition information to our customers at the point of sale, we do not support policy initiatives that

specifically mandate the methods by which we communicate nutrition content to our customers. And while we applaud Councilwoman Brown for addressing proper nutrition within the context of a growing concern about obesity, we respectfully oppose Bill No. 080167.

In determining how to best provide nutrition information to our customers, Auntie Anne's has had 20 years to examine every detail that makes our in-store operations uniquely different from other restaurant concepts. Taking those learnings into account, Auntie Anne's has determined that providing nutrition information to our customers in writing at the point of sale is the best method by which we can provide nutrition information to our customers.

Another restaurant concept might just as easily conclude that providing nutrition content on a menu board or standard menu or on pamphlets, tray liners, posters or table tents works

best within the context of their unique operations.

What we're really trying to determine here is the best method by which restaurants can provide their patrons with the nutrition information they want. By making that determination, we should consider that restaurants themselves are best positioned to know what will work best, both for them and for their customers.

Given the wide diversity of operations within the restaurant industry, even among the quick-service restaurant, the QSRs, and table service segments, respectively, the key to providing nutrition information to restaurant patrons is not through a one-size-fits-all mandate. Instead, policymakers should provide restaurants with the broad flexibility they need to tailor nutrition disclosure methods that take into account each restaurant concept's unique operations and

circumstances.

To that end, I am encouraging you to adopt an approach that is voluntary and allows Philadelphia's many diverse restaurant concepts the broad flexibility that is required in determining the best way to provide nutrition information to their customers.

Thank you for convening this hearing and once again allowing me to share my thoughts on this issue. I very much appreciate the spirit of cooperation exhibited by Councilwoman Reynolds Brown and this Committee as we work together to determine the best way nutrition information can be provided to our customers. I look forward to working with you on finding a solution that will satisfy the intent of this legislation as well as the nutritional interests of our customers.

Thank you.

COUNCILWOMAN TASCO: Thank you very much.

Next.

MR. MIRANDA: Good afternoon, Chairwoman Tasco, Councilwoman Reynolds Brown and fellow Councilmembers. My name is Miguel Miranda. I'm Managing Partner of the Capital Grille here in Philadelphia on the corner of Broad and Chestnut Street. I am here speaking again, and thank you again for allowing me to speak to you again.

I'm pretty much going to give you a point of view of how this bill would affect my restaurant and other restaurants that fall within my segment.

The way the current bill is written, it would affect restaurants, as you said, ten or more, which Capital Grille currently has 32 Capital Grilles around the country. Obviously this would also incorporate The Palm, Morton's, as well as other, as you call it, tablecloth service type restaurants.

Our main reason of objection the way the bill is currently written is

for the fact that two reasons. One, the way it's proposed to be on the menu and looking at what's on that menu and how much has to go out on top of that would, in our opinion, take away from the guest experience. For the prices that we charge, which we do charge a lot of money for our food -- and I think most people here probably recognize that -- it's a lot about the experience that we bring to it, and making a cumbersome menu -- and, actually, I was just reading through the legislation. It would actually include beverage. I'm not sure if it's clear or unclear if that would include alcoholic beverage or not. It didn't really define it on that. But once you add my wine list to it, which is 500-plus items, on top of which whatever I sell at the bar, it would make it too difficult for us to have to give accurate information to our guests, which I think it was stated before in some situations would be of dire need to have that correct

information.

The other part that makes it difficult for us to really just support this in the way it's currently written and generally just giving true, accurate information is the fact that most of our food -- I would say the majority of our food has one element that can't be controlled, which is the human factor. I guess if you take a look if you have your favorite recipe at home you cook for yourself, how often would I say to you do you cook it the exact same way every single time, and this being your recipe.

I have 120 employees in my restaurant, of whom which 45 of those actually work in my kitchen. I wish I could say that they all worked the recipe to the exact way every single time, but looking at my food costs and my waist, I am positive they do not.

That being said, for me to say what is exactly -- how much calories, sodium is in any particular item will be

somewhat difficult for the fact it might not be cooked the exact same way every single time, as well as other variables. We are a steakhouse, which butchers our steaks in-house, and as we butcher your steaks, we know there's big differences both in the fat content -- in other words, if you eat a Porterhouse steak, there is a fat cap as well as fat running in between the meat, actually where most of the flavor comes from. But different cuts have different varying amounts of fat, which would greatly change how much calories as well as sodium is in each steak, on top of which how you cook a steak. A rare steak will vary vastly from a steak cooked well done.

So for us to give accurate information on a consistent basis that we can post permanently makes it somewhat difficult for us. And my biggest reason looking at it, I think as was testified earlier, for some guests it is -- that information is something of life or death

if they don't get the correct one, and I would hate to be the one person to put information out there that would be incorrect. That makes it somewhat difficult for us.

That being said, we do support some sort of compromise in talking to you what else as an industry we can do to help the obesity and lower that obesity in Philadelphia as well as around the country. There are, in my opinion, several different ways we can go about this, where there's actually in-classroom training, teaching.

In my opinion -- I have a seven-year-old and a five-year-old. If a restauranteur came in and talked to them at school and told them how to order from their particular restaurant and the effects of it, that might make a bigger impact for say just walking in and taking a look at a board that might have in some situations a lot of different numbers that if I can't remember exactly what

means what and what is the exact number should be.

Again, I want to thank Councilwoman Reynolds Brown for listening to us, as well as Chairwoman Tasco for allowing us to speak again, and we are open for any questions.

Thank you.

MR. FULLAM: Good afternoon. My name is Jim Fullam and I've been involved in the QSR industry, quick service restaurant industry, for well over 30 years, almost exclusively in and around the Philadelphia area. I'm Vice-President of Operations for Summerwood Corporation. We operate ten locally owned KFC and Taco Bell restaurants inside of the City of Philadelphia.

