

From: [Popkin, Barry M](#)
To: [Resolution Comments](#)
Subject: my comments ont he sodium regulation
Date: Friday, June 23, 2015 4:53:34 PM
Attachments: [popkin-sodium.docx](#)

Barry M. Popkin,
W. R. Kenan, Jr. Distinguished Professor
School of Public Health
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I suggest this sodium cutoff for the warning is very excessive and really a level no one should ever consume in a meal at a franchised restaurant.

As background, I chair a global scientific committee for the Choices International Foundation which has created sodium cutoffs for processed and catered food which are used to delineate healthy levels of sodium by law in 4-5 countries now and by the end of the year in another 4 and by next summer in two more. The levels of 2300 mg is very high. We have set for catered meals used by Sodexo in 3 countries a level closer to a third of that for any catered meal. This level is a level that no person should consume and clearly a label and warning is justified. As some background I lay out a short review of the reasons behind this.

Sodium is an essential nutrient required for normal physiological function (Kotchen, Cowley et al. 2013). Most of the world's population (~95%) consumes between 3 and 6 grams/day of sodium (Powles, Fahimi et al. 2013, Mente, O'Donnell et al. 2014), and increasing sodium intake is associated with increasing blood pressure (Frost, Law et al. 1991, Graudal, Hubeck-Graudal et al. 2011, He, Li et al. 2013). Approximately one-quarter of the world's population consumes excessive sodium ($\geq 5-6$ grams/day), which is associated with increased CVD mortality (95-97). RCTs have reported reductions in blood pressure with reduced sodium intake to < 1.5 grams/day. Population-wide guidelines recommending low sodium intake (Sacks, Svetkey et al. 2001, Graudal, Hubeck-Graudal et al. 2011, He, Li et al. 2013) (< 2.0 grams/day) have been achieved in short-term feeding clinical trials (Sacks, Svetkey et al. 2001), but low sodium intake has not been sustained in longer-term clinical trials (> 6 months) (TOHP Investigators 1997). Current evidence from prospective cohort studies suggests a J-shaped association between sodium intake and CVD events with consistency across different methods of sodium estimation (Ekinci, Clarke et al. 2011, O'Donnell, Yusuf et al. 2011, Stolarz-Skrzypek, Kuznetsova et al. 2011, Thomas, Moran et al. 2011, O'Donnell, Mente et al. 2014, Pfister, Michels et al. 2014, Saulnier, Gand et al. 2014). In a recent Cochrane Review (Graudal, Jurgens et al. 2014) of 23 epidemiological studies ($n = 274,683$) involving healthy and high-risk populations (e.g., with CVD or diabetes), the lowest risk of CVD events and deaths occurs in persons whose sodium consumption is between 2.7 and 5.0 grams/day.

Barry M. Popkin,

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From: [Norman R.C. Campbell](#)
To: [Resolution Comments](#)
Subject: sodium warning labels
Date: Monday, June 23, 2015 11:28:43 AM

Just a note to indicate support for the proposed regulations for warning labels of meals that contain more than a days recommended sodium. This is an important step to allow people to identify very very high sodium meals and to also encourage restaurants to reduce added sodium.

Thanks
Norm

Norm Campbell CM MD FRCPC
GE 86 Teaching, Research and Wellness (TRW) Building
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Unhealthy diets are the leading risk for death, disability and life years lost in Canada. For policies broadly supported by Canadian Health Care Organizations see <http://www.hypertensiointalk.com/position-statements/>

- Let's try to have healthy affordable foods available to all Canadians.
- Protect our children from marketing that encourages them to eat unhealthy foods. See http://www.hypertensiointalk.com/publications/marketing_to_children/
- Protect our children from schools that raise money by selling children unhealthy foods
- Develop limits on how much sodium, sugar, saturated and transfatty acids can be added to foods without having a warning label on them.
- Ensure public funds are not spent on unhealthy foods.
- Recover health and societal costs of unhealthy foods and beverages through taxation.
- Recognize the benefits to our health system of healthy foods making them more affordable.
- Make sure all foods are labeled so it is easy to understand if they are healthy or unhealthy.
- Reduce the influence of the food industry on government healthy food policies.

Diet induced death and disability from cancer, heart and kidney disease, and stroke are preventable.

From: [Willett, Walter C.](#)
To: [Resolution Comments](#)
Subject: RE: sodium warning
Date: Monday, June 23, 2015 12:59:03 PM

Dear Colleagues, I would like indicate my strong support for the proposed ruling:

§81.49 (sodium warning) of Article 81 of the Health Code to require food service establishments to warn diners about menu items containing high amounts of sodium.

The evidence is very strong that excessive sodium increases blood pressure and risk of stroke, and it is often not easy for most consumers to know the sodium content of foods at the point of purchase. This warning would apply to the most egregious foods in terms of their sodium content and, in addition to informing consumers, would probably provide motivation for the producers of these high sodium products to reduce the amount of sodium in these foods.

Sincerely,

Walter Willett, MD, DrPH
Chair, Department of Nutrition
Harvard School of Public Health

From: [Willett, Walter C.](#)
To: [Resolution Comments](#)
Subject: salt reduction
Date: Wednesday, July 01, 2015 10:31:06 PM

Although I don't live in NYC, my children and grandson do. Thus, I strongly support the proposal to included warning labels on products that contain more than 2300 mg of sodium, and it will benefit my family and all residents of NYC. This is based on sound science, and is important because 90% of Americans develop hypertension as sometime during their life.

Sincerely,

Walter Willett MD, DrPH
Professor of Epidemiology and Nutrition
Harvard Chan School of Public Health

From: [Tom Rifai](#)
To: [Resolution Comments](#)
Subject: High sodium warning labeling
Date: Monday, June 23, 2015 8:04:56 PM

Dear NYC health authorities

I am extremely impressed and totally in support of the proposal to put a high sodium danger warning label on restaurant foods which contain a days worth, and arguably a day and a half worth, of sodium – 2300 mg or more.

As a fellow of the American College of Physicians, and a medical director of metabolic nutrition, I can assure you that what is going to be done in New York is likely to be life-saving. Day after day we see patients in our metabolic program whose lives are devastated by excess sodium and foods that they had no significant control over. These problems range from chronic kidney disease to stroke, heart heart failure, heart attack, kidney stones, just to name a few

By providing the public with the control of information, people are far more likely to make important healthy food decisions. I predict New York will be a trendsetter in this regard and therefore a leader and saving the lives of thousands, and eventually millions of Americans from early devastating death or disease.

With highest regards
TR

Tom Rifai MD FACP

St Joseph Mercy Oakland

Medical Director: Metabolic Nutrition & Weight Management

Harvard Medical School

Lifestyle Medicine Course Director: '***Nutrition & The Metabolic Syndrome***'
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From: [Tom Rifai](#)
To: [Resolution Comments](#)
Subject: "DANGER! High Sodium!" restaurant meal warnings
Date: Monday, July 06, 2015 2:52:50 PM

Attention:

Dr. Mary T. Bassett, MD, MPH

Commissioner

New York City Department of Health and Mental Hygiene

Gotham Center, 42-09 28th Street, CN 31

Long Island City, NY 11101-4132

Dear Dr. Bassett:

The Department of Health and Mental Hygiene's proposed "sodium warning" amendment to the New York City's Health Code is a reasonable and measured approach to informing consumers about the health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of heart attacks and strokes each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

For those reasons, I unreservedly support approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health. As a medical director of metabolic nutrition for a large metro Detroit hospital, I see the ravages of excess dietary sodium on a daily basis in the clinic.

REDUCING HEALTH RISKS

Public health organizations and authoritative scientific bodies have long called for actions to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive dietary sodium.

According to the government's 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 milligrams (mg) of sodium per day. The Guidelines also recommend that people at greater risk of cardiovascular disease—those with hypertension, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day. The latter group accounts for the majority of adults, according to the Centers for Disease Control and Prevention (CDC). In contrast to those recommendations, the 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day. Therefore, the proposal to place an icon warning of high sodium if a chain restaurant dish contains 2,300 mg of sodium or more is both warranted and targeted to dishes clearly with an excessive sodium content.

Exact sodium consumption is not known with great accuracy. Importantly, NHANES data underestimate actual sodium consumption because they do not include salt added in cooking and at the table, and survey participants tend to underreport the amount of food they consume. Reviews of generally small studies that used 24-hour urine analyses also found that adults in the U.S. consume about 3,500 mg per day. However, even those studies may underestimate sodium because some sodium is lost in sweat and feces and subjects do not adhere perfectly to collection protocols. A quarter-century-old report found that almost 80 percent of the sodium in the average American's diet comes from processed and restaurant foods, meaning that sodium intake is largely out of the consumer's control. That figure is likely to be higher today. Therefore, the proposal to place icons on high-sodium, chain-restaurant dishes is a reasonable approach.

Excess sodium consumption boosts blood pressure, and high blood pressure (hypertension) is a leading cause of cardiovascular disease, accounting for two-thirds of all strokes and half of all cases of heart disease. Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year. Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24 billion annually. Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

HEALTH DISPARITIES

Compared to the general population, African Americans' rate of hypertension is 60 percent greater, and rate of stroke deaths is 40 percent greater. In New York City, the prevalence of hypertension falls disproportionately on communities of color, and the behaviors that lead to diet-related chronic diseases start at an early age. Approximately 58 percent of New York City children ages six to 12 years who identify as Hispanic or Asian Pacific Islander consume often-salty fast food at least once a week, and 66 percent of children who identify as Black consume fast food at least once a week. Less than half of children who identify as white consume fast food that often.

