

## **APPETITE FOR PROFIT – SAMPLE CHAPTER**

### **Chapter 10: Battling Big Food in Schools**

*The school system is where you build brand loyalty. (1)*

--John Alm, president and chief operating officer, Coca-Cola Enterprises

When state senator Deborah Ortiz proposed legislation to rid California schools of soda and other unhealthy drinks, she expected a fight. But she couldn't have predicted that her age and marital status would get dragged into the debate that followed. Considering the numerous other hardball tactics that industry lobbyists are deploying in the battle over school food, this example may seem tame by comparison.

Public health experts and pediatricians have been sounding the alarm in recent years over the rise in childhood obesity and illnesses previously seen only in adults, such as diabetes and early heart disease. Because of these concerns, children and schools deserve a special place in understanding the national debate over food choices and good nutrition. Children spend a good chunk of their waking hours at school, which has the potential to provide a critical opportunity to teach kids about healthy habits that can last a lifetime. Corporations, however, are taking advantage of schools to reach children in a captive environment.

This chapter describes how the food and beverage industries have systematically blocked every effort to regulate the sale of their unhealthy

products in schools and how to fight back. This battle is about more than just public health; it's about allowing corporations unfettered access to impressionable children and youth. At stake for industry isn't just the money gained from school sales. Companies like Coca-Cola are desperate to remain in schools for several reasons: (1) to build brand loyalty among a captive and impressionable audience, (2) to further their positive image by promoting the myth of corporate philanthropy, (3) to avoid the potential harm to their products' reputation outside schools.

### **How Did We Get into This Mess?**

While nominal federal nutrition standards do exist for school meals, for all other school food sales, it's a junk food free-for-all that makes your corner mini-mart look like a health food store. Other authors have amply demonstrated how food and beverage companies market their unhealthy products incessantly to children, especially in schools. (2) A 2003 government survey showed that 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools sold food through vending machines, snack bars, or other venues outside the federally supported school meal programs. (3) Such food items are known as "competitive food" because they undermine tax-supported lunches. In spring 2004, a survey by the Center for Science in the Public Interest (CSPI) revealed that 75 percent of beverage options and 85 percent of snacks in school vending machines were of poor nutritional quality. (4)

To understand how we got here, let's go back a few decades. In 1977, concerns over school nutrition led Congress to direct the U.S. Department of Agriculture (USDA) to limit access to junk food and soda in schools. The reasoning was that federal funding for school meals was being undermined by students' easy access to competitive foods. In other words, kids were loading up on soda and snacks for lunch. However, the soda industry filed a lawsuit challenging the USDA rules, and in 1983, a federal court agreed that the agency had overstepped its authority. (5) So despite Congress's clear intent, legal maneuvering by soda companies allowed schools to swing their doors wide open.

With public schools so desperate for funding, districts are lured into signing exclusive contracts (also known as "pouring rights" deals) with major beverage companies--mainly Coca-Cola and PepsiCo. Often these deals are presented as being very lucrative to districts, with schools offered enticing incentives such as sports marquees or cash bonuses to sign. Moreover, soda companies make the deals seem like a charitable donation when the reality is that schools benefit far less than the companies do. Sometimes these contracts can lock a district in for many years with the same vendor and the same unhealthy options. Usually the amount of money a school district receives is dependent on soda sales, thus creating a conflict of interest between health and profit. In addition to soda, schools sell chips, candy, cakes, cookies, you name it. One angry parent sent me a photo of her child's school store that looked like the inside of a candy shop.

Not willing to take it anymore, from Philadelphia to Seattle, from California to Connecticut, parents, teachers, policy makers, and advocates are organizing to take back their schools from the clutches of Coke and Pepsi. But as advocates are learning, megacorporations don't go down without a fight, not with so much money at stake.