I certainly want to start out by saying, as other members of this panel have said, that we very much are in favor of making sure that our customers have the nutritional information that they

need to make informed decisions. However, as this bill is currently structured, we would oppose the bill as it's written. As was mentioned earlier, one-size-fits-all does not really apply.

There's been previous panelists in the education and scientific field that have made some extremely good comments and they talk about kind of a broad-based approach, and I think that's something we would want to keep in mind. We certainly look forward to working with the Council on other ways than the way this bill is structured in order to make that come to light.

Perhaps a good way to start is to tell you a little bit about the industry that I'm very familiar with, KFC and Taco Bell. We certainly provide detailed brochures in all of our restaurants, as well as posters, but in addition to that, on websites, as was mentioned earlier, we have not only that information, but really detailed

information in terms of what the ingredients are in each of our recipes. It also provides a nutritional calculator that will help a consumer pick out one of their favorite menu items and help them pick the appropriate toppings to reduce the fat and caloric intake. So those two are terrific.

The other thing I wanted to mention is that all of the focus in the last ten or 15 years on obesity in America is not something that chain restaurants have not reacted to. I wanted to point out with KFC and Taco Bell, for instance, in the last couple of years, KFC was the first chain restaurant to remove all of the trans fats from its oil, and that currently in Taco Bell restaurants and all of our restaurants, we have a counter card that talks about a program called Fresco, which is very, very popular among our customers. Fresco is a way for a customer to order any one of our menu items, and those items or

those menu ingredients, such as sauces and sour cream and cheese, would be removed from that item and in its place would be a fresh salsa that's added, which is certainly more healthy and reduces the overall caloric intake.

So chain restaurants are really doing quite a bit to address this issue, and I think that that should be taken into account.

In closing, I'd like to point out a couple of things, that the restaurant industry, as was well mentioned earlier, employs an awful lot of folks in the Philadelphia area. In our ten restaurants we employ over 300 employees, most of them part time, but several of them become full-time employees and work the way up our management chain. Of the ten restaurants that I have in Philadelphia, five of them are currently -- the (unintelligible) and his restaurant currently were team members not too long ago.

In addition to that, we participate in the many programs that KFC and Taco Bell reach out to the community. In the last couple of years we've been working with the YMCA in terms of Raps of Knowledge, which was a way of donating books so that the YMCA could help with reading. Taco Bell has been very much involved in something called Teen Supreme, which reaches out to probably one of the most important areas in our community, which is high school-age children, that really are looking to look for ways that they can further their education and also eliminate the dropout rate. And we've worked very closely with Boys and Girls Club. As a matter of fact, next Thursday, volunteers from Summerwood Corporation will be up in Nicetown at the Boys and Girls Club helping them do some painting and fix-up work in their club.

In closing, I would like to just kind of refer back to some of the

other testimony. I think that one of the gentlemen that was up here earlier mentioned that by addressing the chain restaurants in Philadelphia, we would be limiting our approach to approximately four percent, I think you said, of the total restaurant establishments in the City of Philadelphia, and if that's not looking for a silver bullet, I'm not sure what is. I think we need a much more comprehensive approach that not only is diet but also exercise.

While I was sitting in the audience this afternoon, one of the things that came to mind was what Mayor Nutter did last weekend with the approach to clean up Philadelphia. That was certainly a volunteer approach. It encompassed all parts of the City. It was a rallying point, and I think that's going to have a big impact on the overall cleanliness in Philadelphia in the coming months and years. And I think that whereas this is an important problem, I

think if we're going to address it, we should address it in a comprehensive way and not something that's kind of isolated.

But, again, I want to thank you for the opportunity to testify, and we look forward to working with the Council.

COUNCILWOMAN TASCO: Thank you very much.

MR. LUNDY: Good afternoon, Councilwoman Tasco, Councilwoman Reynolds Brown, members of the Committee. Thank you for the opportunity to testify today and continue our dialogue on this issue. My name is Kevin Lundy. I'm the Director of Government Relations for Wendy's International, Inc. I'm here today on behalf of Wendy's International in opposition to Bill 080167 as currently drafted.

Wendy's International, Inc. has eight company stores in Philadelphia employing approximately 184 employees, and 11 franchised stores employing

approximately 253 employees citywide. These 11 franchised stores are owned and operated by independent franchisees, small business owners.

Wendy's also maintains a regional office in Berwyn, where our management team there leads the operations for our company and franchise stores for our entire north region, including our Philadelphia market.

Notwithstanding the inflexible nature of this proposal, we are in complete agreement with the sponsor that restaurant customers deserve information about the ingredients, nutritional profile, as well as the allergens in food. This is why Wendy's has been providing complete nutritional information in stores for 30 years and has no objection to providing information in our stores.

Last year, Wendy's International opposed a similar ordinance considered by this Committee. The

provision of providing nutritional information to customers was not the issue. The objection we had was that the ordinance mandated that the menu board be the sole method of providing the nutritional information.

Nothing in this proposal this year is substantially different from the one considered last year. That proposal for us was impractical and provided our restaurants with no flexibility for how they provide consumers with the nutritional information. This proposed legislation remains burdensome in that it requires a redesign, manufacture and installation of new menu boards in all of our Philadelphia restaurants.

The issue is not about whether to provide restaurant customers with nutritional information. This is an issue about the logistical placement of nutritional facts in a restaurant. Not all restaurants are the same and able to comply with a one-size-fits-all mandate.

For these and other reasons, we respectfully ask the Committee to oppose this proposal as it is currently drafted and, at a minimum, allow consideration of alternative flexible methods for providing consumers with complete nutritional information at restaurants.