PREVALENCE OF SALTY MEALS

Frequent dining at fast or casual restaurants can easily lead to high levels of sodium consumption. MenuStat is a data base established and maintained by the New York City of Health and Mental Hygiene that collects nutrition data from the nation's top 100 restaurant chains. According to 2014 MenuStat data, more than 20 percent of entrées, hamburgers, and sandwiches contain at least 2,300 mg of sodium. Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium; even if shared, these items can easily put an individual well-over the daily recommended limit.

EFFECTIVENESS OF SODIUM WARNING

New York City's proposed sodium warning offers an opportunity to educate customers about an often-overlooked part of their meals: the high sodium content. Consumers want this information—research shows that more than 72% of people support the addition of a warning label on foods that contain high levels of sodium. In 2008, New York City demonstrated its leadership by implementing mandatory calorie labeling at restaurants. Because calories and sodium tend to be correlated, these warning labels have helped consumers make healthier decisions. While the current calorie labeling may help consumers avoid Applebee's 4 Cheese Mac & Cheese with Chicken Tenders, which contains 1,830 calories coupled with 4,290 mg of sodium, a consumer may not be aware that Chili's Margarita Grilled Chicken—found on the "Lighter Choices" menu with a modest 640 calories—actually contains 2,430 mg of sodium, a whole day's worth. A consumer may also be surprised to learn that P.F.Chang's Vegetarian Buddha's Feast, which has fewer than 500 calories, admits to 3,440 mg of sodium. A study found that when consumers saw both a calorie label and a sodium warning label, they selected food items with significantly less sodium than those who saw a calorie label alone. Of the 65 percent of consumers who said the labeling influenced or somewhat influenced their food choice, the majority cited the high sodium content.

In addition to educating and empowering consumers, this policy is likely to lead restaurants to reformulate some of their high-sodium products in order to avoid the warning label altogether. Between six and 18 months following mandatory labeling of calories, sodium, and saturated fat in King County, Washington, there was a significant decrease in milligrams of sodium in entrees at sit-down restaurants. The process of reformulation has been common following the implementation of mandatory labeling for various macro- and micro-nutrients. For instance, after the Food and Drug Administration required the labeling of trans fats in 2006, 66 percent of a selected 360 food products were reformulated to contain less trans fat.. Eighty-two percent of the reformulated products contained fewer than 0.5 grams and therefore were not required to include trans fats on the nutrition facts panel.

I truly thank you for your time and consideration and hope that you pursue the proposed "sodium warning" amendment to the New York City's Health Code.

Respectfully,

Tom Rifai MD FACP

St Joseph Mercy Oakland

Medical Director: Metabolic & Weight Management

Harvard Medical School

Lifestyle Medicine Course Director: '**Nutrition & The Metabolic Syndrome**'

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From: [Erica Ballard](#)
To: [Resolution Comments](#)
Cc: [John Clymer](#)
Subject: National Forum for Heart Disease & Stroke Prevention's Written Comment for Proposed Amendment to Article 81: Food Preparation and Food Service Establishments
Date: Wednesday, July 01, 2015 3:16:43 PM
Attachments: [062615 Clymer Statement for NYC Sodium Warning DRAFT.docx](#)

New York City Department of Health and Mental Hygiene,

On behalf of John Clymer, the National Forum for Heart Disease & Stroke Prevention's Executive Director, please see the National Forum for Heart Disease & Stroke Prevention's written comment for the Proposed Amendment to Article 81: Food Preparation and Food Service Establishments.

Best,
Erica

Erica Ballard

Director of Strategic Communications
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June 26, 2015

New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear New York City Department of Health and Mental Hygiene: The National Forum for Heart Disease & Stroke Prevention supports New York City's proposal to amend the city's Health Code to mandate that chain restaurants add a symbol next to dishes that contain 2,300 mg of salt or more. As an organization invested in improving cardiovascular disease outcomes, the National Forum believes that, if approved, this amendment would raise awareness about the amount of sodium being consumed and reduce the risk of heart disease and stroke for its citizens and visitors.

The average American consumes 3,400 mg of salt – almost 1,000 more milligrams than the daily recommendation. Too much salt in the diet can cause health problems, particularly among those with high blood pressure. Studies repeatedly show that the vast majority of dietary salt comes from restaurant and processed foods (77%). Thus, the National Forum sees the proposed amendment as a decrease in one's risk for cardiac events, like heart attacks and stroke. We also see it as a major step forward for individual choice. We believe that by passing this amendment, NYC will empower restaurant goers to take control of their health as the salt label will allow them to make more informed decisions about what they eat and drink at chain restaurants.

The National Forum for Heart Disease & Stroke Prevention supports New York City's most recent effort to increase individual's awareness of sodium in their diet as high blood pressure increases one's risk of cardiovascular disease. We believe that a decision by the NYC Department of Health to place warning labels next to high-salted foods has the potential to improve the lives of New Yorkers. We are hopeful that the city's Board of Health approves this amendment as increased visibility of sodium content will further empower Americans to choose what is best for their heart and their health.

Sincerely,



John Clymer

Eve Lehrman

Comment:

I completely support the sodium warning label proposal. Consumers have a right to know the nature of the risks posed by the nutritional features of the food offered in restaurants. I hope this policy will be a wake up call to consumers - the food/beverage industry is NOT taking care of our health. Without more information, consumers are not able to make healthy decisions and demand that the industry phase out these and other egregious menu items.

Agency: [DOHMH](#)

From: [Lichtenstein, Alice](#)
To: [Resolution Comments](#)
Subject: sodium labeling of restaurant food
Date: Thursday, July 16, 2015 7:18:57 AM

I support the request from the New York City Department of Health and Mental Hygiene that the Board of Health adopt §81.49 of Article 81 of the Health Code requiring food service establishments label menu items that contain >2300 mg sodium. For a single food item this amount of sodium is extremely high, equal to or exceeding most recommended daily limits. Given the proposed label requirement will pertain to individual food items and the ubiquitous presence of sodium in our food supply no adverse consequences are anticipated and for individuals who are “salt sensitive” anticipated benefits are related to blood pressure control. At this time it is difficult for consumers to determine the sodium content of items they order in food service establishments, particularly at the point of purchase. This proposal would begin to address this challenge.

Alice H. Lichtenstein, D.Sc.
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July 20, 2015

Mary T. Bassett, MD, MPH
Chair
New York City Board of Health
And
Members of the Board of Health
resolutioncomments@health.nyc.gov

Esteemed Chair and Members of the Board,

We write to express the Public Health Institute's (PHI) strong support to the proposed amendment to *Article 81 of the New York City Health Code - Food Preparation and Food Service Establishments*, to require a high sodium warning in chain restaurants.

PHI is a nonprofit based in Oakland, California. It will celebrate its 50th anniversary in 2014. Its mission is to promote research, leadership and partnerships to build capacity for strong public health policy, programs, systems and practices. PHI values health as a fundamental human right, and works on the principle that just societies ensure equitable health outcomes for all. Over 50 years, PHI has been active in 60 countries and today staff work in 22 nations. Improving nutrition has been a strong focus of PHI programs.

The proposed amendment is important and long overdue. As New York City did with its innovative trans fat ban or calorie labeling measures, this proposal would set another example for the nation of what food safety for the 21st century must address. High sodium warning labels have been used since the 1970s in other countries, and have proven an effective tool to inform and protect consumers and to motivate the food industry to reduce sodium content of food. This was the experience of Finland, where sodium intake fell considerably with the advent of warning labels, and this decline was accompanied by significant declines in cardiovascular disease. Other countries such as Ecuador and Chile are now adopting front of pack labeling schemes for processed foods that warn consumers about high sodium content, at levels far below the proposed NYC warning level. Consumers of restaurant foods remain unaware when their meals contain these unhealthy levels of sodium. The need for the city to act is made even more urgent by the recent postponement of implementation of the federal menu labeling for another year, over 5 years after its passage.

The level proposed by the Department is a very conservative requirement. It would warn consumers of only the most dangerously over-salted products, where a single dish for an individual surpasses the entire recommended daily intake of sodium for young and healthy Caucasians. When one in four adults is hypertensive, to allow continued

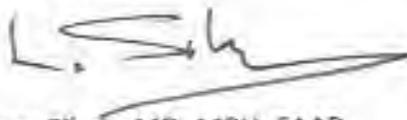
sale of such restaurant products without advising consumers would be irresponsible. An even lower daily intake of no more than 1,500mg is recommended for the large part of the population that is older, African American or hypertensive.

Our 2010 study found the vast majority of New Yorkers exceed the recommended maximum intake, as cited in the documents submitted to the Board.¹ For these reasons we fully support the proposed measure. Furthermore, because a single fast food meal is only a modest part of the daily diet, we would recommend lowering the threshold for the warning label to 1,500mg, the daily recommended limit for much of the population, and still a level that is excessively high for a single meal.

The World Health Organization has identified sodium reduction as one of the world's "best buys" for public health. A global goal of reducing sodium intake by 30% by 2025 has been set. This goal will not be met in the United States without the use of robust policy measures to lower salt in our food supply, such as that being proposed to the Board.²

PHI salutes the New York City Department of Health and Mental Hygiene and the New York City Board of Health for considering this important public health measure. We urge you to move forward with the proposal.