From 2003 to 2005, almost every state proposed legislation to address the sale of soda and junk food in public schools. Despite all the activity, results have been mixed. Many state policy makers have heard the rallying cry from nutrition advocates and are doing their best to respond against all odds. But only twenty-one states were successful in passing any bills during that period, and in at least ten instances, the bills were watered down, a result of political lobbying and compromise. In many other states, the bill as introduced was already weak and likely ineffective, another by-product of corporate pressure.

By all accounts, state proposals to rid schools of unhealthy food and beverages enjoy overwhelming public support. So what's going on? Why can't lawmakers get these commonsense bills enacted? While the food industry may not deserve all of the blame for failed state legislation (sometimes even school officials are opposed), in almost all states where bills fail or are weakened, trade associations and individual companies have a heavy hand in the lobbying.

### **Sending in the Biggest Guns to Lobby and Distort the Truth**

Despite its public claims to being part of the solution, at every opportunity, the Grocery Manufacturer's Association (GMA) puts its members' economic interests

above children's health. As mentioned before, the GMA's 120 members enjoy annual sales of more than \$680 billion in the United States alone, and consist of major packaged-food corporations such as Kraft, Mars, and PepsiCo. It's standard operating procedure for companies to join trade associations to lobby on the members' behalf to maximize efficiency and power. Another advantage, as we have seen in previous chapters, is that trade groups can do the dirty work without tarnishing the individual corporate image.

The GMA is on record as opposing virtually every state bill across the nation that would restrict the sale of junk food or soda in schools. A search for the word "schools" on the GMA Web site resulted in no fewer than 126 hits, most of which are either submitted testimony or a letter filed in opposition to a school-related nutrition policy. Here are just a few examples of document titles:

- GMA Letter in Opposition of Texas Food and Beverage Restrictions
- GMA Letter in Opposition to Oregon School Restrictions Bills
- GMA Requests Veto of Kentucky School Restrictions Bill
- GMA Letter in Opposition to California School Nutrition Bill

GMA does more than just write letters; the group also has resources to send lobbyists to every state capital in the nation to defeat or weaken legislation. This high-powered lobbying campaign is quite effective. For example, in 2004, GMA helped defeat a California bill that would have set nutrition standards on school food. At every step along the way, GMA and its member companies have

beat nutrition advocates back because they have more lobbying resources, not to mention money to offer politicians in the form of campaign contributions.

In addition to the national trade associations, individual companies have also undermined numerous state efforts. While GMA appears to represent mainly the food companies' interests, the soda industry is well represented by high-powered lobbyists and regional bottling associations. When it comes to school nutrition, the one company that emerges as the worse corporate actor is Coca-Cola. While other companies also lobby, Coca-Cola puts up the biggest fight and in the nastiest ways. The general rule of thumb that companies like to leave the dirty work to trade groups does not seem to apply to Coke's lobbyists. Here are three case studies that illustrate just some of the underhanded lobbying tactics used by industry, including misrepresenting the science, disingenuous arguments, and personal attacks.

### **California's Soda Ban and Politics by Ultimatum**

Often a policy bellwether for the nation, California has been a hotbed of activity over school nutrition for years. For example, the Los Angeles Unified School District (the nation's second largest) unanimously passed a policy that took effect in 2004 to no longer allow the sale of soda in schools, becoming the first in the nation to do so. In 2003, grassroots momentum resulted in proposed legislation that would have banned soda sales in all public schools throughout the entire state, kindergarten through twelfth grade. The nonprofit advocacy group California Center for Public Health Advocacy (CCPHA) led the charge to pass

this groundbreaking bill, which was sponsored by California state senator Deborah Ortiz.

CCPHA and others presented overwhelming scientific evidence of a growing public health menace caused by children drinking too much soda, much of which is consumed at school. What should have been a no-brainer--protecting kids' health--turned into a bitter battle involving industry's heaviest hitters.

### *Lobbying machine descends on Sacramento*

Wasting no time, the soda industry mounted a strong opposition. According to one observer, "You could see the Coke and Pepsi lobbyists running down the halls after the legislators. They were out in full force."<sup>(6)</sup> According to Senator Ortiz, the industry front group Center for Consumer Freedom (CCF) hired two lobbying firms known for raising money for Republicans and moderate Democrats. Also, a nutritionist representing CCF testified against the bill, but did not disclose her affiliation and bias--a typical industry tactic.