Again, on behalf of Wendy's, we truly appreciate the opportunity to continue this dialogue on this issue and look forward to continuing to work with the sponsor and the Committee on this issue.

Thank you.

COUNCILWOMAN TASCO: Councilwoman Brown.

COUNCILWOMAN BROWN: Thank you very much.

Good afternoon, gentlemen. First let me say thank you again to Mr. Patrick Conway and the number of us who met since the first introduction of this bill and your willingness to keep the dialogue open and running versus

shutting down. And what I think I hear from your testimony is that philosophically we're at the same place. The challenge or the question becomes the methodology we use to arrive at the goal.

I believe Mr. Lundy said it first when -- or said it best with your quote, "logistical placement of information" is where we have to part ways based on the bill as it is currently written and where we might end up. Is that fair to say, Mr. Conway?

MR. CONWAY: Yes. Thank you, Councilwoman. I think the restaurant industry is in the hospitality business and our members in Philadelphia, their goal is always to meet the expectation of their customers, and as people are looking for more information, restaurants clearly are providing it.

So I think the intent of the legislation is very good and we'd like to continue working with you on the best pathway to get to the end result. Again,

we point out that restaurants are doing a lot of things proactively and I think the key there is that the flexibility in how they're providing that information is useful, because each business may today be able to offer that information in the way that makes the most sense for that business and providing the information in the clearest possible manner to their customers.

COUNCILWOMAN BROWN: Okay. Thank you.

Mr. Miranda, does Capital Grille have any offices, restaurants -- satellites would be the wrong word -- chain presence in San Francisco?

MR. MIRANDA: No, ma'am.

COUNCILWOMAN BROWN: New York City?

MR. MIRANDA: Yes, ma'am.

COUNCILWOMAN BROWN: Seattle?

MR. MIRANDA: Yes.

COUNCILWOMAN BROWN: How did you all adapt to that new reality in New

York City and Seattle?

MR. MIRANDA: In New York the city as a whole really has not adapted yet, if you actually go to New York City.

COUNCILWOMAN BROWN: It's relatively new, like March 31st, correct?

MR. MIRANDA: It's new and it's actually -- I know it's backed up again because apparently there's -- I'm not learned on that particular issue. I used to work in the New York store, but at the time, that wasn't in place. There are some complications, I think, based on the way it was written that makes it somewhat impractical.

On the Seattle, we actually had to go through and put numbers up there that -- I think there were averages, but, again, I'm not sure exactly how their legislation is written. It does not include beverage there.

COUNCILWOMAN BROWN: Well, thank you for that revelation, that the alcohol -- the no mention of alcohol in

the bill. Okay.

No, we're not going to add it.

So "flexibility" is the operative word here? Hello? Anybody?

MR. MIRANDA: Yes.

MR. CONWAY: Yes.

COUNCILWOMAN BROWN: So with that said, I thank you for your testimony. We remain open. We're going to present a challenge to you, the same challenge that we presented to the hospitality community. We're going to create a work group and figure out how we arrive to a different place. So Mr. Joe Meade will be in touch with any or all of you as we look to convene over the next weeks or months so that we figure out a methodology, if you will, that will move us closer to what we say philosophically we care about.

I thank you, gentlemen, for your testimony.

(Thank you.)

COUNCILWOMAN TASCO: Next

panel, Jonathan Kirsch, Greg McKinley, Glenn Devitt and Susan Herr.

(Witnesses approached witness table.)

COUNCILWOMAN TASCO: Carolyn Johnson.

Could we please indulge you all to summarize your statements. We have a hearing at 3 o'clock. We've heard most of this testimony before. It's on the record. If you submit your full testimony, it will be -- the full testimony will be placed in the record. Thank you.

You may proceed.

MS. JOHNSON: Good afternoon. My name is Carolyn Johnson. I'm representing the Black Women in Sports Foundation, which is a non-profit organization that teaches non-traditional sports and healthy life-style and living to inner City youths.

Basically how I feel about the whole menu labeling issue, I stated that

people always state that they want to live a healthy life or try to eat the right things, but they say it just never works out for them. So after questioning why, meaning the children I work with and their parents, the response was that they're always on the go and they just do not have the time required in order to plan a healthy meal or even go to a computer and figure out what a healthy meal consists of, so they just eat out. But when eating out, you never know the right thing to order.

So I believe menu labeling will give the opportunity for the people of Philadelphia to be aware of what they're intaking into their body, giving them the optimum choice to monitor what they consume. Especially for myself growing up in the Philadelphia area and witnessing the unhealthy eating and life-styles of the youth and their parents, I think menu labeling will hopefully decrease the obesity rate,

decrease the risk of diabetic adolescents and adults, giving the urban community a chance to make appropriate selections when ordering out. Also, lessening the chance of disorders and conditions such as hypertension.

As one of my students told me, menu labeling is just a great thing.

And thank you for your time.

COUNCILWOMAN TASCO: Thank you.

Next.

MR. KIRSCH: Good afternoon and thank you. My name is Jonathan Kirsch and I'm here representing the American Heart Association, the American Stroke Association.

I'm going to keep my comments brief, as we've heard a lot of testimony today about the importance of eating healthy, and the American Heart Association supports this ordinance and supports the spirit of the ordinance, because we recognize that when people eat in restaurants, they really are unable to

understand the nutritional content of the food that they're consuming.

The truly frightening thing that I'd like to bring your attention to is the wider public health community, and statisticians today forecast that the current generation of youth is not projected to have the longevity of their parents' generation, and that is truly unprecedented in the history of this country. And obesity and hypertension and diabetes and other health risk factors are the cause.