Sincerely,



Lynn Silver, MD, MPH, FAAP
Senior Advisor

¹ Angell SY, Yi S, Eisenhower D, Kerker BD, Curtis CJ, Bartley K, Silver LD, Farley TA. Sodium Intake in a Cross-Sectional, Representative Sample of New York City Adults. *American Journal of Public Health*. 2014;104(12):2409-16.

² World Health Organization (WHO). 2013. Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013-2020. Geneva: WHO. Available at: http://whqlibdoc.who.int/publications/2011/9789241502313_eng.pdf?ua=1

From: [Lora S](#)
To: [Resolution Comments](#)
Subject: Sodium reduction in packaged and restaurant foods (comment)
Date: Thursday, July 23, 2015 12:40:39 PM

To Whom It May Concern,

It is vital that we reduce the amount of sodium in packaged and restaurant foods since too few people prepare their daily meals from scratch using fresh ingredients.

Ingestion of excessive amounts of sodium leads to hypertension, which in turn contributes to heart attack, stroke, and kidney disease. By providing sodium warnings on packaged and restaurant foods, consumers will be better equipped to make food choices that are in support of the 2013 American College of Cardiology and American Health Association Guideline on Lifestyle Management to Reduce Atherosclerotic Cardiovascular Risk.

I fully support the *sodium warning labeling* proposal.

Lora

Dr. Lora A. Sporny
Program in Nutrition, Department of Health and Behavior Studies
Teachers College, Columbia University
525 West 120th Street, Box 137
New York, NY 10027

From: [Andrew](#)
To: [Resolution Comments](#)
Subject: Article 81 - Food Preparation and Food Service Establishments
Date: Saturday, July 25, 2015 7:08:15 PM

To the members of the Board:

I am a primary care physician serving New Yorkers living in Washington Heights and an NIH-funded cardiovascular disease prevention researcher. My research group has studied and reported on the value of different approaches to cardiovascular disease prevention in United States adults for over twenty years.

The average amount of salt consumed by U.S. adults and particularly African American adults is unacceptably high, and the same applies to New Yorkers. Excessive salt consumption raises blood pressure, which is a major risk factor for cardiovascular disease. About three-quarters of the dietary salt consumed by U.S. adults comes from processed and packaged foods, which includes restaurant foods. My group's analysis of the potential health impact of lowering dietary salt consumption in all U.S. adults suggested that a 3 gram per day reduction in dietary salt intake in U.S. adults could prevent about 44,000 to 92,000 deaths per year, a benefit on the order of a 50% reduction in smoking.

Today I am writing in support of Article 81--a proposal to label restaurant foods with excessive salt content. Food labels are a proven way to both inform consumers about the safety of food they are purchasing and to advocate for healthful food choices. Article 81 is the healthful choice for New Yorkers.

Sincerely,

Andrew Moran
Herbert Irving Assistant Professor of Medicine
Columbia University Medical Center
New York, NY

Sent from my iPad



COMMENT IN SUPPORT OF PROPOSED AMENDMENT TO
ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH
NEW YORK
July 29, 2015

Submitted by Michael F. Jacobson, President
Center for Science in the Public Interest

Dr. Mary T. Bassett, MD, MPH
Chair, Board of Health
Commissioner, New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear Dr. Bassett:

The Department of Health and Mental Hygiene's proposed "sodium warning" amendment to the New York City's Health Code is an important, reasonable, and measured approach to informing consumers about the major health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of heart attacks and strokes each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

For those reasons, the Center for Science in the Public Interest (CSPI) strongly supports approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health. The regulation would require an icon on menus next to any food item with an extremely high sodium content paired with the following statement: "Warning: indicates that the sodium (salt) content of this item is higher than the total daily recommended limit (2300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke." § 81.49(b)(1)-(2).

CSPI has advocated for science-based nutrition policy reforms for more than 40 years at the local, state, and federal levels. CSPI produces *Nutrition Action Healthletter*, which has more than 53,000 subscribers in New York State. Over the years, we have worked closely with the New York City Department of Health and Mental Hygiene and many non-profit New York groups and

advocates on issues such as the elimination of trans fat, menu labeling, and nutrition standards for foods and beverages sold on public properties. CSPI has itself also sought to reduce sodium in the food supply by monitoring sodium levels in packaged foods, encouraging companies to make sodium-reduction pledges, and educating consumers about the high levels of sodium in popular restaurant dishes. In 2005, CSPI petitioned the Food and Drug Administration to revoke salt's "Generally Recognized as Safe" status, set ceilings on the amount of sodium in processed foods, reduce the Daily Value for sodium, and to require health warning labels on packaged salt.

REDUCING HEALTH RISKS

Public health organizations and authoritative scientific bodies have long called for actions to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive sodium in the diet.^{1,2,3,4,5,6,7,8,9}

According to the government's 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 milligrams (mg) of sodium per day. The Guidelines also recommend that people at greater risk of cardiovascular disease—those with hypertension, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day.¹⁰ The latter group accounts for the majority of adults, according to the Centers for Disease Control and Prevention (CDC).¹¹ The 2015 Dietary Guidelines Advisory Committee echoed this advice.¹² Its report concluded that "the goals for the general population" include "consuming less than 2,300 mg dietary sodium per day".¹ In contrast to those recommendations, the 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day.¹³ Therefore, the proposal to place an icon warning of high sodium if a chain restaurant dish contains 2,300 mg of sodium—a whole day's worth of sodium in one meal!—or more is both warranted and targeted to dishes clearly having an excessive and dangerous sodium content.

Even that 3,500 mg figure likely understates Americans' over-consumption of sodium. Americans' exact sodium consumption is not known with great accuracy. Importantly, NHANES data underestimate actual sodium consumption because they do not include salt added in cooking and at the table, and survey participants tend to underreport the amount of food they consume.¹⁴ While generally small studies that used 24-hour urine analyses found that adults in the United States consume about 3,500 mg per day,¹⁵ even those studies may underestimate sodium consumption because some sodium is lost in sweat and feces and subjects do not all

¹ Note that the 2015 DGAC report cited an update of the National Evidence Library's Systematic Review (http://www.nel.gov/evidence.cfm?evidence_summary_id=250518). This update concluded that two recent cohort studies reporting an inverse association between low sodium intake and risk of CVD did not warrant changes to any conclusions because the studies "had limitations that make interpretation of the results challenging."

adhere perfectly to collection protocols. A quarter-century-old report found that almost 80 percent of the sodium in the average American's diet comes from processed and restaurant foods,¹⁶ meaning that sodium intake is largely out of the consumer's control. That figure is likely to be higher today. Therefore, the proposal to place icons on high-sodium, chain-restaurant dishes is a reasonable approach to providing consumers with information that would help them reduce their sodium consumption and avoid dishes with unhealthy levels of sodium.

Excess sodium consumption boosts blood pressure, and high blood pressure (hypertension) is a leading cause of cardiovascular disease, accounting for two-thirds of all strokes and half of all cases of heart disease.¹⁷ Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year.¹⁸ Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24 billion annually.¹⁹ Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

HEALTH DISPARITIES

The prevalence of hypertension falls disproportionately on communities of color,²⁰ and the behaviors that lead to diet-related chronic diseases start at an early age.²¹ Nationally, the prevalence of hypertension in African American men and women is nearly 13 and 17 percent higher, respectively, than among white men and women.²² Approximately 58 percent of New York City children ages six to 12 years who identify as Hispanic or Asian Pacific Islander consume often-salty fast food at least once a week, and 66 percent of children who identify as Black consume fast food at least once a week.²³ Less than half of children who identify as white consume fast food that often.²⁴

PREVALENCE OF SALTY MEALS

Frequent dining at fast or casual restaurants can easily lead to excessive sodium consumption. MenuStat is a data base established and maintained by the New York City Department of Health and Mental Hygiene that collects nutrition data from the nation's top 100 restaurant chains.²⁵ According to 2014 MenuStat data, nearly 20 percent of entrées contain at least 2,300 mg of sodium.²⁶ Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium; even if shared, these items can easily put an individual well-over the daily recommended limit.²⁷

EFFECTIVENESS OF SODIUM WARNING

New York City's proposed sodium warning would help educate customers about an often-overlooked part of their meals: the high sodium content. Consumers want this information—research shows that more than 72 percent of people support the addition of a warning label on foods that contain high levels of sodium.^{28,29} Furthermore, a median of 51 percent of Americans who participated in a 28-state and territory survey, especially those with hypertension, reported taking action to reduce their sodium intake.³⁰

In 2008, New York City demonstrated its bold leadership by implementing mandatory calorie labeling at restaurants.³¹ Because calories and sodium tend to be correlated, those labels have helped consumers make healthier decisions.³²

While the current calorie labeling may help consumers avoid Applebee's 4 Cheese Mac & Cheese with Chicken Tenders, which contains 1,830 calories coupled with 4,290 mg of sodium, a consumer may not be aware that Chili's Margarita Grilled Chicken—found on the “Lighter Choices” menu with a modest 640 calories—actually contains 2,430 mg of sodium, a whole day's worth.^{33,34} A consumer may also be surprised to learn that Baja Fresh's Tortilla Soup, which has only 270 calories, admits to having 2,600 mg of sodium.³⁵

A study found that when consumers saw both a calorie label and a sodium warning label, they selected food items with significantly less sodium than those who saw a calorie label alone.³⁶ Of the 65 percent of consumers who said that additional labeling influenced or somewhat influenced their food choice, the majority cited the high sodium content.³⁷

In addition to educating and empowering consumers, requiring warning icons on high-sodium dishes would encourage restaurants to reformulate some of their high-sodium products in order to avoid the warning labels. Between six and 18 months following mandatory labeling of calories, sodium, and saturated fat in King County, Washington, there was a significant decrease in milligrams of sodium in entrees at sit-down restaurants.³⁸ The process of reformulation has been common following the implementation of mandatory labeling for various macro- and micro-nutrients. For instance, after the Food and Drug Administration required the labeling of trans fats in 2006, 66 percent of 270 food products that had contained 0.5 grams or more trans fat in 2007 had been reformulated by 2011 to contain less trans fat.³⁹ Eighty-two percent of the reformulated products contained less than 0.5 grams and therefore could state 0 grams of trans fats on the Nutrition Facts panel.⁴⁰

SODIUM WARNING PERMITTED UNDER NLEA

The proposed regulation is not preempted by federal law. While the Nutrition Labeling and Education Act of 1990 (NLEA) expressly preempts state and local governments from requiring

labeling of the type required by federal law, this warning is not of a type required by federal law, which is silent as to requirements for menu labeling on sodium levels. *See Sciortino v. Pepsico* (N.Dist.CA) (Order Granting in Part and Denying in Part Defendant’s Motion to Dismiss, No. C-14-0478 EMC), at 20-21.