The soda industry also sent paid consultants to testify at hearings on Philadelphia district wide policy without revealing their affiliation. These experts presented industry-sponsored data to show that soda does not cause obesity. How can lawmakers trust the testimony of a so-called expert if they don't know who is paying the bills? As explained previously, corporations hire "third-party experts" who have no obvious affiliation with industry. This way, the expert's research credentials serve as the basis for their credibility and the testimony is deemed objective and scientific. Trouble is, bought-and-paid-for science is

anything but objective and can easily be manipulated to obtain the desired outcome. The tobacco industry wrote the book on that tactic decades ago.

Also, as we've seen, another typical industry tactic is personal attacks, which come in handy when you can't argue the facts. Senator Ortiz came under attack numerous times by CCF for her nutrition-advocacy efforts. "Their tactics are horrific; their strategy is to attack the individual to discredit them. And this can get very ugly," she said. (7) CCF's verbal assaults against Ortiz even included obscure references to her being forty and single. When I later shared this story with a colleague who studies tobacco-industry tactics (including how they target homosexuals), she explained that this is a subtle way of suggesting that Ortiz is a lesbian. Those crazy Californians--how can you trust them to make sound school nutrition policy if they can't even manage to get married by age forty?

### *High school kids on the chopping block*

A combination of behind-the-scenes and up-front industry lobbying on the soda ban bill resulted in a proposed amendment that would allow high schools to be exempt. Not coincidentally, most sodas in schools are sold at the high school level. Such an exemption was never the intention of either the nutrition advocates or of Senator Ortiz, the people actually proposing the policy in the first place.

Yet what ensued was a legislative debate over whether high school students were "old enough" to make their own choices when it comes to drinking soda. This served as a convenient smokescreen for what was really at stake: the



huge economic benefit to industry to maintain their significant presence in high schools. Behind the scenes, industry put pressure on certain key members of the California Assembly to do their bidding.

For example, Dario Frommer, then chair of the Assembly Health Committee and obviously in industry's pocket, made the absurd argument that many high school students were eighteen years old, able to vote, could serve in the military, so should be able to make their own decisions. But Senator Ortiz countered that at most, only twelfth-graders, and for only half their year, are eighteen. "And it's a time at which key decisions are being made, and thus where industry has the greatest marketing advantage," she said.

In the end, corporate lobbying forced an ultimatum. Either Ortiz's bill would die in its entirety, or it would survive--but banning sodas only for kindergarten through eighth grade. Ortiz took the compromise, but was very frustrated: "I was prepared to have the bill die. I really felt it was a compromise that was unacceptable. But the advocates felt it was a win, and I allowed them to make the call. The food and beverage industries are extremely powerful," she said. (8)

But some advocates were also troubled by the weakened legislation, including Jacqueline Domac, who helped get soda and junk food banned throughout the Los Angeles Unified School District. "I find it quite interesting that we only care about kids until the eighth grade and suddenly in high school, their health is insignificant. As a high school teacher, how do I explain to my students they are just not important to lawmakers?" she asks. Why is exempting high schools so critical to industry? Domac says it's all about brand loyalty. "It's during

the high school years that kids form lifestyle habits. That's when a student decides between Coke and Pepsi, and that lasts for a lifetime," she said. (9)

Advocates were successful in 2005 in passing another law to finally get sodas out of California high schools, thanks in part to backing by Republican governor Arnold Schwarzenegger. But even that bill had compromises. For example, sugary "sports drinks" are still allowed. Also, the law permits a long phase-in period, with full compliance not required until 2009. This gives beverage companies plenty of time to potentially regroup and figure out a work-around.

