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[C A U T I O N : S O F T D R I N K Z O N E]

Thirst *for* profit

while coke and
pepsi rake in the
bucks with school
vending machines,
our children pay
the price—with
their health.

BY MICHELE SIMON

W

hen Maine state representative Sean Faircloth decided to become an advocate for public health, he never expected to be called a “food Nazi” on national television. Yet within two minutes of appearing on Fox News, the lawmaker was fielding accusations of being both a Nazi and a Communist for daring to defend his state’s proposal to place a minimal tax on sodas. That’s the kind of tactic that Faircloth and other champions of children’s health are facing in heated battles being waged across the country against the mighty food industry.

Readers of *Mothering* well know how the junk-food industry markets its unhealthy products incessantly to children, especially in schools.¹ Over the last two years, increased focus on the dual epidemics of childhood obesity and diabetes has resulted in a groundswell of action. Of particular concern is the out-of-control sale of sodas and other unhealthy beverages in schools. Last year, a survey by the Center for Science in the Public Interest revealed that 74 percent of beverage options and 85 percent of snacks in school vending machines were of poor nutritional quality.²

Even the US Senate has taken notice. Last October, Senator Edward Kennedy introduced a bill to require schools that receive federal funds to establish policies to “ban vending machines that sell foods of poor or minimal nutritional value,” such as soda, soft drinks, and candy, and to encourage the consumption of water in school.

Not waiting for federal action, parents, teachers, policy makers, and others from Philadelphia to Seattle, from California to Connecticut, 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. Schools mean big business to the soda industry, not just for the cash they generate but also for the opportunity to create lifelong brand loyalties among an impressionable and captive audience.

At the same time, companies such as Coca-Cola and PepsiCo care enormously about their corporate image and are spending large sums of money on public relations in the wake of increasing criticism. PepsiCo has created an entire website devoted to convincing the public that the company cares about children’s health.³ And last June, at the Time/ABC News Summit on Obesity, then-Secretary of Health and Human Services Tommy Thompson sang the praises of Coca-Cola for

ending exclusive contracting in schools. Unfortunately, this image is not quite accurate. While Coca-Cola has developed “Model Guidelines for School Beverage Partnerships” that no longer require exclusivity, the practice continues, thanks in part to lengthy contract terms.⁴

If the nation’s top health official can be duped, how can the rest of us know the truth? Sophisticated public relations efforts tell only one side of the story—the side that industry wants you to see. Behind the slick materials and pronouncements of “corporate responsibility” lies a trail of industry tactics designed to undermine efforts at nutrition advocacy. Understanding who the players are and how they operate is critical to leveling a very uneven playing field.