In addition, the statute includes a specific exemption from preemption for health warning labels such as this one. The law states that its preemption provision “shall not be construed to apply to any requirement respecting a statement in the labeling of food that provides for a warning concerning the safety of the food or component of the food.” Pub. Law 101-535, 104 Stat. 2364 § 6(c)(2). Thus, a health warning label that addresses a safety concern is not preempted.

The proposed regulation, titled “Sodium warning,” falls within the ambit of this exemption from preemption. First, there is no question that the proposed label constitutes a health warning of a kind that Congress specifically intended to exempt in the NLEA. *See id.* at 23- 28.

Second, this warning plainly regards the *safety* of sodium, a component of food. As is demonstrated elsewhere in this comment, it is well established in the scientific literature that excess sodium intake contributes significantly to cardiovascular disease, the leading cause of death in New York City.⁴¹ A menu item with the “intended use” of being eaten in one sitting, that delivers more than an *entire day*’s recommended sodium intake, poses a clear risk of harm. That risk is exacerbated by the fact that over 80 percent of adult New Yorkers currently exceed the daily recommended limit for sodium.⁴² Thus, high sodium foods, and the serious health impacts they can cause, constitute a safety concern under the NLEA, and warnings to this effect are not preempted.

Moreover, the safety concerns addressed by the proposed regulation are entirely consistent with federal policy on sodium. While the Food and Drug Administration does not currently require sodium warnings, it recognizes the dangers of overconsumption. In its most recent labeling rulemaking proposal, it recommended that people limit their sodium intake to 2,300 mg or less per day, based on the well-documented association between increased sodium consumption and increased blood pressure.⁴³

As the proposed label both identifies foods with extremely high sodium content and warns consumers of the dangers of excess consumption, the regulation plainly provides a “warning concerning the safety of . . . a component of the food” that places it outside the preemption provisions of the NLEA.

CONCLUSION

In the context of the high rates of chronic disease in New York City, the addition of this warning label offers an excellent opportunity to inform consumers about the high sodium content of prepared foods and encourage restaurants to offer items with less sodium, in addition to their current lower-calorie options. Thank you for the opportunity to provide comments.

A handwritten signature in black ink that reads "Michael F. Jacobson". The signature is written in a cursive style with a long, sweeping underline.

Michael F. Jacobson, Ph.D.

President

mjacobson@cspinet.org

www.cspi.net

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TESTIMONY IN SUPPORT OF PROPOSED AMENDMENT TO
ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH
NEW YORK

July 29, 2015, 2:00pm

Submitted by Michael F. Jacobson, President
Center for Science in the Public Interest

Doctor Bassett, members of the Board of Health, good afternoon and thank you for the opportunity to testify today on this ground-breaking and vitally important public health initiative. Your proposal would require a warning icon next to high-sodium dishes served at chain restaurants. That would inform consumers that those dishes contain as much sodium as they should consume in the entire day—and I hope would both change consumers' choices and spur restaurants to improve their offerings.

Americans currently consume far more salt, or sodium, than they should—and that excess is contributing to cardiovascular disease. Because almost everyone consumes too much sodium, public health approaches need to be implemented, and there are few other areas in which public health could do more to save lives and reduce disparities.

The simple reduction each day from the current consumption of a teaspoon and a half of salt to one teaspoon could prevent about 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year nationally.

As the Department has noted, cardiovascular disease is the leading cause of death in New York City, with almost 17,000 deaths in 2012. The burden is disproportionately borne by communities of color with premature stroke mortality nearly three times as high among non-Hispanic Blacks compared to Whites and Asians, and hypertension cases more common among non-Hispanic Black and Hispanic individuals than their White and Asian counterparts.

Requiring an icon for the highest-sodium foods—dishes that contain a whole teaspoon of salt or more—could well prevent many of those early deaths.

And who really wants to pour a teaspoon of salt on their slice of meat loaf or bowl of pasta? Consumers aren't doing that. The restaurants are doing that, and consumers have the right to know so they can protect their health from these dangerous dishes.

The warning icons will alert consumers to some surprising dishes that appear to be healthy but are loaded with salt. For instance, despite being on the "Lighter Choices" menu, the Chili's

Margarita Grilled Chicken that boasts only 640 calories actually has 2,430 milligrams of sodium. And Baja Fresh's Tortilla Soup delivers a whopping 2,600 milligrams of sodium despite having only 270 calories.

We also know that this kind of common-sense public health initiative can work for both consumers and the restaurant industry. A recent survey found 72 percent of respondents favoring warnings on high-sodium foods. In King County, Washington, sit-down restaurants responded to sodium labeling by decreasing the sodium content significantly.

However, once again the restaurant industry is opposing a measure to protect its customers' health. The New York State Restaurant Association dismisses the proposal as only adding "to the mountain of red tape." The association said that other localities might require other kinds of ingredient labeling.

I hope the board of health would dismiss such knee-jerk, thoughtless opposition and keep its eyes on the prize. In this case, the prize is protecting the precious health of New Yorkers from unrecognized risks on innocent-looking dinner plates.

The bottom line is that this is the right thing and the right time. It builds on the National Salt Reduction Initiative you established in 2010. It follows the advice of 34 leading scientists whom the Department and the American Heart Association gathered together last year to call for population-wide initiatives to reduce the consumption of sodium. Most importantly, it will save the lives of New Yorkers.



ChangeLab Solutions
Law & policy innovation for the common good.

#12

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Dr. Mary T. Bassett, MD, MPH
Commissioner
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

July 28, 2015

Dear Dr. Bassett:

ChangeLab Solutions strongly supports the New York City Department of Health and Mental Hygiene's proposed policy requiring sodium warnings on restaurant menus (section 81.49 of Article 81 of the Health Code) and respectfully submits the following comments for your consideration.

ChangeLab Solutions is a nonprofit organization that creates innovative law and policy solutions that transform neighborhoods, cities, and states. Our work is driven by a desire to ensure that everyone has nourishing food, safe places to live and be active, and more opportunities to be healthy. We are also home to the National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN). Through our work on childhood obesity prevention policy, we are acutely aware of the need to provide information to help consumers maintain healthy dietary practices.

The Department's proposal is a reasonable, effective, and legally sound measure that will provide diners in New York with useful information about the unexpected and unhealthy sodium content of many restaurant meals without imposing an undue burden on businesses. The policy has the potential to help reduce the costs and health risks associated with high-sodium diets, including hypertension that can contribute to heart disease and strokes.

Our support for the proposal rests on five basic considerations of health, policy, and law:

1. Excessive sodium consumption contributes to health problems, many of which disproportionately impact communities of color.
2. Consumers are not well informed about the high levels of dietary sodium in restaurant foods.
3. The proposed warning is likely to help raise diners' awareness of restaurant foods' sodium content.
4. The proposed warning is permitted under federal law.
5. Evidence-based factual warnings are consistent with the First Amendment's free speech clause.

We appreciate the opportunity to comment.

1. Excessive sodium consumption contributes to health problems, many of which disproportionately impact communities of color.

Average individual sodium intake in New York City and across the United States exceeds 3,400 milligrams per day, far above the recommended 2,300 milligrams per day for the general population, or 1,500 milligrams per day for at-risk populations: African-Americans, people with hypertension or diabetes, and people over age 51.¹⁻³ Excessive sodium consumption contributes to hypertension (high blood pressure), which is a leading cause of heart disease and strokes.⁴ Over one-quarter of all New Yorkers suffer from hypertension.⁵ Reducing sodium intake by 1,200 milligrams per day would cut the number of sodium-related deaths by about half nationwide, saving as much as \$24 billion in health care costs.⁶ Most people of all ages would benefit from reducing the sodium levels in their diet, but sodium control is especially important for children. Left unaddressed, high levels of sodium and hypertension in childhood can cause serious chronic conditions—including organ damage, calcification of coronary arteries, and atherosclerosis—later in life.⁷

Restaurant and processed foods account for the largest proportion of sodium in Americans' diets.^{8,9} Approximately 20 percent of entrée items surveyed across 100 fast food chains contained more than an entire day's worth of sodium.¹⁰ The proposed sodium warning, because it helps consumers identify these dramatically high-sodium menu items, is a sensible approach flagging one of the biggest contributors to excess sodium consumption and its associated dangers.