### **Kentucky's Four-Year Battle with Coca-Cola**

After three previously unsuccessful attempts to improve the nutritional content of products in school vending machines in Kentucky, in March 2005, the state legislature finally passed a compromise bill that removed all soda, but only from elementary schools. Veteran dietitian Carolyn Dennis, chair of the Kentucky Action for Healthy Kids Task Force, battled Coca-Cola lobbyists for four years.

Kentucky had already required that vending machines remain turned off until thirty minutes after the last lunch period. However, as is often the case, that rule wasn't enforced, and many schools disregarded it. Dennis says the machines were turned on first thing in the morning. "And these little kids, they have no judgment; they spend all of their money on candy bars, Coke, and potato chips. And that's what they eat for breakfast, and for lunch," she said. Some elementary school principals even were announcing "soft drink breaks" in the afternoon. Dennis explains:

One of my task force members was giving a health talk to third-graders-- that's eight- and nine-year-old children. She was interrupted at 2 p.m. when the principal came over the loudspeaker and said, "OK, children, it's time for your afternoon soft drink break," at which point, all but four or five children who couldn't afford it took their money and followed the teacher out the door, and came back with their 20-ounce Coke or Pepsi, and she continued her health talk. She couldn't believe it; no one made any connection. (10)

As a result of these and similar problems, Dennis joined a coalition to pass legislation to set nutrition standards. "The first year," Dennis recalls, "the NSDA [National Soft Drink Association--now the American Beverage Association] sent four lobbyists to kill the bill." The local Kentucky Beverage Association (KBA) representative, Ray Gillespie, testified that "there were no soft drinks in elementary schools," remembers Dennis, "which was totally a lie." A survey of Kentucky schools had revealed that 44 percent of elementary schools had vending machines, despite Coca-Cola's written policy to not sell soda to elementary schools. Yet for three years Coke's lobbying won out.

On the fourth attempt, Coke offered the elementary school compromise. Allowing schools to continue to sell soda in middle and high schools was the only way the bill could possibly pass. According to Dennis, "We tried to get 75 percent

of beverages to be healthy K---12, but the beverage association went ballistic on that one because they wanted to be able to sell Gatorade and the rest.” (11)

Coca-Cola’s lobbyist even objected to using the language “healthy beverages” to replace soda, apparently worried about the implications for its reputation. Coke said they could live with a ban in elementary schools but only if the bill did not say “healthy.” Dennis explains, “The Coke lobbyist wanted the language, ‘school-day appropriate beverages.’ We debated it for hours, and finally my colleagues said, ‘Look, if this will get them off our backs, let’s do it.’ Then we compromised on ‘school-day approved,’ which I didn’t agree with because I don’t like the word ‘approved.’” Dennis likens the experience to a David v. Goliath battle:

All these lobbyists work together. The Grocery Manufacturers Association fought us big-time, too. I saw them working with the soft drink lobbyists a lot. I was told the very first year by someone from the ethics commission that next to the pharmaceutical association, you are up against the second-biggest lobby going, and that’s the soft drink lobby. (12)

Dennis’s team also started tracking campaign contributions. “One of our task force members filed an ethics complaint against the president of the state senate because he accepted money from the soft drink industry. We found that a whole lot of legislators accept money from them, it doesn’t matter which party or which chamber you’re in,” she said.

## **Showdown in Connecticut: Governor's Coke Connections**

In June 2005, Connecticut governor Jodi Rell vetoed what would have been the nation's strongest school-based nutrition law. With one stroke of the pen, she put to rest an extremely contentious battle to rid Connecticut schools of soda and junk food. This was the fourth try to get a bill passed in Connecticut. In 2004, advocates attempted to set nutrition guidelines on food and beverages, but ended up with a gutted law thanks to lobbying by Coca-Cola and PepsiCo.