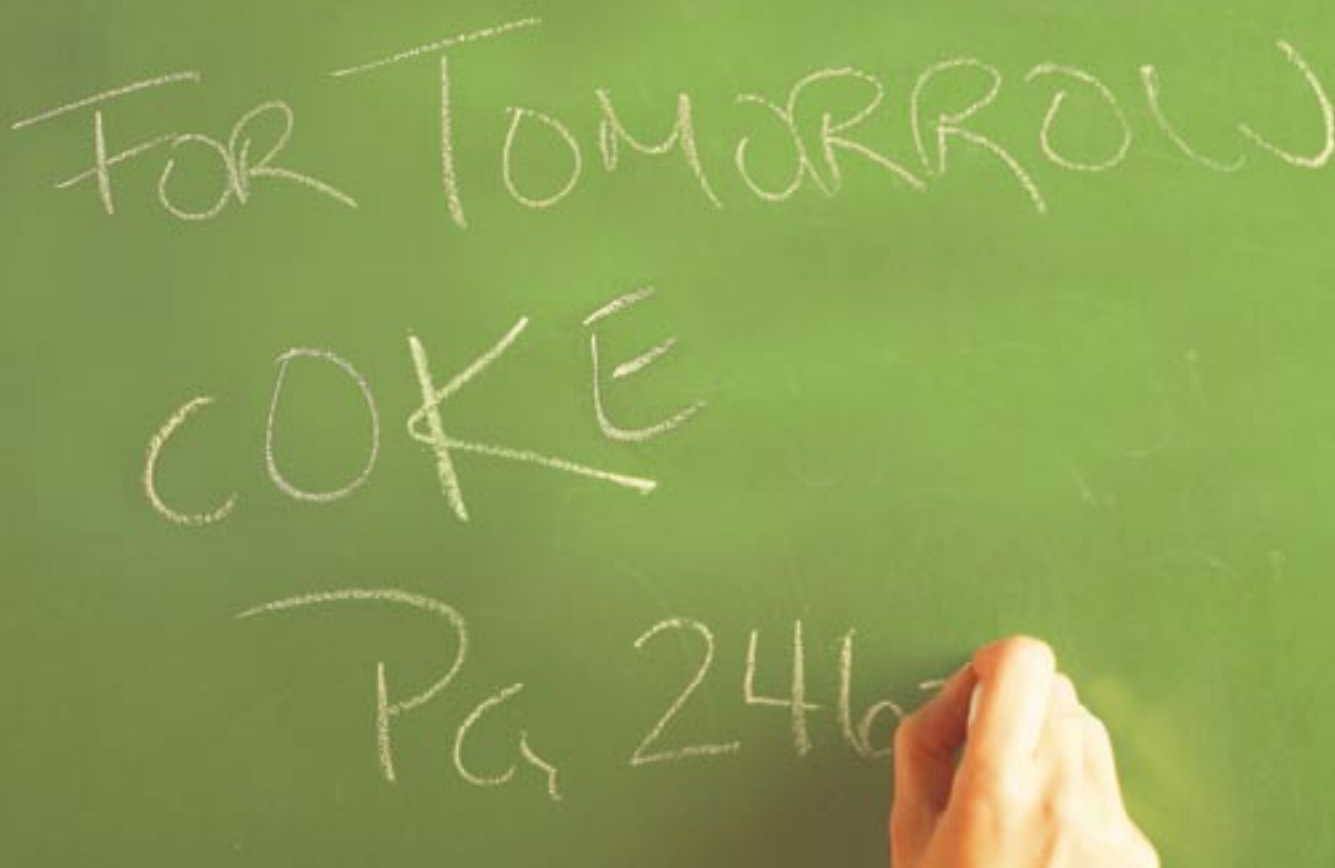
EXCLUSIVE CONTRACTS: READING THE FINE PRINT

Exclusive soft-drink vending contracts, also called “pouring rights,” bind schools to long-term deals, sometimes for as long as ten years. Often these contracts are signed by principals and districts operating under tremendous financial pressure, so no one bothers to read the fine print. Then, when schools want to sell healthier options, they discover they can’t, because they’re bound by the contracts’ restrictive terms.

This is what happened last year in Albuquerque, New Mexico, where PepsiCo has an exclusive contract with the district’s 125 schools. When schools tried to stock other vending machines with milk, PepsiCo sent a letter warning



SHARON WHARTON



that they were in violation of the contract. Jennie McCary, a registered dietician with Albuquerque Public Schools, explains: “We scrambled to get ahold of the contract and learned that Pepsi had exclusive rights to vend all beverages throughout the district. I was shocked to learn that the beverage companies have more rights than the schools. I find it unbelievable that the principals, who were trying to improve the beverage options, were treated this way. It was very frustrating.”

Many Albuquerque schools rely on the income generated by soda sales—so much so that the principal and assistant principal at one middle school were seen walking around the cafeteria at lunchtime, offering to make change for the students, encouraging them to purchase soda and other beverages from the machines. “And they saw nothing wrong with it, saying the money supported the student activities and that it was a good way to interact with the kids,” McCary said. The school advisory council plans to fight the renewal of the contract, which doesn’t expire until 2007.