Moreover, in New York City, as in much of the rest of the country,¹¹ members of communities of color eat more restaurant food and therefore bear a disproportionate share of the risks of high-sodium diets as compared to their white counterparts. Children in New York who identify as Hispanic, Asian Pacific Islander, or black are more likely than those who identify as white to consume fast food at least once per week.¹² Sodium-related health statistics indicate a similar pattern, with 36.1 percent of black respondents and 32.1 percent of Hispanic respondents reporting that they had been diagnosed with hypertension, compared to 24.8 percent of white New Yorkers.¹² Given the higher rates of fast food consumption and the fact that genetic factors and social determinants of health (such as access to healthy and affordable foods, nutrition education, and other factors) may place these groups at a higher risk for sodium-related diseases, there is a particular need to provide more information about sodium content to all residents of the city—nearly two-thirds of whom are persons of color.^{13,14}

2. Consumers are not well informed about the high levels of dietary sodium in restaurant foods.

Most Americans are aware of the harmful effects of excessive sodium consumption, but they often have difficulty identifying high-sodium foods, especially when sodium is “hidden” in foods that do not taste salty, such as bread or ketchup.¹⁵ Although a food's sodium level often correlates with its caloric content, many relatively low-calorie foods may be surprisingly high in sodium.¹⁶ Existing City and federal calorie labeling do not alert restaurant patrons to the fact that eating a single menu item could cause them to exceed their sodium target for an entire day. This failure to warn consumers is particularly relevant in New York City, where the high density of fast food restaurants leaves residents and visitors especially vulnerable to unexpected levels of dietary sodium.¹⁷

3. The proposed warning is likely to help raise diners' awareness of restaurant foods' sodium content.

Evidence indicates that warnings and signs at the point of purchase can increase consumers' knowledge of the safety of their food and enhance their ability to make informed choices. New York City's own experience suggests that at least a significant proportion of diners are likely to notice and make use of menu warnings: after the City introduced its calorie labeling requirement for fast food menus in 2008, 72 percent of consumers reported seeing the labels and 27 percent said the labels prompted them to order different foods.¹⁸ The City would be the first U.S. jurisdiction to require a sodium warning, but a study of more than 3,000 individuals across four types of fast food restaurants found that consumers who were presented with both sodium and calorie labels ordered meals with significantly less sodium than those who saw only calorie labels.¹⁹

Warnings and labels implemented in similar comprehensive, multipronged health initiatives have had similarly promising effects. Literature on tobacco warnings finds that prominent textual labels on cigarette and other product packaging increase consumers' understanding of the dangers of tobacco.²⁰ Warning labels on alcoholic beverages prompt pregnant women who are not heavy drinkers to drink less, and these labels also may have contributed to reductions in drinking over time and lower rates of drinking and driving.^{21,22} Another study reports that when black teenagers in Baltimore viewed in-store warnings about the high caloric content of sugar-sweetened beverages, they were significantly less likely to consume the drinks.^{23,24}

In addition to advancing its purpose of increasing consumer awareness and choice, the proposed amendment may prompt restaurant chains to reduce sodium levels in their products in response to a growing demand for healthy options. This reformulation effect has occurred in several contexts. After municipalities including New York City; Santa Clara County, CA; and King County, WA implemented mandatory restaurant menu labeling in the mid- to late-2000s, the proportion of healthy menu items offered at fast food chains increased by nearly half.²⁵ Similarly, following the Food and Drug Administration's 2006 decision to require the labeling of *trans* fatty acids, the manufacturers of two thirds of 360 foods surveyed reformulated their products to reduce or eliminate *trans* fats.²⁶ Labeling has also proven effective in reducing sodium content in particular. New Zealand's "Pick the Tick" program, which identified products that met certain nutritional criteria including sodium levels, led to a decrease of up to 55 percent in the salt content of foods including breads, breakfast cereals, and margarines.²⁷

4. The proposed warning is permitted under federal law.

The sodium warning does not fall within the regulatory area preempted by the federal Nutrition Labeling and Education Act (NLEA). Even if it did, it would be exempt from preemption because it is a warning concerning the safety of food, a recognized exception to the NLEA's preemption clause. The NLEA establishes uniform requirements for food labeling and expressly preempts states and municipalities from establishing:

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- a. “[A]ny requirement for nutrition labeling of food that is not identical” to the calorie disclosure requirements imposed on restaurants with 20 or more locations by section 4205 of the Affordable Care Act,²⁸ or
- b. Any requirement not identical to the NLEA’s provisions regarding claims that characterize the level of a nutrient or the relationship of a nutrient to a health condition.²⁹

Importantly, Congress specified that the NLEA’s express preemption clause is exhaustive. In other words, it left no room for implied preemption based on the purpose of the statute or the contention that the federal government intended to exclusively occupy the field of food labeling. Therefore, if a state or local regulation is not encompassed by the express preemption clause, it is not preempted.³⁰

As a preliminary matter, federal law on nutrition labeling of food will not preempt New York City’s regulation as applied to restaurants with more than 15 but fewer than 20 locations, unless those restaurants have voluntarily opted into the federal regulatory scheme. The Affordable Care Act’s menu labeling and preemption provisions explicitly permit state and local governments to impose menu labeling requirements on restaurants with fewer than 20 locations that have not opted in to the federal menu labeling standards.²⁸ Because New York’s proposed sodium warning would apply to restaurants with more than 15 locations, this distinction bears noting.

Even as to restaurants with 20 or more locations and restaurants that have opted into the federal labeling scheme, the proposed sodium warning is not preempted because it is not “nutrition labeling of food.” The full context of the NLEA indicates that the “nutrition labeling” that only the federal government may require is limited to the disclosure of *quantitative* information on product packaging and menu boards. So, for example, the federal menu labeling requirement for restaurants requires menu boards to display “the number of calories contained in the standard menu item” and the Department of Health and Human Service’s recommended daily caloric intake.³¹ Other labeling requirements under the NLEA that carry preemptive force also involve numeric quantities. Thus, local governments may not alter the numbers displayed on the ubiquitous Nutrition Facts panel: calories, “fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, dietary fiber, and total protein.”³² The NLEA explicitly addresses “nutritional claims” of a qualitative nature elsewhere, confirming that the “nutrition labeling” preemption clause is best read narrowly, as applying only to regulations that would mandate the display of nutrient quantities different from those specified in the Act. The proposed sodium warning is qualitative, requiring that restaurants identify foods that contain more sodium than most Americans can safely consume each day and post a warning about the potential adverse effects of high-sodium diets—not that restaurants label the number of milligrams of sodium. It therefore should fall outside the scope of the NLEA’s “nutrition labeling” preemption clause.

Nor does the proposed sodium warning trigger NLEA preemption as a “nutrient content claim” or “health claim.” NLEA regulation of these types of claims, whether they involve nutrient levels or relationships between nutrients and health outcomes, is limited to statements by manufacturers that might deceive consumers by mischaracterizing their products’ benefits. The NLEA’s preemptive force “simply does not apply unless a nutritional claim is first made *by a food purveyor*.”³³ The NLEA’s regulatory structure and legislative history reveal that it was designed to prevent manufacturers from misleading consumers with specious or unsupported claims about the health

benefits of their products. Statements about *negative* health outcomes required by a government entity, like the proposed sodium warning, are not preempted.

Finally, even if the sodium warning could be considered nutrition labeling or a nutrient content or health claim, the NLEA allows state and local governments to make regulations “respecting a statement in the labeling of food that provides for a warning concerning the safety of the food or component of the food.”³⁴ This savings clause has been broadly construed, even in the context of warnings about substances such as sodium that the FDA has deemed safe in certain quantities.³⁵ The proposed sodium warning, designed to alert consumers to the risks of “heart disease and stroke,” is the type of warning about a chronic, life-threatening condition that Congress intended to exempt from preemption.

In sum, the sodium warning is neither nutrition labeling of food nor a health or nutrient content claim, and the application of the savings clause makes it permissible regardless of other preemption concerns.

5. Evidence-based factual warnings are consistent with the First Amendment’s free speech clause.

As a factual, non-burdensome disclosure, the proposed sodium warning comports with the First Amendment’s requirement that governments “make no law . . . abridging the freedom of speech.”³⁶ So-called “commercial speech” enjoys considerable First Amendment protection. Governments may, however, require businesses to disclose “purely factual and uncontroversial information” reasonably related to a legitimate government interest, as long as the disclosure is not “unduly burdensome.”³⁷ The sodium warning easily satisfies these requirements.

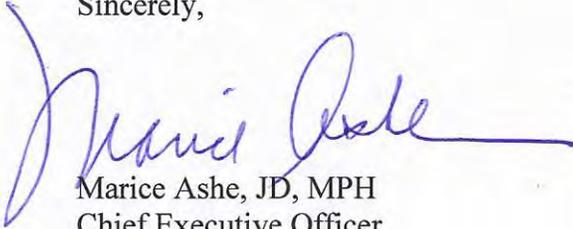
First, the proposed amendment requires the disclosure only of factual and uncontroversial information. The warning does not convey an ideological message, but simply identifies menu items with a sodium content higher than the scientifically recognized daily recommended value and reminds consumers of the scientifically established link between sodium, hypertension, heart disease, and stroke. The link between excessive salt consumption and life-threatening health conditions is supported throughout the medical literature and community,³⁸ including by the Centers for Disease Control and the Institute of Medicine.³⁹ Given the serious health risks and financial costs of high-sodium diets, and the fact that a warning is likely to help New Yorkers make more informed choices, there is a reasonable relationship between the proposed regulation and the City’s legitimate—indeed, very significant—interest in promoting the health of its residents.