The 2005 bill would have allowed only water, juice, and milk to be sold during the school day, K–12. To do its bidding, Coca-Cola hired Patrick Sullivan, of Sullivan & LeShane, called “the most influential lobbying firm in the state.” (13) For his services, Sullivan is paid \$80,000 annually by Coca-Cola's New York division, plus an additional \$7,350 a month by its New England subsidiary. (14) The Connecticut Pepsi Bottlers Association hired Jay F. Malcynsky of Gaffney, Bennett & Associates, the biggest lobbying firm in Connecticut. According to Ethics Commission records, Pepsi pays Gaffney, Bennett \$50,000 a year in fees. Together, the two firms spent a quarter of a million dollars trying to kill the Connecticut bill. (15) With that kind of money getting thrown around, it's no wonder things got ugly. Really ugly.

The political struggle involved an eight-hour House debate in which lawmakers engaged in such absurd stall tactics as relating memories of being deprived of candy as a child. The House finally passed a compromise bill that allowed diet soda and sports drinks to be sold in high schools after the lunch

period. Then the bill had to go back to the Senate, where it had already passed. But this time, lawmakers there attempted to delay the process by adding no fewer than ten unrelated amendments, such as requiring smoke detectors in school bathrooms.

Other underhanded tactics included Coca-Cola's lobbyists sharing data regarding school income from soda sales with lawmakers behind closed doors so that advocates could not refute the information. Also, a well-stocked Coca-Cola cooler was delivered to the Democratic caucus room in the capitol just before the House was expected to vote on the bill. Lucy Nolan, executive director of End Hunger Connecticut, the bill's lead sponsor, called the timing "very suspicious."

(16)

And in a particularly devious move, while the bill awaited the governor's signature, a sign mysteriously appeared taped to the inside of the glass on the front of a high school vending machine that read: "Let the state know how you feel about the state getting into your lunch program," followed by Governor Rell's e-mail address and phone number. It's unclear who was responsible for this cheap shot.

Lucy Nolan's group lined up an impressive array of supporters, including the American Academy of Pediatrics, the American College of Preventive Medicine, the American Diabetes Association, the American Heart Association, the Connecticut PTA, the Connecticut State Dental Association, and the Connecticut Nurses Association, hardly a bunch of radicals. Also, according to one survey, 70 percent of the state's residents favored the bill.

In the end, even with overwhelming public support, the compromise bill was too much for the governor to sign. Ironically, the most common argument made against such bills is that schools should maintain “local control” over nutrition policy. Indeed, Governor Rell invoked the word “local” no fewer than sixteen times in her three-page veto message. However, her reasoning is hard to swallow. Many school policies are made at the state and even national level, such as President Bush’s notorious “No Child Left Behind” policy.

What Governor Rell failed to mention in her veto message was a possible conflict of interest: the cofounder of Coca-Cola’s lobbying firm, Patricia LeShane, served as the governor’s campaign advisor. (17) Also, the LeShane lobbying firm contributed to Rell’s successful 2002 campaign for lieutenant governor. (18) The lobbying money spent fighting this bill was so influential that it motivated the state’s Senate President Pro Tem Donald Williams Jr. (a strong proponent of the nutrition bill) to take concerted action for the first time on campaign finance reform.

*Postscript:* As of this writing, Nolan was back in the state legislature for a fifth time, trying to pass a compromise measure with backing from the governor’s office. But what she thought would be an easier fight is actually just more business as usual. In fact, now Coke is on her back: “The soda lobbyists literally stalk me at the capitol. There is not one place I can go without someone following me. Guess I should feel flattered,” she said. (19) The compromise bill did finally pass after much political wrangling.

## **Rinse, Repeat: Same Story All over the Nation**

Together, Coca-Cola, PepsiCo, national and regional soft drink associations, the GMA and other business groups have undermined school nutrition policies with heavy-handed lobbying tactics all over the nation. Here are just a few more examples of policies that were compromised or completely killed as a result of corporate pressure:

Arizona: In April 2005, Arizona passed a law that bans the sale of soft drinks and candy during the school day, but only for grades K-8. High schools were exempted as a compromise due to heavy industry lobbying. The provision that would have extended the ban to high schools was added and removed from the bill several times, and, ultimately, the soda lobby won.

