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Testimony for HB 1526, "Relating To Health"

While the American Heart Association (AHA) supports the concept of menu labeling to educate the public and allow it to make healthier, lower-calorie choices when dining out, **the AHA opposes HB 1526 in its current form.**

The AHA feels that the current bill is industry focused and would bring about little, if any, positive change in the current obesity epidemic. For menu labeling to be effective calorie information needs to be on the menu or menu board (including the drive-through window), not just made available to customers through kiosks, brochures, etc. Evaluation in New York City, which has had a menu labeling law in effect for over a year, shows that only 4 percent of customers see or ask for nutrition information when it's not on the menu or menu board. That study was published in the American Journal of Public Health in 2007. The fast-food industry currently generates approximately 65 percent of revenues from drive-thru business. Therefore **it is critical to the effectiveness of any menu-labeling law that calorie information be included on drive-thru menu boards.** This is especially important because drive-thru sales are on the rise and 89 percent of fast-food restaurant operators feel that drive-thru business will represent an even larger portion of sales next year. Menu labeling has proven to be practical and low-cost for restaurants and widely used by customers. However, the restaurant industry continues to pressure legislators to oppose or lessen the scope of menu labeling policies.

A second concern is that the language of the bill as it is currently written would allow restaurant owners who own more than 10 restaurants nationwide, but fewer than 10 in Hawaii, to skirt the law. **The bill should be clarified to indicate that companies that own 10 or more restaurants nationwide be required to post calorie information on their menu boards (both inside and on drive-thru boards).**

While the AHA doesn't oppose providing additional nutrition guidelines to the public, it feels that **menus and menu boards should list only calories.** Other information should be available in a brochure. The AHA remains concerned that too much information on the menu could cause consumers confusion.

Consumers want information that can help them make healthier choices. Evaluation from New York City following implementation of its menu labeling law reported the following:

- 86% of consumers think it's a positive move.
- 84% say they read the calories on menus.
- 97% say that calories are higher than they expected.
- 77% say that restaurants have a responsibility to respond to consumer nutritional concerns.

Furthermore, a recent California study suggests that people who read nutritional information may reduce their weight by an average of over 2 pounds per year.

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*"Building healthier lives,
free of cardiovascular
diseases and stroke."*

While not a necessity to implementing a menu labeling program, the AHA also suggests that the law could be made stronger by also allotting funds to develop and implement an accompanying consumer education campaign to help people “know their energy needs” and understand how many calories they should eat in a day to achieve or maintain a healthy weight.

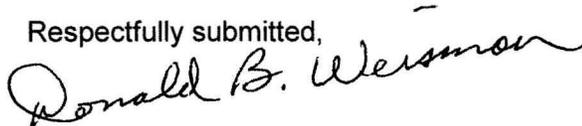
Also, the state should also consider supporting robust monitoring and evaluation of the menu labeling initiative, tracking consumer purchasing and consumption, industry innovation, and the impact on public health.

Because many of the restaurants that would be impacted by this law have already had to adapt their menus in other cities and states to meet similar laws already passed there, **HB 1526 should be amended to implement the changes within one year after enactment.**

While HB 1526 does not currently preempt counties in Hawaii from implementing stronger legislation, the AHA stands adamantly opposed to preemption of stronger legislation at the local level.

In conclusion, The American Heart Association advocates for providing calorie information on menus and menu boards, thereby increasing the ability of consumers to make informed choices in the food and beverages they purchase in restaurants. This effort is an important part of a comprehensive approach to addressing our nation’s obesity epidemic and concurrent rise in chronic disease and disability to which it contributes. Unfortunately, HB 1526 in its current form would not be effective and could actually harm similar efforts in other states and cities should it be passed and be held up as a weak example of what is needed to combat obesity in our communities. I urge you to either amend HB 1526 or incorporate the changes previously recommended, or to oppose the bill.