Often, the terms of exclusive contracts are kept confidential. According to Jacqueline Domac, a health teacher at Venice High School in southern California, each school contract in Los Angeles has a confidentiality clause, “so you couldn’t find out if someone else got a better deal. We only got \$3,000 cash, while another school in our district got a

\$47,000 sports marquee out of their deal.” California now has a sunshine law that prohibits school boards from entering into contracts without a public hearing. Also, in 2003 in Ontario, Canada, a 15-year-old student won a two-year battle to get Coca-Cola and PepsiCo to reveal details of their public school contracts.⁵

LOBBYING AGAINST SCHOOL NUTRITION POLICY

Partly in response to the problems caused by exclusive contracts, more and more state legislatures and school districts are attempting to set nutrition guidelines for beverages sold in schools. But the soda industry lobbies hard to fight any restrictions that would affect its bottom line. In many states, soda-industry lobbying has resulted in weakened legislation.

For example, in California, the nonprofit advocacy group California Center for Public Health Advocacy (CCPHA) has been leading the charge to ban sales of sodas in schools. In 2003 that effort was successful for elementary and middle schools, but a compromise was reached to exempt high schools. Most sodas sold in schools are sold at the high school level.

CCPHA’s executive director, Harold Goldstein, was happy that he was able to get the policy passed at all. “It’s a testament

ON THE FRONT

Operating through front groups is a common tactic of Big Business, and the food industry is no exception. By funneling large sums of money to third parties, individual companies gain greater lobbying power and get others to do their dirty work. Some organizations, such as trade associations, are easy to spot; others hide behind scientific-sounding names, or try to give the impression that they are "grassroots." Here are a few examples:

American Beverage Association

Formerly known as the National Soft Drink Association, the ABA represents hundreds of beverage manufacturers and distributors who, along with regional trade associations, have been lobbying hard against state and local efforts to curtail soda sales in schools.

American Council for Fitness and Nutrition

Despite this organization's official and objective-sounding name, according to its website, the "ACFN was formed by a coalition of food and beverage companies, trade associations and nutrition advocates." One of ACFN's main functions is to act as a cheerleader for its members, which include Coca-Cola and PepsiCo. See ACFN's website article touting Coca-Cola's "Model Guidelines for School Beverage Partnerships" and PepsiCo's "Health Is Power" initiative as "taking action to address consumer health and wellness needs" (www.acfn.org/taking-industry).

Center for Consumer Freedom Despite its populist name, the CCF does not represent consumers at all. Rather, it's a lobbying front for the restaurant, food, beverage, and alcohol industries. Employing attack-dog tactics, the CCF consistently portrays nutrition-policy advocates as the "food police," as it did on the Fox News Channel, appearing opposite Maine state representative Sean Faircloth. See, for example, CCF's article "The Maine Problem: Food Cops Run Amok" (www.consumerfreedom.com/news_detail.cfm?headline=2627).

Grocery Manufacturers of America

The GMA "is the world's largest association of food, beverage, and consumer product companies." Its 140 members consist of major food manufacturers, such as General Mills, ConAgra, Mars, and PepsiCo. The GMA is on record as opposing virtually every state bill that would restrict the sale of junk food or soda in schools, in addition to other nutrition policies (www.gmabrands.com).

—MICHELE SIMON

to the growing movement for policy change in California that we were able to go up against a major industry and win, to protect the youngest and most vulnerable children," he said. "That the beverage industry has conceded elementary and middle schools is a sign that schools all across the country should at least get soda bans at these levels. If it can be done in California, it can be done anywhere in the country."

Jacqueline Domac, who helped get both soda and junk food banned throughout the Los Angeles Unified School District, is troubled by the weakened legislation. "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 that they are just not important to lawmakers?" 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 stay with them for the rest of their lives. That's when a student decides between Coke and Pepsi, and that lasts for a lifetime."

The bill's author, California state senator Deborah Ortiz, says she was very disappointed with the compromise, but "the food and beverage industries are extremely powerful." Ortiz has come under personal attack by the industry front group the Center for Consumer Freedom for her nutrition advocacy efforts. "Their tactics are horrific," she said; "their strategy is to attack the individual to discredit them. And this can get very ugly."

While CCPHA's Harold Goldstein expected a fight from the soda industry, the group whose opposition most surprised him was the California School Food Service Association (CSFSA). "They have been strongly and actively opposed to every effort in California to improve the quality of food and beverages sold in schools. That is shocking to us—that nutritionists and food providers are so invested in continuing to sell unhealthy products just to make money," he said.