We have made incredible strides and, in fact, during this decade reduced deaths from cardiovascular diseases and stroke by more than 25 percent. We're very proud that we accomplished that, and yet we look at the current landscape and forecast that we're going to be moving backwards in people's health and the health of our citizens.

So we would encourage the Council to move forward with this

proposal and we support that effort, and we would also support participation in discussions with the restaurant industry. I don't know how deep those discussions have been thus far between our varying groups.

So thank you for your time, and with that, I'll conclude this.

COUNCILWOMAN TASCO: Thank you very much.

MR. McKINLEY: How you doing? I'm Greg McKinley. I'd like to thank the members of the Committee for this opportunity to testify. I was going to read my testimony, but I'm not going to read my testimony. I have several things I want to hand in. I have over 600 letters in response and support of this bill. I also have online responses as well, probably about 50 or 60. And it just began as a grassroots.

I'm a volunteer person involved with Steps to a Healthier Philadelphia, and in that capacity, I'm also concerned

about the needs and the health for people in our community in Philadelphia. But I'm also a consumer. I'm also somebody who shops in supermarkets, but I also eat out in restaurants. I need the information personally and I think people need the information personally.

I think that the restaurant industry would like to really get down to talking to its consumers and finding out if the consumers actually want it rather than what it is that they can provide or not provide or showing that they have certain levels of flexibility or desire to keep moving forward with this discussion. I think that's a good opportunity.

But I support the bill fully as it is written, because they have -- for some reason, it seems like they want people to put on a blindfold and eat. You don't have the information that you need to take the food into your body. No one would put a blindfold on and then

have somebody put something into their mouth. It's not a desirable situation to be where you don't get an informed decision at the point of purchase. When you're standing up there and you're trying to make your decisions, which day am I going to be bad, which day am I going to be good with what I eat, what do I want to know and what do I not want to know. You can make those choices. You can ignore and you can establish the right to say, This is one of my bad days, this is one of my good days and I'm going to try to keep my intake to my proper situation in terms of my medical conditions.

People are dealing with their situations where they have all kind of medical conditions, and their doctors advise them to watch their intake, but they can't get the information to make the informed decision when they walk up to the counter or when they sit down at a table.

Restaurants, they have good techniques in terms of making sure all the food tastes exactly the same and you have the same experience, in particular with the chain restaurants. They have their formulations. They know the information that they have. I don't know what it is that they trying to hide. I feel there's some deception involved.

As you bring out the information, choices become better. When they put labels on cans, foods and items like that, all of the sudden those industries responded with low sodium, no sodium, low fat, choices. You had the traditional. You had the other choices.

No one is telling them to change what it is that they provide and how they feed people, and they want to give you those restaurants' experiences and all those things, but people can make the proper choices when they get the information.

As far as the Capital Grille,

just give me the information of what the content of the steak is before it's cooked. We know that it will adjust. The bill shows some flexibility in that. It's plus or minus 20 percent, because they know that by a hand-held person shaking ingredients in, it's out of balance. They know that the flexibility is necessary because somebody spooning something on, you may get more grains of rice or less grains of rice. So the bill as written show a little bit more flexibility in that expectation.

So I support the bill fully. I would like to hand in my written testimony, as well as I would like to hand into the record these responses in support from the grassroots community. The grassroots community has the desire to see these things go forward.

COUNCILWOMAN TASCO: Thank you very much for your testimony.

Next.

MR. DEVITT: Good afternoon,

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Councilwoman Tasco, Councilwoman Blondell Reynolds and Councilwoman Sanchez. My name is Glenn Devitt and I come here to testify today to ask the Committee to support menu labeling legislation. I represent the Philadelphia Steps Consortium. This is an umbrella organization that is made up of health-related organizations, education institutions and community leadership. In the past four years, we have focused on addressing chronic disease issues such as obesity, asthma and diabetes. And I have a brought a few statistical sheets of information for the Committee to review. You should have those copies in there.

One is dealing with visitation to health centers by Council district relating to diabetes. The other one is with hospitalizations due to diabetes by gender, and the last one looks at less than and greater than the mortality rate due to diabetes.

These statistics do not reflect the entire picture that is presently occurring in Philadelphia. Consider these statistics as only reflecting a part of the picture. If you will take the time and investigate the City of Philadelphia's own health statistics, you will see that the obesity rate is much higher and more challenging to healthcare costs than you can imagine.

As the School District of Philadelphia's Program Coordinator for the Department of Public Health's CDC grant "Steps to a Healthier Philadelphia," I have seen firsthand the obesity challenge that we are facing in this city. Our children are increasingly becoming overweight and obese. Asthma is on the increase, and in the last few years, we are beginning to see children being treated for Type 2 diabetes.

Just to put that in perspective, my father's generation, Type 2 diabetes wasn't showing up until age

60. With the boomers, my generation, it started showing up in the 40's, in our 40's. Five years ago it was unheard to see a child come to the emergency with Type 2 diabetes. Today it's not uncommon that the ER doctors are seeing children every week. We're seeing children at age 9 and 10 with Type 2 diabetes.

If we forecast 20 years from now and if we don't begin to change the course of how citizens look at food choices, our future generation will not be healthy enough to, first of all, take our places; B, be able to work in society.

If you've done any research on Governor Mike Huckabee, you will see he's a great advocate about this. He really calls it the new internal terrorism going on in this country, that when a child -- when these children today become 29, 30, 35 years old, they're not going to be healthy enough to take our positions over.

The legislation will help citizens make healthy choices when they go out to eat. People will have an opportunity to make responsible decisions when purchasing food. It's not about regulating what we eat. It's actually about creating nutritional speed bumps, as I call it, which will allow us to incorporate nutritional understanding in relations to comfort effects when ordering. I'm not saying you can't order that Whopper, but this allows us to take an extra second to think about the nutritional healthy selection we're about to make.