Indiana: As mentioned before, in June 2004, at the Summit on Obesity sponsored by *Time* magazine and ABC News, Tommy Thompson, then U.S. secretary of health and human services, claimed that Coca-Cola was a responsible company. In response, Charlie Brown, chairman of Indiana's Public Health Committee, asked why such a responsible corporate citizen would send a team of five lobbyists (including a regional vice president) to defeat his bill that would have reduced soda sales in schools by just 50 percent.



Louisiana: In 2005, Coca-Cola enlisted the support of principals who had exclusive soda contracts with the company to oppose a strong state bill to get soda out of schools. Coca-Cola lobbyists successfully proposed a “compromise” in which high schools could still sell 50 percent unhealthy snacks and beverages. Dr. Thomas Farley, of Tulane University School of Public Health and Tropical Medicine, thinks this “50 percent solution” will have a minimal effect at best. “In the end, the governor declared victory, but the victory really belongs to Coke.” (20)

New Mexico: After a hard-fought battle in 2005 in the state legislature, pediatricians, school food directors and nutritionists gained approval to appoint an expert committee with the authority to establish nutrition standards for schools, with just one catch: the compromise legislation required the committee to include representatives of the beverage and food industry. At the first committee meeting, Danielle Greenburg, a doctor and obesity researcher, said that banning soft drinks in schools isn’t the solution; rather, students need to be educated on how to balance what they eat. This doctor works for Pepsi. (21)

Oregon: What started out as a relatively strong piece of state legislation in 2005 was completely gutted thanks to soda industry lobbying. The original bill would have set strict requirements for school beverages and snacks. The bill that passed, however, only required schools to have wellness policies. An Oregon newspaper editorial squarely placed the blame on politicians bowing to corporate

pressure. Three key lawmakers each received \$2,000 of the total \$91,000 the soft drink lobby poured into legislators' coffers. (22)

Washington, D.C.: In 2003, D.C. Public Schools (DCPS) embarked on an effort to improve the beverage options that were supplied by Coca-Cola. But the company engaged in a concerted campaign to stall the effort. Foot-dragging took the form of claiming to conduct feasibility studies and economic analyses as well as never returning phone calls or e-mails. Coca-Cola Enterprises sent a vice president to a meeting with DCPS to challenge the nutrition standards that advocates had put forward, complaining that the company had not been adequately consulted and would lose money. (23)

Washington State: In 2004, the state tried to pass legislation that would have banned selling junk food and soda in schools. But, according to Seattle School Board member Brita Butler-Wall, seventeen revisions later, the bill was watered down significantly: "It's pretty weak. It requires that by the fall of 2005, all schools have some sort of policy around junk food and soda." She suspects Coke had an influence on the outcome: "Just a few days after we sat down with my legislator to talk about this, Coca-Cola sent out a couple of its representatives from Atlanta to meet with her. So that certainly didn't help matters." (24)

So while Coca-Cola and PepsiCo are trying to position themselves as "part of the solution" by providing schools with "free" educational materials on

nutrition and exercise, behind the scenes, they are undermining school nutrition policy.

### **Rhetoric and Spin: Countering the Arguments**

An important tool going up against the powerful food and beverage industries is to anticipate their arguments, and then be ready to counter them. Sometimes, reframing the issues can help convince key policy makers. Here are a few of the typical arguments made in the battle over soda and junk food in schools.

#### *Whose choice exactly?*

The soda industry is especially fond of evoking all-American values such as “freedom” and “choice.” Kari Bjorhus is Coca-Cola’s director of “health and nutrition communications” (this must be a fun job). She assured me that the company “offers a wide variety of beverage choices and it’s up to the school to decide which beverages they want to offer their students.” (25) Indeed, the company has an entire “program” it calls “Your Power to Choose,” which it created in response to the school debate. (Never mind that Coke interferes with schools that are *trying* to choose healthier beverages, like in Washington, D.C.)