In another example of diluted policy making, the state of Washington 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, after 17 revisions, the bill had been significantly watered down: "It's pretty weak. It just requires that by the fall of 2005, all schools have some sort of policy around junk food and soda." Did the soda industry influence the outcome? "All I know is, just a few days after we sat down with our state senator to talk about it, Coca-Cola sent two representatives to meet with her. That certainly didn't help matters," she said.

The same story was repeated last year in Connecticut, where advocates attempted to set nutrition guidelines on food and beverages but ended up with a gutted law. According to Lucy Nolan, executive director of End Hunger

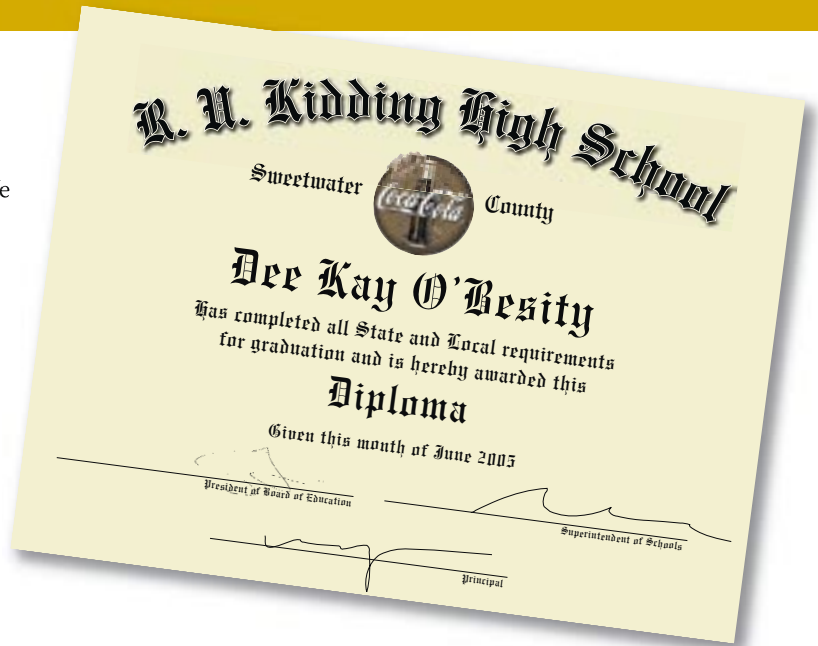
Connecticut, "Pepsi just worked that bill to death. We thought we had really good votes on it, but then we just watched the count go down. I was surprised at how hard the soda companies really went after it."

And at the Summit on Obesity last year, Charlie Brown, state representative from Indiana and chairman of that state's Public Health Committee, asked Secretary Thompson why, if Coca-Cola was so responsible, it had sent a team of five lobbyists, including a regional vice president, to defeat his bill to restrict soda sales in schools. Thompson promised that if this happened again, he would personally intervene. However, Thompson resigned before that promise could be fulfilled.

RHETORIC AND SPIN: COUNTERING THE ARGUMENTS

An important aspect of taking on the powerful food and beverage industries is to anticipate their arguments and be ready to counter them. Often, how an issue is framed can determine who wins the battle.

The industry's main argument is that "It's the couch, not the can." In other words, the problem of childhood obesity is all about a lack of physical activity, not about eating too many unhealthy products. While public health advocates don't claim that food and beverage consumption is the problem's only cause, industry argues that physical inactivity *is* the only cause. But weight control is a matter



of balancing calories in with calories out. As Harold Goldstein points out, "One 20-ounce soda has 17 teaspoons of sugar, for a whopping 250 empty calories. A kid who drinks one soda a day for a week would need to bicycle for 4 hours and 20 minutes just to burn off the calories from the soda."

The soda industry is also fond of evoking all-American values such as "freedom" and "choice." According to Kari Bjorhus, Coca-Cola's director of health and nutrition communications, 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."⁶



The freedom-of-choice argument—that high school students should be able to choose what they drink—was made in California. But Michael Butler, legislative advocate for the California State PTA, says that it's not a valid argument. "I can understand students making healthy choices," he said. "But we don't put cigarette vending machines in high schools to allow students to have a 'choice.'"