I can speak from personal perspective. I've been a husband for over 30 years. I've been a father of three. I've been a community leader for over 20 years. I'm a voter, and I'm also a diabetic. I've been a diabetic for five years, and I'll be the first one to admit to you that I have made poor nutritional choices. Things that I

thought were healthy when I went to those stores obviously were not.

I struggle every day with my weight, but I haven't given up. Having nutritional information on the menu board or in the menus will help me make better nutritional choices. This really becomes evident to me when I reviewed a few menu boards where calories were superimposed next to the product. I was amazed how it psychologically made me feel when I looked at the calories of a milkshake, when I looked at the calories of a bagel with cream cheese. I mean, in my mind I was thinking that if I had that bagel with veggie cream cheese, I was eating healthy. Reality, I wasn't.

In conclusion, I hope that the City Council Committee on Health will demonstrate the courage and the leadership that citizens deserve and need in Philadelphia. As our newly elected Mayor Nutter stated, it's a new day, it's a new way. Well, this is your

opportunity to reflect this new philosophy throughout Philadelphia by approving menu labeling legislation.

Thank you for listening to my testimony, and may your leadership and personal convictions make you do the right thing for all citizens of this great city we call Philadelphia.

Thank you,

MS. HERR: Good afternoon, Chairperson Tasco, Councilwoman Reynolds Brown and members of the Committee. My name is Susan Herr. I'm an Associate Executive Director of Rocky Run YMCA, one of the ten branches which makes up the YMCA of Philadelphia and Vicinity. Our association serves over 23,000 children in programs such as childcare and camp, 53,000 individuals through membership, and an additional 70,000 individuals through teens, adult sports and aquatic programs. Thank you for the opportunity to come here today to testify in support of Ordinance 080167.

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I would like to commend Councilwoman Reynolds Brown for recognizing the epidemic of childhood obesity in our city and throughout the country. This proposal is an important step in helping to reverse this trend, and I would like to share with you some of the initiatives that the YMCA has engaged in to address this issue.

In 2004, the YMCA of USA launched a national initiative called Activate America. This initiative is the YMCA's response to the nation's growing health crisis. The YMCA is redefining itself and engaging in communities across the country to better support Americans of all ages who are struggling to achieve and maintain well-being of spirit, mind and body.

Nationally, the YMCA is collaborating with organizations such as PepsiCo, Smart Spot Program, the Kelloggs Foundation, Kimberly-Clark, Lance Armstrong's Foundation, Robert Wood

Johnson Foundation, JCPenney, Disney Channel, Eli Lilly and Company, the Center for Disease Control and Prevention, Harvard School of Public Health and Stanford University of Medicine, all in an effort to create healthier environments where physical activity, healthy eating and improved interpersonal connections are the norm.

Locally, the YMCA of Philadelphia and Vicinity has and continues to collaborate and partner with agencies and organizations to implement healthy life-style environments and curriculum into our programs. Specifically, the YMCA of Philadelphia and Vicinity has targeted our children as the focus to help reduce the health disparities and improve their chances for adopting a healthy life-style that includes regular exercise or physical activity and healthy food selection.

The YMCA of Philadelphia, as I said, serves over 23,000 children per

year and has provided nutritional education in a variety of programs. One of those programs was funded through the CDC Steps Program and was in collaboration with the Mayor's Office and the Philadelphia Food Trust and it implemented the Kids in the Kitchen Program into our child development centers. Additionally, the YMCA of Philadelphia and Vicinity is collaborating with local government to implement the Good Apples Program into our after-school programs.

A newly developed collaborative effort with Children's Hospital of Philadelphia's Healthy Weight Program will be launched this summer. The Strength in Numbers program will provide a ten-week nutritional education and life-style curriculum into our summer day camp programs.

The YMCA of Philadelphia and Vicinity provides an intervention program called HIP Kids. Healthy Intervention

Program is a program for children 8 to 12 years of age who have been identified as having poor physical activity and nutritional choice habits and they are currently at an unhealthy body mass index for their age. This intervention program is conducted by a registered dietician and exercise specialists over a 12-week period that provides physical activity and nutritional education for both parent and child.

Additionally, the YMCA of Philadelphia and Vicinity participates in a National YMCA Healthy Kids Day, which happens to be this Saturday, the 12th, which is a free community event that employs fun and creative activities to encourage children and their families to adopt healthier behaviors that support healthy living.

Another YMCA national event, Splash, April 14th to 19th, is an event that concentrates on children's health, specifically aquatic safety, since

drowning is the number one cause of accidental death in children ages 1 through 4.

Last September, the YMCA of Philadelphia and Vicinity participated in America on the Move Week. This national event inspired 1.3 million Americans to take eight billion steps as part of our annual drive to motivate people to take small daily steps to increase their level of activity and improve their overall well-being.

With the many efforts on the national, state and local level and specifically this proposed menu labeling ordinance, we can change the cultural environment and improve the health and well-being of our adults and children.

Thank you.

COUNCILWOMAN TASCO: Thank you very much.

Questions?

(No response.)

COUNCILWOMAN TASCO: Thank you

very much. Very interesting. We appreciate your coming out this afternoon to provide the testimony, and I'm sure Councilwoman Reynolds Brown will be in touch with you.

Next panel, Connie Pepe, Calla Cousar and Peter Watts.

(Witnesses approached witness table.)

MS. PEPE: Madam Chairwoman and esteemed Councilmembers, my name is Connie Pepe and a I'm registered dietician at Thomas Jefferson University in the Diabetes Prevention Program, a large clinical trial funded through an NIH grant to study the effects of various interventions like weight loss and exercise on prevention of Type 2 diabetes. I am also here to represent as current President the local chapter of the Society for Nutrition Education, whose mission is to promote good nutrition.