By preying on Americans’ inherent sense of individualism, industry is twisting the concept of choice. Upon closer inspection, the question becomes: who exactly is making the choices and who benefits financially? You only need to read the language of an exclusive soda contract with a school to understand that the companies call all the shots, making such decisions as what products are

sold and how much is sold, even down to the number of ounces. Also, the very nature of an exclusive contract restricts choice because schools cannot bring in healthier beverages from other vendors without risking violating the contract.

The freedom of choice argument was made in the California battle over soda in high schools--that high school students should be able to make their own "choices." But Michael Butler, legislative advocate for the California State PTA, says that's not a valid argument. "I can understand students making healthy choices. But we don't put cigarette vending machines in high schools to allow students to have a 'choice,'" he said. (26) Also, we make all sorts of choices for high school students. The very fact that we even still require them to attend school means that as a society, we are making decisions regarding their well-being that limit their choice--because it's in their best interests.

Maine state representative Sean Faircloth finds the concern over freedom of choice amusing. "Yes, we definitely do have a freedom of choice problem--you can't get the healthy stuff! By improving the options in vending machines, the school would be creating a small island of opportunity for healthy choices. Trust me, as soon as kids leave the school grounds, they will be flooded with corporate advertising. We should start with the premise that schools should not be designed to create branding opportunities," he said. (27)

### *Exploiting schools?*

Another disingenuous and self-serving argument is that schools will suffer if they don't continue to sell children soda and junk food. While it's true that schools are

in desperate need of money, we should be asking: is the solution to that problem really getting children to load up on products that make them sick? We shouldn't be trading children's health for after-school programs. Also, evidence is emerging to show that exclusive soda contracts don't actually bring schools as much money as Coke and Pepsi would have us believe. For example, a report from Oregon analyzing soda contracts in that state found total revenues for districts ranged between \$12 and \$24 per student annually and concluded that contracts are more lucrative for vendors than for school districts. (28)

*Let the locals decide*

Another common argument against creating a statewide nutrition policy is that schools should have "local control." This justification is made by Coca-Cola's Bjorhus: "A lot of people feel very strongly about local control--for parents and local school administrators to have the flexibility to make decisions that are right for them." (29) But in California, even local control proponents such as the Association of California School Administrators (ACSA) were in support of statewide standards, so on behalf of whom exactly was Coca-Cola arguing?

"Local control is a premium," says Brett McFadden, legislative advocate for the ACSA. He admits that it took some time for his members to come around to supporting statewide guidelines, but they eventually realized that childhood obesity was too important. "When there is a broader statewide interest in establishing policy, then the state has both a responsibility and an obligation to set that policy," he said. (30) Michael Butler agrees, saying that "the California

State PTA believes in local control when it serves the best interest of all children and youth, not when it serves to accelerate the sales of carbonated beverages.”

(31)

Also, what about parental control? Kentucky’s Carolyn Dennis says that nothing is more local than her right as a parent. “Schools are interfering with parental control, just to make a profit at the expense at our children’s health. You are interfering with my rights as a parent,” she said. (32)

It’s classic doublespeak for industry to argue local control. Whenever you hear an argument from industry, simply ask yourself, who benefits economically? Obviously, Coke and Pepsi are in no position to argue that schools deserve to have local control over these decisions when the companies are the direct beneficiaries of such a policy. It’s laughable to imagine the largest beverage companies in the world arguing on behalf of the poor, treaded-upon school districts supposedly getting beat up by state policy makers who are taking away their rights. Whenever you hear a multinational corporation stand up for the little guy, this should instantly make you suspicious. If Coke and Pepsi were to make more money through “federal control,” you’d hear them arguing that the feds should determine school beverage policy. Once you understand how self-serving industry’s arguments are, it’s quite easy to counter them.

See appendix 4 for a complete list of arguments and how to counter them as well as advice from advocates on getting a school nutrition bill through the legislature.

