



Office of the City Manager

CONSENT CALENDAR  
June 14, 2022

To: Honorable Mayor and Members of the City Council

From: Sugar Sweetened Beverage Product Panel of Experts (SSBPPE)

Submitted by: Holly Scheider, Chairperson, SSBPPE Commission

Subject: Recommendation that the City Council Revise Resolution No. 69,917  
Regarding Procurement, Sales and Service of Sugar-Sweetened  
Beverages.

RECOMMENDATION

Adopt a Resolution to amend Resolution No. 69,917 in response to the request of the City Council on June 1<sup>st</sup>, 2021, in Action Item #18A, the Sugar Sweetened Beverage Product Panel of Experts (SSBPPE) has considered “how to regulate sugar sweetened beverages at events held on City of Berkeley Property hosted by non-City entities who receive City of Berkeley funds.” The Commission recommends that the Berkeley City Council revise the requirement for events that receive City of Berkeley funding to mandate that these events also comply with the intent of Resolution No. 69,917.

The City Council has the opportunity to make the Resolution more impactful by banning the sale and service of sugary drinks at City sponsored events. This will be a powerful message to community residents and visitors who attend events such as the Book Festival, Kite Festival, Juneteenth festival and Chocolate and Chalk Art Festival to name a few.

SUMMARY

The SSBPPE Commission recommends that the Berkeley City Council revise the requirement for events that receive City of Berkeley funding to mandate that these events also comply with the intent of Resolution No. 69,917.

FISCAL IMPACTS OF RECOMMENDATION

Cost of promulgating information, including developing signage, notifying City Departments and revising clauses in City contracts.

CURRENT SITUATION AND ITS EFFECTS

Currently, the City of Berkeley Resolution No. 69917 allows sugar-sweetened beverages to be sold and distributed at events that receive City of Berkeley funding.

The Healthy Berkeley program combines education and policies that are aimed at changing community norms around consumption of sugary drinks to reduce both consumption and the rates of disease linked to consumption. The Healthy Checkout Ordinance passed in Oct 2020 along with the June 2021 City of Berkeley Procurement Resolution are policies that change the environment in which people purchase and consume sugary foods and beverages.

Research has demonstrated that educational efforts alone (including signs at point of purchase) are limited in reducing consumption compared to removing sugary drinks from the environment as well as providing education.<sup>1</sup> For example, the most successful way to reduce the purchase of sugar drinks is to not offer them for sale and to replace the offerings with healthy beverages. Research has shown that this strategy has to led to significant health improvements.<sup>2</sup>

## BACKGROUND

In November of 2014, the Berkeley voters passed Measure D with 76% of the vote, which requires both the collection of a 1 cent-per-ounce tax on the distribution of SSBs in the City of Berkeley and the convening of the Sugar Sweetened Beverage Products Panel of Experts (SSBPPE) to recommend investments to both reduce the consumption of SSBs as well as to address the health consequences of the consumption of SSBs including diabetes, dental caries, heart disease and obesity.<sup>3</sup>

To accomplish these goals, the City created the Healthy Berkeley program to reduce the consumption of sugar-sweetened beverages (“SSB”) in Berkeley and to address the effects of SSB consumption. The City of Berkeley requires that all Healthy Berkeley funded programs (including the school district) adopt an organizational policy curtailing the service, procurement and sale of SSBs. The purpose of these organizational policies is to change norms in our community about consuming sugary drinks. Educational programs are provided by community partners in order to complement and sustain the policy efforts.