Second, because it applies only to chain restaurants, the warning would not impose a significant financial hardship on smaller businesses by forcing them to determine sodium content and/or redesign their menu displays. Most establishments covered by the proposed warning are already required to determine their menu items’ sodium levels under federal law.⁴⁰ Adding the warning’s image and text to menus will be a modest cost, especially in comparison to the substantial price tag of excessive sodium consumption.

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This public health measure will provide New York restaurant patrons with important information about the unexpected dangers consumers currently face from high-sodium menu items. We appreciate this opportunity to offer our observations, and we would be pleased to provide any additional commentary that would prove helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marice Ashe", with a long horizontal flourish extending to the right.

Marice Ashe, JD, MPH
Chief Executive Officer

A handwritten signature in blue ink, appearing to read "Ian McLaughlin", with a long horizontal flourish extending to the right.

Ian McLaughlin, JD
Senior Staff Attorney & Program Director

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Written Testimony on Proposed Amendment to Article 81 – *Food Preparation and Food Service Establishments—the Sodium Warning Label Proposal*

**By David Siscovick, MD, MPH, Senior Vice-President for Research
The New York Academy of Medicine**

July 28, 2015

On behalf of The New York Academy of Medicine, it my pleasure to offer written testimony in support of the proposed amendment to Article 81—*Food Preparation and Food Service Establishment—the Sodium Warning Label Proposal*.

An independent, non-profit organization, The New York Academy of Medicine was founded in 1847 to take on the critical health problems facing New York City at that time, and we have continued this basic mission up to the present. The Academy advances solutions that promote the health and well-being of people living in cities worldwide through research, education, and policy work. Our priority areas include health promotion and disease prevention, eliminating health disparities, and successful aging. Our work in policy, programs, research, and evaluation takes into account multi-sectoral, multi-level, social determinants of health. A major focus of our work is food and health. For these reasons, we recognize the health impact of high dietary sodium intake across the lifespan and appreciate and support the efforts of the NYC Department of Health and Mental Hygiene (DOHMH) to address this issue, in part, through the Sodium Warning Label Proposal.

As noted in the NYC Department of Health and Mental Hygiene Sodium Warning Label Proposal, several leading scientific bodies in the United States have conducted recent reviews of the evidence on the adverse health effects of dietary sodium, and all agree in their recommendation that daily sodium intake not exceed 2,300mg for all^{1,2}. However, recent estimates suggest that the average daily sodium intake is more than 3,400mg for persons who are two years and older in the United States³; and, it is common in our country for people to consume more than twice the recommended daily dietary sodium limit. The Centers for Disease Control (CDC) has reported that restaurant/processed food account for more than three-quarters of daily sodium intake⁴; and restaurant food is more sodium-dense than food prepared at home⁵. According to DOHMH, the chain food service establishments impacted by this proposal account for one-third of all restaurant traffic in NYC⁶; and the sodium content of restaurant food or meals is 2300 mg or greater for 10% of menu items sold in NYC chain food service establishments covered by the proposed rule⁶.

Excessive sodium intake is associated with a host of health problems. High sodium intake raises blood pressure [for most people], and high blood pressure is a major risk factor for heart disease

and stroke⁷. High blood pressure, also known as hypertension, and its associated cardiovascular disease are especially prevalent in vulnerable populations, defined by race and ethnicity, socioeconomic status, and residential/neighborhood setting. Unfortunately, people in these vulnerable populations consume more dietary sodium than the general population.

In the summer of 2014, The New York Academy of Medicine assessed the community health needs of disadvantaged residents of Manhattan, Brooklyn, the Bronx, and Queens. We found that the major health concerns of this population were hypertension, diabetes, obesity, and cardiovascular disease. There also was a frequently expressed need for more health education, especially related to information on a healthy diet and ways to promote child and adolescent health. Of particular relevance to the proposed amendment, DOHMH data suggest that greater than 80% of adults in NYC consume more sodium than the recommended limit of 2300 mg⁸. Black New Yorkers consume more sodium than White New Yorkers⁸; and approximately one-third of Black adults in New York have been told by a physician that they have high blood pressure⁹. For these reasons, there is a need to take action now to reduce the dietary sodium intake for residents of New York City.

The proposed action by DOHMH also is compatible with the preference of consumers to have nutritional information at the point of purchase, so they can be informed and make healthy eating choices. In a national market research survey, 68% of respondents indicated that having nutritional information on a menu is important when deciding which restaurant to visit, and 66% of respondents indicated that the availability of a wide variety of healthy foods was an important factor for deciding which restaurant to visit¹⁰. Furthermore, consumers appear to back government actions related to reducing sodium in the diet; many support actions to keep restaurants and manufacturers from putting too much salt in food¹¹. However, consumers often find currently available nutritional information, such as the number of milligrams of sodium in a food item or meal, confusing and difficult to assess in the context of their overall diet¹², and few consumers understand that the high sodium intake of restaurant and processed foods is a serious health hazard.

The proposed sodium warning label, a black triangle surrounding a salt shaker, is a simple and easily identified icon (infographic). The warning label is also a novel entry point for communicating important information related to the health risks of high sodium foods and meals. When added to menus/menu boards of restaurants, it will clearly identify for consumers foods and meals that contain 2,300mg of sodium or more. The warning label will meet people where they are; and it will provide a decision aid at the point of purchase of a food item and meal. Of note, the infographic (icon) approach used in the proposed sodium warning label builds directly upon the lessons learned from prior public health efforts related to food labels. Thus the sodium warning label is an opportunity to increase consumer understanding of the nutritional information presented to them at the point of service.

The proposed Amendment to Article 81 will require food service establishments that are part of chains with more than 15 locations to add the sodium warning label to their menus. Foods served in restaurants are a major source of sodium in the diet of Americans⁴, and it currently is a challenge to know the amount of sodium in restaurant food. While some chain restaurants or fast-food outlets do post nutritional information, including the sodium content (typically

expressed in mg per serving) on internet websites, vulnerable populations tend to have limited access to the internet; and, even with access to the internet, it is not common for people to seek out this information prior to going to a restaurant and consuming the food. The proposed amendment will lead to greater awareness of common important sources of dietary sodium in meals eaten in chain restaurants, providing New Yorkers with critical information needed to make informed decisions in a place where a large amount of their sodium intake occurs.

Requiring chain restaurants to post sodium warning labeling on their menus has the potential to create change beyond New York City. DOHMH has often been at the vanguard of groundbreaking initiatives to help New Yorkers make healthier choices, and NYC DOHMH often acts as a guide for the rest of the nation. For example, the menu labeling required in New York City as of 2008 influenced the Food and Drug Administration to establish menu-labeling rules nationally, as mandated in the 2010 Affordable Care Act. Additionally, the NYC DOHMH leads the National Salt Reduction Initiative, an effort that has been recognized by the CDC. Taking additional steps in our own city to lead salt reduction efforts will surely have a national effect. Furthermore, the warning label could increase demand for lower sodium alternatives and add support for voluntary initiatives by the food industry to reduce, replace and reformulate their food to meet this demand, an action that would have a population level effect.

The New York Academy of Medicine supports the proposed amendment to Article 81—*Food Preparation and Food Service Establishments* because we believe it will inform consumers and result in a reduction of dietary sodium intake. Based on the totality of the evidence, we expect that a reduction in sodium intake will lower blood pressure and reduce the incidence of hypertension across the lifespan. In the long-term, it will reduce the incidence of clinical cardiovascular diseases, disability, mortality, and the cost of medical care among all New Yorkers, but especially among vulnerable populations, based on race and ethnicity, socioeconomic status, and place. We applaud the efforts of the NYC DOHMH to address through this action an important health information need that will enhance the health of New Yorkers.

Thank you again for the opportunity to offer testimony and for your attention to this important issue.

On behalf of the Academy, I urge you to take action on this proposed amendment.

For more information, please contact David Siscovick, MD, MPH, Senior Vice-President for Research, at 212-822-7263 or dsiscovick@nyam.org.

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July 29, 2015

Dr. Mary T. Bassett, MD, MPH
Commissioner
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear Dr. Bassett:

The Department of Health and Mental Hygiene's proposed "sodium warning" amendment to the New York City's Health Code is a reasonable and measured approach to informing consumers about the health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of heart attacks and strokes each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

For those reasons, the Coalition for Asian American Children and Families (CACF) unreservedly supports the approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health.

CACF has a membership of almost 50 Asian-led and Asian-serving community and social service member organizations serving a multitude of different ethnic, Asian communities. Established in 1986, CACF is the nation's only pan-Asian children's advocacy organization and works to improve the health and well-being of Asian Pacific American children and families in New York. CACF coordinates Asian Pacific Americans Healthy Eating and Active Living In our Neighborhoods (APA HEALIN'), a collaborative with the goal of addressing food systems, healthy eating, active living, and built environment disparities and inequities in the APA communities of New York City.

REDUCING HEALTH RISKS

Public health organizations and authoritative scientific bodies have long called for actions to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive sodium in the diet.^{1,2,3,4,5,6,7,8,9}

According to the government's 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 milligrams (mg) of sodium per day. The Guidelines also recommend that people at greater risk of cardiovascular disease—those with hypertension, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day.¹⁰ The latter group accounts for the majority of adults, according to the Centers for Disease Control and Prevention (CDC).¹¹ In contrast to those recommendations, the 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day.¹² Therefore, the proposal to place an icon warning of high sodium if a chain restaurant dish contains 2,300 mg of sodium or more is both warranted and targeted to dishes clearly with excessive sodium content.