Respectfully submitted,



Donald B. Weisman
Hawaii Communications and Marketing/Government Affairs Director



February 1, 2009

Committee on Health
Representative Ryan Yamane, Chair
Representative Scott Nishimoto, Vice Chair

Hearing:

8:30 A.M. Tuesday, February 3, 2009
Hawaii State Capitol, Room 329

RE: HB1526-Relating to Health

Testimony in Opposition

Chair Yamane, Vice Chair Nishimoto, and members of the Committee on Health. My name is George Massengale and I am the Director of Government Relations with American Cancer Society Hawaii Pacific Inc. Thank you for the opportunity to testify in opposition of HB1526 which would required food establishments to maintain nutritional information of each of its standard menu items and provide that information to the public upon request.

The American Cancer Society Hawaii Pacific Inc., was founded in 1948, and is a community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service. This mission includes advocating for health measures that would impact the incidence of cancer.

The Society has three major concerns about this bill. **First the bill doesn't go far enough with respect of nutrition information and should list calorie information obviously calories are the key in weight loss. Second the information should be listed on the drive through menu board; and third, to be truly effective, it should include all restaurants not just chains that own 10 or more establishments.**

Obesity is a growing public health problem affecting Hawaii. Prevalence rates have rapidly increased over the last ten years, with an estimated 17.6 percent of the State population now falling into the category of obese. Moreover, for certain populations in Hawaii (e.g. Native Hawaiians at 35 percent), the prevalence and severity of obesity is much greater. The problem disproportionately affects minority and low-income populations, with broad ramifications and costs for the State. Obesity greatly increases the risk of many chronic health conditions like heart disease, diabetes, and hypertension. Additionally, the costs associated with treating obesity and obesity-attributable health problems is staggering and are expected to continue to rise.

Medical research has determined with reasonable certainty, that obesity is a risk factor for cancers of the colon, breast, endometrium (lining of the uterus), kidney, and esophagus. Because some

studies show a decreased risk for cancers of the cervix, gall bladder, prostate, and thyroid in people with low fat diets and/or a higher level of physical activity, an obesity link to these forms of the disease is also suspected. Additional research is needed to confirm these links, but the national health agenda is increasingly focused on promoting healthy eating. Our nation's medical community has declared war on obesity and its causes.

Several years ago the American Cancer Society three ambitious goals by 2015:

- Reduce the cancer mortality rate by 50%;
- Reduce the incidence of cancer by 25%,and;
- Improve the quality of life patients and survivors by reducing the pain and suffering that cancer causes.

We know even modest weight loss has been shown to convey substantial health benefits on overweight and obese individuals, and ultimately to society. Studies show that it is highly probable that weight loss reduces the risk factors of obesity-attributable medical conditions; high blood pressure, cardiovascular disease, cancer, and diabetes. Educating the public by providing calorie information on the foods they eat is one of many steps that can take to address obesity as well as cancer in Hawaii.

The Society urges the committee not to pass this measure in its present form. As it is written it appears that HB1526 would be ineffective providing the public with the necessary information they would need in making educated food choice.

Thank you for the opportunity offer testimony today. Please contact me directly if you have any questions about the link between obesity and cancer.

Sincerely,



George Massengale, JD
Director of Government Relations



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Hawaii Restaurant Association

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January 31, 2009

Rep. Ryan I. Yamane, Chair
Committee on Health
House of Representatives
State Capitol Rm 419
Honolulu, Hawaii 96813

Dear Chair Yamane,

The Hawaii Restaurant Association supports the intent of HB 1526 to providing nutritional information in our restaurants provided that we adapt the following language changes.

1. Page 3 paragraph 3 should state (If the retail food establishment also have a drive thru, the nutritional information in the drive thru shall be provided upon request: provided.....)
2. Page 5 line 7 "Standard menu items" means food offered for sale that appears on the menu for more than 180 days per year

We support a federal standard as introduced in the US Congress as the "Labeling Education and Nutrition Act" as introduced by Sen. Carper.

Thank you for giving us the opportunity to share our opinion and please feel free to call on us if we can offer further comments.

Sincerely,

Victor Lim
Chairman