I'm going to limit my

discussion today to the most essential information that I want to give as a registered dietician.

Although it has been repeated by Amy, the registered dietician who spoke earlier, I just want to repeat that today with the proliferation in portion sizes for a variety of popular foods, which has really occurred in the past 30 years, our concern today is that it's not enough as a dietician, as a nutrition educator to tell people which foods to eat or not eat. We also need to address the quantity of food being consumed. And as a nutrition educator, my role is not only to teach and inform patients or clients, but also to empower them so that they assume responsibility for managing their own weight, their own diabetes, hypertension, et cetera.

As Americans spend less and less time preparing meals and more time eating away from home, we must accept the reality that this trend will continue and

that for many individuals, this is their only option. By providing nutrition information such as calories, fat grams, saturated fat, et cetera, on menus and menu boards, this is not only important, but necessary. This is all about choice. We must provide the tools necessary so that consumers can make informed choices.

This Bill No. 080167 for menu labeling will enable consumers, especially those struggling with chronic disease and weight issues, which is approximately two-thirds of our population, to make informed choices.

Thank you.

COUNCILWOMAN TASCO: Thank you for your testimony.

MS. COUSAR: Good afternoon, Chairwoman Tasco and Councilwoman Blondell Reynolds Brown and to Councilmembers. My name is Calla Cousar. I'm the President of the East Parkside Residents Association, a life-long resident and now seasoned senior of

Philadelphia, and I'd like to thank the members of City Council for allowing me to speak on behalf of the menu labeling legislation before you today. I would like to give a special thank you to Councilwoman Reynolds Brown for her forward-thinking and willingness to push this very important legislation forward.

I'm here today in support of the proposed legislation requiring menu labeling to be visibly displayed at the point of purchase. I agree menu labeling should be comprehensive and include calories, grams of sodium, saturated fats, trans fats and carbohydrates. The proposed legislation as currently structured would ensure that Philadelphians of all ages, economic background and health condition will benefit and be able to make healthier food choices.

For the past three years, my community has participated in the Steps Program providing classes and seminars

for managing and/or preventive education for people with high blood pressure, diabetes, asthma and nutrition-related diseases, and while we have made progress at the grassroots level, I strongly believe that more people can be helped if nutrition information is in front of them when they buy their food.

I have seen the disbelief in my neighbors' eyes when we have shown them how much sodium they're actually eating in everyday foods that they think are low salt and low sugar, also when they realize that they have not been losing weight because the salad they eat each day actually had salad dressing that was very high in calories and fat.

In our classes there were many times when people said if they only knew what really was in what they ate, they could have changed their eating habits and avoided some of their current conditions.

As a Philadelphian that cares

about my neighbors and my community, I will support anything that can help relieve some of the suffering we see every day. Members of my community and in my block right now have lost limbs, sight and their lives from preventable nutrition-related diseases. I hope City Council will do all they can to help Philadelphians to make informed choices in their daily nutritional needs by passing this legislation.

I thank you for allowing me to speak to you, and I can count on your help. And I would also like to mention this little sign that we have here that says "Calories, carbs and fats, oh, my. We want to know before we die."

(Applause.)

COUNCILWOMAN TASCO: Thank you very much. That is very creative.

Any questions from members of the Council?

(No response.)

COUNCILWOMAN TASCO: Thank you.

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Our next panel, Gloria Miller, Ricky Savage, Melanie Galioto.

Is Peter Watts here?

(No response.)

COUNCILWOMAN TASCO: Thank you.

Are you -- when they're finished, Brenda.

Yeah, come up with this panel. Just pull a chair up. Thank you.

(Witnesses approached witness table.)

COUNCILWOMAN TASCO: Ms. Gloria Miller, would you proceed, please.

MS. MILLER: Thank you.

COUNCILWOMAN TASCO: You have to identify yourself even though I called your name.

MS. MILLER: Thank you. Good afternoon. My name is Gloria Miller, and I'd like to thank you for the opportunity to speak on behalf of the menu labeling legislation, 080167. I'm a nutritionist employed with the Health Promotion Council and I work as a nutritionist in

two City health centers, one in North Philadelphia, 20th and Berks, and the other in Germantown on Chelten Avenue, and we reach the most vulnerable people in the City, and these are at greatest risk for chronic diseases that are associated with obesity, stroke, diabetes, hypertension, heart disease and asthma.

We conduct classes at each center, and one of our -- it's a four-session class, and one of the classes is a class on label reading. And I find that it has been my experience that people want to know. It's not enough to just come to a class, but they really want to know. And when we conduct the classes, we talk about the portion sizes. We talk about sodium, sugar, calories from fats, and they are amazed at the number of calories, the sodium, the calories from fat and the sugar that are in certain foods.

Label reading is not easy.

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Label reading may be a new concept to most of the people we see, but once the patients are exposed to the education intervention, they get excited about being proactive towards making a difference in their health. Having menus labeled in restaurants with the amount of fats, sugar, sodium, et cetera, will help our citizens better understand what they are choosing to put in their bodies. Certainly we are what we eat.

Changing behaviors and making the right food choices is key to a healthier Philadelphia. Certainly when you change your mind, you change your life.

Right now people do not know how healthy or unhealthy the food is when eating out. If they don't know what is in the food, they will likely choose foods that are unhealthy.

Approximately 80 percent of patients seen at the health centers eat at least one meal a day at a fast-food

chain regularly. The average food label is based on 2,000 calories. These foods eaten on a daily basis contribute to many of the diseases we have mentioned at the health centers, such as obesity, diabetes, hypertension, hyperlipidemia, high cholesterol and others.