Exact sodium consumption is not known with great accuracy. Importantly, NHANES data underestimate actual sodium consumption because they do not include salt added in cooking and at the table, and survey participants tend to underreport the amount of food they consume.¹⁵ Reviews of generally small studies that used 24-hour urine analyses also found that adults in the U.S. consume about 3,500 mg per day.¹⁴ However, even those studies may underestimate sodium because some sodium is lost in sweat and feces and subjects do not adhere perfectly to collection protocols. A quarter-century-old report found that almost 80 percent of the sodium in the average American's diet comes from processed and restaurant foods,¹⁵ meaning that sodium intake is largely out of the consumer's control. That figure is likely to be higher today. Therefore, the proposal to place icons on high-sodium, chain-restaurant dishes is a reasonable approach.

Excess sodium consumption boosts blood pressure, and high blood pressure (hypertension) is a leading cause of cardiovascular disease, accounting for two-thirds of all strokes and half of all cases of heart disease.¹⁶ Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year.¹⁷ Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24 billion annually.¹⁸ Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

HEALTH DISPARITIES

Compared to the general population, African Americans' rate of hypertension is 60 percent greater, and rate of stroke deaths is 40 percent greater.¹⁹ In New York City, the prevalence of hypertension falls disproportionately on communities of color,²⁰ and the behaviors that lead to diet-related chronic diseases start at an early age.²¹ Approximately 58 percent of New York City children ages six to 12 years who identify as Hispanic or Asian Pacific Islander consume often-salty fast food at least once a week, and 66 percent of children who identify as Black consume fast food at least once a week.²² Less than half of children who identify as white consume fast food that often.²³

PREVALENCE OF SALTY MEALS

Frequent dining at fast or casual restaurants can easily lead to high levels of sodium consumption. MenuStat is a data base established and maintained by the New York City of Health and Mental Hygiene that collects nutrition data from the nation's top 100 restaurant chains.²⁴ According to 2014 MenuStat data, more than 20 percent of entrées, hamburgers, and sandwiches contain at least 2,300 mg of sodium.²⁵ Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium; even if shared, these items can easily put an individual well-over the daily recommended limit.²⁶

Sodium intake is high among East Asian diets, particularly, Japanese, Chinese, and Korean.^{27,28} Besides salt, Asian restaurants use seasonings and condiments that contain high sodium content including but not limited to: Aji No Moto (monosodium glutamate or MSG), shrimp paste/sauce,

ponzu sauce, fish sauce, black bean sauce, soy sauce, teriyaki sauce, oyster sauce, tonkatsu sauce, hoisin sauce, peanut sauce, mirin, miso, or dashi no moto. For example, a teaspoon of fish sauce contains 437 mg of sodium which roughly comprises 20% of the 2,300 mg sodium maximum consumption that the Guidelines recommend.

EFFECTIVENESS OF SODIUM WARNING

New York City's proposed sodium warning offers an opportunity to educate customers about an often-overlooked part of their meals: the high sodium content. Consumers want this information—research shows that more than 72% of people support the addition of a warning label on foods that contain high levels of sodium.^{29,30}

In 2008, New York City demonstrated its leadership by implementing mandatory calorie labeling at restaurants.³¹ Because calories and sodium tend to be correlated, these warning labels have helped consumers make healthier decisions.³²

While the current calorie labeling may help consumers avoid Applebee's 4 Cheese Mac & Cheese with Chicken Tenders, which contains 1,830 calories coupled with 4,290 mg of sodium, a consumer may not be aware that Chili's Margarita Grilled Chicken—found on the "Lighter Choices" menu with a modest 640 calories—actually contains 2,430 mg of sodium, a whole day's worth.^{33,34} A consumer may also be surprised to learn that P.F. Chang's Vegetarian Buddha's Feast, which has fewer than 500 calories, admits to 3,440 mg of sodium.³⁵

A study found that when consumers saw both a calorie label and a sodium warning label, they selected food items with significantly less sodium than those who saw a calorie label alone.³⁶ Of the 65 percent of consumers who said the labeling influenced or somewhat influenced their food choice, the majority cited the high sodium content.³⁷

In addition to educating and empowering consumers, this policy is likely to lead restaurants to reformulate some of their high-sodium products in order to avoid the warning label altogether. Between six and 18 months following mandatory labeling of calories, sodium, and saturated fat in King County, Washington, there was a significant decrease in milligrams of sodium in entrees at sit-down restaurants.³⁸ The process of reformulation has been common following the implementation of mandatory labeling for various macro- and micro-nutrients. For instance, after the Food and Drug Administration required the labeling of trans fats in 2006, 66 percent of a selected 360 food products were reformulated to contain less trans fat.³⁹ Eighty-two percent of the reformulated products contained fewer than 0.5 grams and therefore were not required to include trans fats on the nutrition facts panel.⁴⁰

CONCLUSION

Placing warning labels on food items high in sodium will not only address the health of the general public but will increase cost-savings through reduced utilization of medical services. While table salt is considered one of the biggest sources of sodium, ethnic, Asian communities often use flavoring items specific to one's own culture. It is important to take into account

culturally specific seasonings and condiments when affixing a sodium warning label to particular food items.

Thank you for this opportunity to provide commentary on the impact of sodium warning labels. The New York City population is greatly affected by chronic and cardiovascular diseases, and we hope this warning label will provide them the means to be healthier.

We hope the New York City Department of Health and Mental Hygiene and the Board of Health will take our commentaries into account when implementing the sodium warning label. We look forward to collaborating with you in the coming months.

Sincerely,

Sheelah A. Feinberg
Executive Director
Coalition for Asian American Children and Families

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July 29th, 2015

New York City Hospitality Alliance

Comments on the

**NYC Department of Health and Mental Hygiene's
Proposed Amendments to Article 81 of the New York City Health Code**

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance ("The Alliance"), a trade association representing restaurants throughout the five boroughs that are regulated by the NYC Department of Health and Mental Hygiene ("the Department").

Today we are testifying in opposition to the process in which the Department is proposing that the Board of Health adopt §81.49 (sodium warning) of Article 81 of the Health Code to require food service establishments to warn diners about menu items containing high amounts of sodium. We oppose for the following two reasons:

1. Legislation was implemented approximately two years ago requiring the Department to establish a Food Service Establishment Advisory Board to advise them regarding the effects of the inspection system on restaurants, food safety and public health. The purpose of this advisory board is to review and advise the Department on matters such as this proposal to require food service establishments to warn diners about menu items containing high amounts of sodium. As of the date of this testimony's submission the advisory board has still not been convened. Thus, in considering this proposal the public and restaurant industry will not benefit from the expertise and feedback intended to be provided by the advisory board.
2. We are concerned that the Department has chosen to introduce this proposal through the Rule Making process, instead of pursuing it through the City Council's legislative process. We believe that too often the Department seeks to implement new regulations through the Rule Making process when their authority to do so is in question, such as during prior proposals like the size restrictions of sugary drinks.

The Alliance understands that the Department is vested with certain authority concerning public health, and while our organization does not oppose certain disclosures to the public, especially when public health is concerned. We believe that it would be more appropriate for this proposal to be reviewed by the Food Service Establishment Advisory Board prior to determining the proposal's merits and means by which it should or should not be introduced.

Respectfully,



Andrew Rigie
Executive Director
arigie@theNYCalliance.org



Founders Affiliate

122 East 42nd Street, 18th Floor | New York, NY 10168

www.heart.org

Testimony

In Support of

**Proposed Amendment to Article 81 of the New York City Health Code
Requiring food service establishments to warn diners about menu items containing high
amounts of sodium.**

Submitted by:

**American Heart Association / American Stroke Association
Robin Vitale**

July 29, 2015

Dear Members of the New York City Board of Health:

On behalf of the American Heart Association / American Stroke Association, I welcome this opportunity to present our support of recommended improvements to the New York City Health Code standards for food service establishments. The American Heart Association is the largest volunteer-led, science-based organization dedicated to building healthier lives, free of cardiovascular diseases and stroke. It is the opinion of our organization, based upon a thorough review of supportive evidence, that New York City should require certain restaurants to warn diners when menu items exceed dangerous limits of sodium.

Americans consume far too much sodium. And our health is suffering for it. Close to 80 million Americans (1 out of 3) are diagnosed with high blood pressure, also known as hypertension. And only about half of these individuals have their high blood pressure under control.ⁱ This concern becomes even more prevalent when we review the burden of hypertension through the lens of racial and ethnic disparity. The African-American community has among the highest prevalence of high blood pressure in the world. Among non-Hispanic black men and women, the age adjusted prevalence of hypertension was 44.9% and 46.1%, respectively.ⁱⁱ When compared with whites, blacks develop high blood pressure earlier in life, and their average blood pressure is much higher.ⁱⁱⁱ

High blood pressure is a leading risk factor for cardiovascular diseases and stroke. Hypertension can cause microscopic tears in the arterial walls, which results in scar tissue. Areas of scar tissue create opportunities for particles of fat, cholesterol and other substances to build up, resulting in a narrowing and hardening of the arteries. The result of this arterial damage is an increased risk for heart attack, heart failure, stroke and other diseases.^{iv}

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

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Please remember the American Heart Association in your will.