We know from the public health campaigns to reduce tobacco use, that institutional policies that change norms have a powerful impact on behavior and are a vital tool to improving health in our communities. Education and media campaigns, by themselves, are not enough to change behaviors, especially when tobacco and beverage companies try to subvert the health messages using pervasive and persuasive marketing, and when there is an addictive aspect to the behavior as is the case with both tobacco and sugar.<sup>4</sup>

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<sup>1</sup> Interventions to reduce consumption of sugar-sweetened beverages or increase water intake: evidence from a systematic review and meta-analysis: <https://onlinelibrary.wiley.com/doi/10.1111/obr.12580>

<sup>2</sup> <https://www.ucsf.edu/news/2019/10/415746/workplace-sales-ban-sugared-drink-shows-positive-health-effects>

<sup>3</sup> [B.M.C. 7388-NS § 7.72, 2014, City of Berkeley](#)

<sup>4</sup> <https://www.theatlantic.com/health/archive/2014/01/the-sugar-addiction-taboo/282699/>

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

In 2014, Berkeley voters overwhelmingly passed Measure D and since then the City of Berkeley has led the effort to reduce the consumption of sugary drinks and resulting health impacts and disparities, not only in Berkeley but also in the Bay Area and nationwide. Sales of sugary beverages have decreased, and school and community groups have been funded to continue the effort to reduce sugary drink consumption and improve health. Now is an opportune time for the City to once again provide strong leadership by prohibiting the sale and distribution of sugary drinks at City sponsored community events. This addition to the Resolution would make it consistent with the mission of the Healthy Berkeley Program and provide powerful norm change and thereby improve the health of our community. This policy would be responsive to the will of the voters, supportive of school and community efforts to improve Berkeley residents' health, and a model to other cities. This policy will align the City with Healthy Berkeley grantees who have already adopted similar policies. The SSBPPE encourages the City to take this step to set an example and demonstrate its own commitment to the further reducing sugary drink consumption and improvement in community health.

### ALTERNATIVE ACTIONS CONSIDERED

In January 2018, the SSBPPE voted to recommend that the Berkeley City Council adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1) Procuring sugar-sweetened beverages with City funds; 2) Selling sugar-sweetened beverages on City property, including in vending machines; and 3) Serving sugar-sweetened beverages at City meetings and events on City property. On March 27, 2018, the City Council voted to refer the recommendation to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. In June 2018, the City Council ranked this ordinance around 32 among items to develop for the City. No further action was taken until 2019, when the SSBPPE forwarded a Sugar-Sweetened Beverage Procurement Resolution recommending that the City of Berkeley and City food services contractors **shall not**:

- 1) Serve sugar-sweetened beverages at City meetings and events on City property,
- 2) Procure sugar-sweetened beverages with City funds; and,
- 3) Sell sugar-sweetened beverages on City property, including in vending machines.

CITY MANAGER

The City Manager appreciates the work done by the SSBPPE to reduce the consumption of sugar-sweetened beverages in Berkeley. Adherence to this resolution must be a self-monitored process by vendors and City Departments.

CONTACT PERSON

Roberto Terrones, Interim SSBPPE Commission Secretary, PHD, 510-981-5324

Attachments:

1: Resolution with track changes and clean copy

RESOLUTION NO. ##,### -N.S.

AMENDING RESOLUTION No. 69.917 – N.S. ESTABLISHING CITY POLICY /  
AMENDING THE ADMINISTRATIVE CODE TO DIRECT CITY OF BERKELEY  
DEPARTMENTS TO REFRAIN FROM PROCURING, SERVING OR SELLING  
SUGARY DRINKS

WHEREAS, the City of Berkeley is known for its commitment to reducing inequities in diet and disease and in promoting access to healthy food and beverages.

WHEREAS, drinking just one serving of sugar-sweetened beverage per day poses a 30 percent or higher risk of becoming diabetic.

WHEREAS, drinking just one serving of sugar-sweetened beverage per day poses a 30 percent or higher risk of early death from cardiovascular disease.

WHEREAS, City employees deserve a healthy work environment, with an increased variety of healthier, low-sugar, alternative beverages such as flavored waters, plain or carbonated water, 100% juice, milk drinks, diet drinks, unsweetened or artificially sweetened iced teas and coffee drinks.