About 65 percent of Philadelphians, adults, are overweight or obese, and about 42 percent of our children are considered overweight or obese. Almost a third of adult Philadelphians suffer from chronic conditions.

Philadelphia has a large African-American and Hispanic population, and these groups and others when this legislation is passed may be able to identify and choose menu items that are lower in fat and calories on a regular basis.

Research has shown that people that read labels tend to have a diet or meals lower in fat and a higher

consumption of whole grains, fruits and vegetables. When this legislation passes, and we applaud that, you should not drop your attention to the devastating issue of obesity that this city faces. We urge the City to invest in a public education campaign or social marketing campaign to support the labeling legislation, similar to that that was done for the tobacco control legislation. SEPTA bus ads, radio, TV, PSAs will all help to bolster the message from our leaders that Philadelphia is serious about helping our citizens make better choices when feeding our families and ourselves.

Nutrition and public health professionals and educators in the City will also work toward conducting more education surrounding label reading and the U.S. Dietary Guidelines.

Thank you so much.

COUNCILWOMAN TASCO: Thank you very much. I'm just trying to control

myself from being funny, so I'll just go on to the next person.

Rickey Savage.

MR. SAVAGE: Thank you. Hi. I'm Rickey Savage, a freshman from Abraham Lincoln High School Health Careers Academy. I'm here to share with you some information about nutrition and wellness.

Wellness is much more than being sick. Wellness is --

COUNCILWOMAN TASCO: Rickey, would you put the microphone down closer to you, please. Thank you. So we can hear you.

MR. SAVAGE: Yes, ma'am.

COUNCILWOMAN TASCO: Thank you.

MR. SAVAGE: Wellness is much more than being sick. Wellness is health, body, mind and spirit. Nutrition is a major part of being well and it's something that a kid can effect by choosing the right food. Parents have the job of supplying the right food.

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Kids have the choice of making the choice of the right food.

School-age children and teenagers are much more independent when it comes to choosing food. We need nutritional guidance from parents to learn the importance of good food choices, healthy diet and healthy weight.

Children require the same nutrients as adults, but in different amounts. It is important that growing children eat a variety of foods to allow them to get the essential vitamins and minerals.

School-age children begin to eat away from home and make their own food choices. A well-nourished and healthy child is better able to learn and has the energy and stamina. It results in positive school achievement and results in positive self-esteem.

Regardless of age, we all need a combination of healthy eating patterns and regular exercise to stay well and

healthy. A school-age child needs about 1,000 to 2,200 calories each day. Teenage girls need about 2,400 calories a day beginning around age 12. I'm 16 years old and I require between 2,800 and 3,000 calories each day. I'm hungry all the time.

Kids my age are always snacking. Unfortunately, we tend to consume the so-called fast foods and the empty-calorie snacks. This causes our parents concern as we gouge on chips, candies and soda. Parents, take heart. If you give us the groundwork for good eating, we'll come back to the good values you've taught us.

The reason we're always so hungry is that teenagers are experiencing a major, dramatic and rapid growth and our body changes. Our growth spurt is second only to the third fold growth that we have as infants. We need all that extra good food and increased calories and nutrients. Good food choices for

energy and growth that are good "fast food" includes peanut butter on graham crackers, any kind of fresh fruit, low-fat cheese, breakfast bars, sunflower seeds and a bowl of cereal. And I do admit, any food that comes in my reach, I eat, but there are good choices, and I always try to be good.

In conclusion, getting healthy and staying healthy is something I can impact. I want to be the best I can be and I know I need to give my body the right kind of food to get me healthy and keep me healthy.

I want to thank you for the opportunity to participate in today's sessions. My teacher and class is looking forward to my report of this session. I would also like to thank my dad for the guidance and support to be healthy and being here with me today.

Thank you.

COUNCILWOMAN TASCO: Thank you very much for your testimony.

(Applause.)

COUNCILWOMAN TASCO: We appreciate your taking time out from your busy schedule to come today, and we thank your parents for being here, your dad for being here with you giving you support. It's a great example for us and the young people in this city. We appreciate you.

Melanie.

MS. GALIOTO: Good afternoon. My name is Melanie Galioto. I'm a resident of Philadelphia, a mother of two young children, and a health and nutrition counselor.

There is a growing crisis in Philadelphia and America. People are eating out more than ever before and we have access to more tasty calories, along with growing portion sizes. With just these three things, adults and children are growing rounder and their health is suffering.

More than 65 percent of adults in the United States are overweight, and

the rate of childhood obesity has tripled in the past 20 years. With this, Type 2 diabetes is at epidemic levels in adults and children. It is so prevalent in children that the name "adult onset diabetes" has been changed to "Type 2 diabetes." And 20 years ago if you heard that a child had adult onset diabetes, you would have been shocked.

One of the greatest risk factors of having diabetes is cardiovascular disease. A child under the age of 10 diagnosed with adult onset diabetes has a great chance of developing heart disease in adolescence. Could you imagine heart attacks being an adolescent condition? With this said, this generation of children is facing for the first time a lifespan that may be shorter than their pants.

Parents, grandparents, you, me, young adults, we all need to be aware of what we are getting in the food we are ordering and paying for. Nutrition

labeling on chain restaurant menus would offer this awareness and the ability to make informed choices before ordering, "before" being the operative word.

As a quick example, I have a client that would get her kids a glazed doughnut from a well-known national doughnut shop. In an effort to order something she thought would be healthier at that same doughnut shop, she switched to the corn muffin. After a few months and many muffins later, she came to find out that the corn muffin had 510 calories, nearly double that of the glazed doughnut at 230 calories. Needless to say, she was quite shocked.