Maine representative Sean Faircloth is turning the tables on industry's rhetoric of freedom. He's calling for "freedom from commercialization of public schools" by having schools offer healthy choices in vending machines. "I find 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."

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." Yet in California, even local-control proponents such as the Association of California School Administrators (ACSA) are in support of statewide standards—so on whose behalf, exactly, is 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

state guidelines, but they eventually realized that childhood obesity was too important a problem. "When there is a broader statewide interest in establishing policy, then the state has both a responsibility and the obligation to set forth that policy," he said. 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."

SUCCESS STORY IN PHILADELPHIA

Last January, the Philadelphia Coalition for Healthy Children brought about an end to exclusive contracting in Philadelphia schools and banned sodas altogether. The policy, one of the toughest in the country, requires that only 100 percent fruit juice, milk, and water be sold. According to John Weidman, senior associate with the Food Trust, a leader of the Philadelphia Coalition, the soda industry attempted to undermine the effort by sending two scientific experts to testify against the policy. "Both had done obesity studies that were funded by the National Soft Drink Association," he said. But in the end, even industry spin couldn't trump children's health. Weidman attributes his success to three things: media attention, coalition building, and momentum from other cities, such as Los Angeles and New York. And he's hopeful for the future: "I think we're seeing a domino effect happening now. Soon, selling sodas in schools will be a thing of the past."

NOTES

1. Gary Ruskin, "The Fast Food Trap: How Commercialism Creates Overweight Children," *Mothering* no. 121 (November–December 2003): 34–44.
2. Center for Science in the Public Interest, "Dispensing Junk: How School Vending Undermines Efforts to Feed Children Well," http://cspinet.org/new/pdf/dispensing_junk.pdf (May 2004).
3. See PepsiCo's www.healthispower.net
4. "Model Guidelines for School Beverage Partnerships," www2.coca-cola.com/ourcompany/ha_school_beverage_guidelines.pdf
5. Sarah Schmidt, "Aurora Boy Forces Cola Deals into Open: Ontario Agency Tells School Boards to Disclose Contracts," *National Post* (12 November 2003).
6. From the author's interview with Kari Bjorhus, Coca-Cola's director of health and nutrition communications.

FOR MORE INFORMATION

California Center for Public Health Advocacy, www.publichealthadvocacy.org
 Center for Informed Food Choices, www.informedeating.org
 Commercial Alert, www.commercialalert.org
 Los Angeles Unified School District's nutrition policy, www.nojunkfood.org



SHARON WHARTON

Michele Simon, JD, MPH, is a public health lawyer and founder and director of the Center for Informed Food Choices, a nonprofit organization based in Oakland, California, that educates about the politics of food. She is currently writing a book on food-industry lobbying and welcomes your stories.



WHAT CAN YOU DO?

Harold Goldstein, executive director of the California Center for Public Health Advocacy, says advocates need parents and teachers to help ensure that nutrition policies are first passed, then implemented. “The power that parents have at both the local school district level and at the state level to demand changes in the nutrition environment of their children’s schools cannot be underestimated.” He recommends that parents go to school board meetings armed with bags full of junk-food products that their kids have bought at school. “This will go a long way to shining a light on the public health disaster that is happening in our schools every day,” he said.

John Weidman, senior associate with the Food Trust and a leader of the Philadelphia Coalition for Healthy Children, recommends a four-step process:

1 Find out what’s happening in your school. What beverages are currently offered to students? What contracts are currently in place or being considered?

2 Gather data about the links between obesity and soda consumption. You’ll need solid facts to counter the arguments of the soda industry.

3 Build a coalition, even if it’s just a few parents, and try to get health nonprofits and hospitals on board. The more people you can bring in, the better.

4 Meet with the school district and contact the media and your elected officials.

At the state level, parents can call and write legislators to demand that their schools provide only healthy options. Goldstein is hopeful about the “growing national movement to get unhealthy foods and beverages out of schools. Parents have great power—and exercising that power is how things are going to change.”

—M. S.