WHEREAS, it is recognized that City staff are free to bring and consume their own sugary beverages at work.

WHEREAS, other public institutions that have completely eliminated the sales of sugar sweetened beverages on their premises and have demonstrated that as a result, positive changes have been documented in the staff's metabolic disease indicators associated with lower risk of diabetes and heart disease.

WHEREAS, giving City employees access to healthier beverages in the workplace will increase healthy beverage consumption and reduce the impact of diet-related disease, thus reducing the City's health care expenses.

WHEREAS, the City of Berkeley requires that all organizations receiving funding from Healthy Berkeley not serve or sell sugar sweetened beverages on their premises.

WHEREAS, the Berkeley Unified School District does not serve or sell soda to students of all ages on their premises, and this contributes to positive adult role modeling regarding healthy beverage consumption.

WHEREAS, Chapter 7.72 of the City of Berkeley Municipal Code has already defined sugar-sweetened beverages as all beverages with added caloric sweeteners with a minimum of 2 calories per fluid ounce, including juices with added sweetener, sodas, energy drinks, sweetened teas and coffee drinks, and sport drinks which offer little or no nutritional value, but include massive quantities of added sugar and in addition,

Berkeley Municipal Code Chapter 7.72 also defines exemptions and thus excludes waters, 100% juice, milk drinks, diet drinks, as well as medical drinks and baby formula.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley shall not:

1. Procure sugar-sweetened beverages with City funds; and,
2. Serve or sell sugar-sweetened beverages on City property, including in vending machines.

~~BE IT FURTHER RESOLVED that the City discourages sugar-sweetened beverages at events on City property that receive City of Berkeley funding, and mandate that these events be required to provide options other than sugar-sweetened beverages.~~

BE IT FURTHER RESOLVED that the City prohibits the sale or service of sugar-sweetened beverages (as defined in the Sugar-Sweetened Beverage Product Distribution Tax – Chapter 7.72 .030 of the Berkeley Muni Code) at events that receive City of Berkeley funding and require signs be posted at these events educating the public about why sugar-sweetened beverages are not being served or sold

BE IT FURTHER RESOLVED that in areas or facilities where employees regularly work beyond the core business hours of 8 a.m. - 6 p.m., the City of Berkeley shall provide refrigerators in good working order and of adequate size for the number of employees in that area, to bring and store their own beverages.

BE IT FURTHER RESOLVED to ask the City Council to make a referral to the Sugar-Sweetened Beverage Product Panel of Experts to consider how to regulate sugar sweetened beverages at events held on City of Berkeley Property hosted by non-City entities who receive City of Berkeley funds.

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WHEREAS, City employees deserve a healthy work environment, with an increased variety of healthier low-sugar alternative beverages such as flavored waters, plain or carbonated water, 100% juice, milk drinks, diet drinks, unsweetened or artificially sweetened iced teas and coffee drinks.

WHEREAS, it is recognized that City staff are free to bring and consume their own sugary beverages at work.

WHEREAS, other public institutions that have completely eliminated the sales of sugar sweetened beverages on their premises and have demonstrated that as a result, positive changes have been documented in the staff's metabolic disease indicators associated with lower risk of diabetes and heart disease

WHEREAS, giving City employees access to healthier beverages in the workplace will increase healthy beverage consumption and reduce the impact of diet-related disease, thus reducing the City's health care expenses.

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RESOLUTION NO. 69,917-N.S.

RESOLUTION ESTABLISHING CITY POLICY / AMENDING THE ADMINISTRATIVE CODE TO DIRECT CITY OF BERKELEY DEPARTMENTS TO REFRAIN FROM PROCURING, SERVING OR SELLING SUGARY DRINKS

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The foregoing Resolution was adopted by the Berkeley City Council on June 1, 2021 by the following vote:

Ayes: Bartlett, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Droste.

  
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Jesse Arreguin, Mayor

Attest:   
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Mark Numainville, City Clerk