So in the spirit of awareness, a healthy life-style and just good consumer practice, and speaking as a citizen, a mother, and a health and nutrition counselor, I implore you to please pass this legislation.

Thank you.

COUNCILWOMAN TASCO: Thank you

very much.

Brenda Dunston, please.

MS. SHELTON-DUNSTON: Good afternoon. I would like to thank Councilwoman Marian Tasco, Chair of this Committee, and Councilwoman Blondell Reynolds Brown, sponsor of this bill, as well as other members of the Committee for allowing me to testify. My name is Brenda Shelton-Dunston. I am the Executive Director of the Philadelphia Black Women's Health Alliance.

We at the Alliance support this bill for the following reasons: Knowledge and information is power. Menu labeling will empower African-American women, their children and families and the general citizenry of Philadelphia to make decisions that can improve their overall quality of life.

The Alliance was established in 1983 to be the voice for African-American women in the Philadelphia health community. This bill aligns with the

purpose and mission of the organization, to improve healthcare outcomes and eliminate and/or reduce health disparities experienced by women of African ancestry, other women of color and their families through advocacy, education, research and support activities, programs and services.

Menu labeling is one way to address obesity, which contributes to the disparate health conditions of African-American women and women of color. Consider that 77 percent of African-American women are in the overweight or obese range. Fifty percent of those are in the obese range. Nearly 15 percent are in the extremely obese weight range. One-fourth of African-American females age 6 to 19, one-fourth, 25 percent, are obese.

Most African-American women are trying to lose weight or control their weight, suggesting that the motivation for weight control is prevalent.

Therefore, the information provided by menu labeling can assist in making decisions to select foods to monitor the caloric intake for their selves, their children and other family members. This information was provided by Shiriki Kumanyika, who is a renowned researcher -- in fact, she's at University of Pennsylvania -- around obesity issues.

Although one of the national health objectives for the year 2010 is to reduce the prevalence of obesity among adults to less than 15 percent, current data indicate that the situation is worsening rather than improving.

Yes, there are costs, and I'm not going to go over line by line the cost implications associated with it, but I just would like to suggest as relating to the cost, yes, the restaurants their selves in fact experience some of the costs and even the escalating costs -- additional escalation of costs that are

going to be incurred regarding healthcare coverage of their employees. I'd like to suggest that by supporting this, their employees as well will benefit from this information. And there is a possibility, if we look at it, that the bottom line overall to the cost of their operating their businesses would be a balanced one.

Being overweight or obese increases the risk of many of the diseases, and I've talked about that. You've heard about the hypertension, diabetes, but also you've got the osteoarthritis, the total cholesterol, sleep apnea and some of the cancers such as endometriosis, breast and colon.

The City of Philadelphia must join the ranks of the more than 25 other cities and states around the nation that are developing and implementing menu labeling legislation.

Thank you so much for your efforts. And the restaurants within the City of Philadelphia must share this

vital information with the public citizenry and influence a change in life-style behaviors that can improve our overall quality of life.

Thank you.

COUNCILWOMAN TASCO: Thank you very much.

Any questions?

(No response.)

COUNCILWOMAN TASCO: Thank you all very much for your testimony.

And you can give a report. You're going to stay and see what the Committee does so you can add it to your report.

Okay. Thank you.

Is there anyone else here to testify on this bill?

(No response.)

COUNCILWOMAN TASCO: Thank you.

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN BROWN: Good afternoon. I want to say thank you very,

very much for the work that has been illustrated today in your testimony and acknowledgment of the fact that this is not a silver bullet, but a small step and a piece of the big puzzle around this enormous issue of obesity.

Thank you all very much for your testimony.

COUNCILWOMAN TASCO: We will go from our public hearing to our public meeting.

The Chair calls on Councilwoman Brown to move the bill out of Committee.

COUNCILWOMAN SANCHEZ: Can I say something first?

COUNCILWOMAN TASCO: Councilwoman Sanchez.

COUNCILWOMAN SANCHEZ: Just for the record, I wanted to acknowledge the work that has been done by the nutritionists and the health advocates. I understand today we will be voting this out of Committee and the Councilwoman, Blondell Reynolds, will be mediating some

further discussions to better accommodate the industry, but I will say for the record that I was not satisfied with their responses in terms of the limitations they claim they have, and I wanted to put that on the record for my colleague, that given the crisis -- and I think healthcare is a crisis in this country -- I was a little disappointed that they were not better prepared to respond to the bill at hand. So I wanted to put that on the record.

COUNCILWOMAN TASCO: Not defending the industry, they've been here before. Thank you.

Councilwoman Brown.

COUNCILWOMAN BROWN: I thank you, Madam Chair.

COUNCILWOMAN TASCO: We told them to be brief.

COUNCILWOMAN BROWN: Madam Chair, I move that Bill No. 080167 be moved out of Committee with a favorable recommendation and further move that the

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rules of Council be suspended so as to permit first reading at the next scheduled session of City Council.

(Off-the-record discussion between Councilmembers.)

COUNCILWOMAN BROWN: Thank you, Madam Chair. So I move that Bill No. 080167 be moved out of Committee with a favorable recommendation.

(Duly seconded.)

COUNCILWOMAN TASCO: It has been moved and seconded that Bill 080167 be reported out of the Committee.

All in favor will say aye.

(Aye.)

COUNCILWOMAN TASCO: Is there any opposition?

(No response.)

COUNCILWOMAN TASCO: There being none, this bill will be reported out of Committee.

We thank you all for the testimony, and this Committee is adjourned.

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(Applause.)

(Committee on Public Health and Human Services adjourned at 3:05 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on April 10, 2008, and that this is a true and correct transcript of same.

_____

MICHELE L. MURPHY

RPR-Notary Public

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