### **Global Scene: UK Embarrassed into Action**

Other countries face similar challenges when it comes to improving school food. But rapidly rising obesity rates among British children is now prompting serious action, in part thanks to celebrity chef Jamie Oliver's devastating 2005 television series on the sorry state of UK school meals. After Oliver gathered 270,000 signatures on his "Feed Me Better" petition and delivered them to Prime Minister Tony Blair, the government pledged an additional \$500 million over three years to pay for such basics as kitchens and fresh ingredients for school meals. UK education secretary Ruth Kelly has also taken a strong stand on vending, pledging to ban foods high in fat, salt, and sugar by September 2006. Instead, vending machines will be expected to provide fresh fruit, milk, bottled water, and fruit juice. She declared that "the scandal of junk food served every day in school canteens must end." (33 ) Oliver is apparently setting his sights next on overhauling school food in the United States. We could use him.

### **What the Future Holds: Can We Get Out of This Mess?**

No matter how hard the soda and junk food companies try to position themselves as being part of the solution, the truth is they care more about the health of their own bottom lines than that of children. Nowhere is this reality more evident than with school nutrition policy. Especially disturbing is how corporations such as Coca-Cola and PepsiCo are promoting their educational programs in the classroom (as described in chapter 2) while also fighting to keep peddling their unhealthy products in the hallways.

Much is at stake in the battle over school food. It's clear that a grassroots movement is taking hold around the nation to improve school food. The good news is that this effort will continue unabated. It's even possible that industry will see the handwriting on the wall and eventually scale back its opposition in state legislatures. But how long will this take, and how many more resources will advocates require in the meantime? Even in California, it took six years to get compromised legislation passed. And many other states are just beginning their fights. Meanwhile, children continue to consume soda, chips, and cookies for lunch while the health effects mount. Can we really afford to wait for the slow, incremental legislative process to effect change? Secretly, some advocates tell me they are getting worn out. And who can blame them? How many times can you keep going up against Goliath before he wears you down?

Additional unanswered questions remain. Most of the advocacy efforts are focused on replacing junk food and sodas with supposedly healthier processed food and beverages. Because schools still rely on the money from competitive food sales, this strategy is being implemented as a compromise measure. But is it even possible to sell truly healthy food and beverages via vending machines? For example, in California, some schools are switching over to slightly improved, but still overly processed foods, such as granola bars and baked chips. Does this send children the best possible message about good nutrition? Also, what about the ethics of selling bottled water to children in poor inner-city schools? Why can't we invest in fixing water fountains so that all children can have free access to an essential human need?



The trouble with any solution short of doing away with school vending machines altogether is that we will remain mired in endless debate over what constitutes good nutrition. At the same time, as long we allow the same food and beverage companies to remain in schools, they will just develop new “approved” products to brand kids with. Or new rules will be ignored altogether. Or the entire movement will be co-opted as we saw with the voluntary agreement entered into by the soda industry with the Clinton Foundation in May 2006 (discussed in chapter 1). Once the door is open, it becomes very tricky to enforce nutrition rules school by school, even where strong state laws get passed.

Moreover, focusing only on nutrition ignores all the other ways in which corporations market to children in schools. Some groups concerned with more than just childhood obesity, such as the Campaign for a Commercial-Free Childhood and Commercial Alert, are calling for the complete removal of vending machines and all forms of marketing to children in schools. Why can't schools be the one safe haven left for children against the onslaught of corporate marketing?

Many nutrition advocates tell me that they would ideally like to get rid of vending machines altogether. However, they say, this position is just not politically tenable. Perhaps incremental change is the most viable strategy. But what if we shifted the conversation entirely? Instead of asking how schools can still make money by selling children slightly healthier food and beverages provided by corporations, how about we figure out how to serve healthy school meals and provide locally grown fresh fruit as snacks?

Many advocates are also working hard to improve school meals, for example, through innovative “farm-to-school” programs. We need to tie these efforts into larger conversations about corporate marketing in schools. Instead of asking what products Coca-Cola can sell that would pass nutrition muster, we should ask how we can properly fund public education so that we don’t need Coca-Cola. Until we begin to truly value children and public education by asking these broader questions, the battles over school food will rage on.

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