In numerous studies, the level of dietary sodium intake has been linked to an impact on blood pressure. Most notably, a reduction in dietary salt consumption has been shown to lower blood pressure. And African-Americans, obese or aged patients are more sensitive to the positive effects on blood pressure when dietary salt intake is reduced.^v

Knowing the potential impact that sodium consumption can have on our physiology, it is imperative that we take appropriate measures to lower our intake. While the American Heart Association has been working steadfastly to educate and inform our population on the dangers of excessive salt in our diets, we know that more than 75% of the sodium we consume comes from packaged, processed foods or restaurant food items.^{vi} As consumers, we deserve the right to choose how much sodium we eat. However, that decision is often being made for us when we dine out at restaurants.

Americans now spend almost half of their food budget on foods eaten outside of the home.^{vii} Thus, it is an appropriate step to warn restaurant patrons if any food items on the menu contain dangerous levels of sodium. Many restaurant meals exceed recommended levels for daily consumption of sodium.^{viii} The 2010 Dietary Guidelines for Americans recommend limiting sodium to less than 2,300 mg a day. And approximately 6 in 10 adults should further limit sodium to 1,500 mg a day.^{ix} Yet most Americans consume close to 3,500 mg of sodium every day.^x By warning customers when food items have 2,300 mg or more of sodium, more than the recommended daily limit, individuals can be empowered with the opportunity to choose healthier, smarter items. This has already been seen in the localities that have implemented mandatory menu labeling where that policy has been associated with healthier food choices.^{xi}

By placing the Sodium Warning Icon on menus, restaurants are further establishing themselves as true partners in the national movement to improve our public health. This standard should be easily achieved by larger restaurant chains, in this instance those that have 15 or more locations across the country. These restaurants maintain a very careful control over their menu items, allowing for uniformity for food preparation and portion sizes. Accurate nutrient composition databases are widely available and can make it easier for all restaurants to calculate sodium content for food items.^{xii} Consumers need and deserve to know how much sodium they are ingesting and restaurants should provide this customer service in a simple, and transparent manner as embodied by the Sodium Warning Icon proposal.

The American Heart Association encourages the public to focus on sodium reduction due to the strength of evidence previously outlined. This evidence is very well established and applies to the majority of Americans. Only a very small subset of patients with a very rare disorder should not be reducing their sodium consumption, and only under the advice and guidance of their health care provider. While some have questioned the health benefit of lessening salt in our diets, those studies were often found to include limitations in methodology that cast doubt on their findings. Based on the evidence we currently have, it is appropriate to maintain sodium reduction as a public health call-to-action.^{xiii}

On behalf of the American Heart Association / American Stroke Association, thank you for your attention and consideration of our support for this proposal. We look forward to the policy's implementation. Thank you.

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From: [Carey, Loretta A](#)
To: [Resolution Comments](#)
Subject: Notice of Intention -Sodium Warning
Date: Wednesday, July 29, 2015 9:48:21 AM

The Nutrition Programs Staff has reviewed and has no objections to the warning statement as written.

Regards,

Loretta Carey
Product Evaluation Labeling Team
Office of Nutrition, Labeling, and Dietary Supplements
Food and Drug Administration



COLUMBIA UNIVERSITY

*College of Physicians
and Surgeons*

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New York City Board of Health
Honorable Members
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

In Support of

**Proposed Amendment to Article 81 of the New York City Health Code
Requiring food service establishments to warn diners about menu items containing high
amounts of sodium.**

Submitted by:

**Mitchell S. V. Elkind, MD, MS, MPhil
Professor of Neurology and Epidemiology,
College of Physicians and Surgeons and
Mailman School of Public Health, Columbia University
Mse13@columbia.edu**

July 29, 2015

Dear Members of the NYC Board of Health:

Thank you for providing due consideration of the proposal to amend the city's Health Code standards for food service establishments which would allow patrons to be warned when menu items exceed dangerous levels of sodium. As a neurologist and stroke expert, I am gravely concerned about the high rates of hypertension in our community. I believe your efforts to motivate healthier food choices when dining outside of the home will provide a great benefit to lowering the risk of stroke and other diseases.

Evidence has established hypertension as a major risk factor for vascular disease. A diagnosis of hypertension may triple one's risk of stroke down the road.¹ Dietary salt consumption is one of the most important, modifiable factors that can impact one's

¹ Stokes J III, Kannel WB, Wolf PA, D'Agostino RB, Cupples LA. Blood pressure as a risk factor for cardiovascular disease. The Framingham study—30 years of follow-up. *Hypertension*. 1989;13:113-118.

blood pressure.² Yet analyses have indicated that on average Americans consume close to 3500 mg of sodium per day.³ Our bodies only need approximately 500 mg to function appropriately.⁴ If we reduced our individual salt intake, even slightly, we could prevent as many as 32,000 deaths per year.⁵

The 2010 Dietary Guidelines for Americans recommend that adults should consume no more than 2,300 mg of sodium per day. The Guidelines also recommend that people at greater risk of stroke and cardiovascular diseases should limit sodium to 1,500 mg per day. These include individuals with diagnosed hypertension, adults 51 years and older, and African Americans.⁶ This accounts for the vast majority of Americans according to the Centers for Disease Control and Prevention.⁷

In research published in 2012, I worked with a team of clinicians and epidemiologists to analyze data from a cohort study designed to determine stroke incidence, risk factors, and prognosis in a multiethnic urban population from northern Manhattan. The study enrolled more than 2600 participants. We found that 64% of our study participants, all New Yorkers, consumed more than 2,300 mg of sodium daily. Of note, Latinos in the study were much more likely to have high intakes of sodium. The analysis provides evidence for a strong relationship between excess sodium intake and increased stroke risk across cultural boundaries. By reducing sodium consumption, we can help promote ideal cardiovascular and brain health. Ultimately, our findings underscore the need for public health initiatives to reduce the sodium level in our food supply.⁸

As a result of the growing body of research, I strongly support New York City's proposal to warn restaurant patrons when a food item on a restaurant menu exceeds 2300 mg of sodium. This level of sodium content places the individual in grave danger of exceeding the highest range of acceptable daily intake, all in one single sitting. Placing a warning label on the menu, and providing an explanation of the label at the point of purchase, is an appropriate intervention to assist in empowering consumers to take charge of their health.

² Weinberger MH. Sodium, potassium, and blood pressure. *Am J Hypertens*. 1997;10:46S–48S.

³ NHANES. (2011–2012). What We Eat in America. USDA ARS.

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⁸ Gardener H, Rundek T, Wright CB, Elkind MSV, Sacco RL. Dietary sodium and risk of stroke in the Northern Manhattan Study. *Stroke; a Journal of Cerebral Circulation*. 2012;43(5):1200-1205. doi:10.1161/STROKEAHA.111.641043.

Based upon the impact of New York City's pioneering menu labeling law,⁹ it is anticipated that many restaurant patrons will select menu items that are lower in sodium content. This potential opportunity to encourage improved dietary habits in New York City is a pivotal step in the effort to reduce hypertension and the resulting risk of stroke. I look forward to the Board's support of this initiative and the pending implementation of this requirement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mitchell S. V. Elkind', with a long horizontal flourish extending to the right.

Mitchell S. V. Elkind, MD, MS, M. Phil.

⁹ Farley, T.A., Caffarelli, A., Bassett, M.T., Silver, L., Frieden, T.R. (2009). New York City's fight over calorie labeling. *Health Affairs*.28(6),w1098–w1109.



In Support of

Proposed Amendment to Article 81 of the New York City Health Code -
Requiring restaurants to warn diners about menu items containing high amounts of sodium.

Submitted by:

Dr. LeWanza Harris, MD, MPH
Assistant Clinical Professor of Medicine, Columbia University Medical Center

July 29, 2015

Dear members of the New York City Board of Health:

I am pleased to submit for your consideration my unequivocal support of the pending amendment to Article 81 that will serve to greatly improve consumer awareness regarding the level of sodium found in many restaurants meals in New York City. I am a board certified family physician who practices in a community with poor access to healthy food choices

Affordable, accessible healthy food is a rare commodity in New York City. For a variety of reasons, far too many of us have become dependent upon the ease and convenience of restaurant meals as a means to provide sustenance for our families and ourselves. However, the quality and quantity of these meals should cause us grave concern.

Sodium is an essential nutrient that the body needs to function properly. However, little is needed in the diet. You really only need about 500 mg per day to achieve full functionality.¹ When there's extra sodium in your bloodstream, it pulls water into your blood vessels, increasing the total volume of blood inside. With more blood flowing through, blood pressure increases. Over time, high blood pressure may injure the blood vessel walls and speed the build-up of plaque that can block blood flow. The added pressure also exhausts the heart muscle by forcing it to work harder to pump blood throughout the body.

There are several segments of our population that have an identified sensitivity to sodium consumption. This means that increasing or decreasing their intake of salty foods can exacerbate or reduce their blood pressure, respectively. The effects of sodium on blood pressure tend to be greater in blacks, people over age 50, and people with diagnosed hypertension, diabetes, or chronic kidney disease.² This equates to approximately half of the American population.

For those New Yorkers who are not yet fighting high blood pressure, consuming less sodium can help control your pressure and offset hypertension that tends to develop with age. This is important because 90% of all American adults are expected to develop hypertension in their lifetime.³

¹ Institute of Medicine. Dietary Reference Intakes for water, potassium, sodium, chloride, and sulfate. Washington, DC: The National Academies Press. 2004.

² Centers for Disease Control and Prevention (CDC). Usual sodium intakes compared with Dietary Guidelines. MMWR Morb Mortal Wkly Rep. 2011;60(41):1413-1417.

³ Vasan RS, Beiser A, Seshadri S, Larson MG, Kannel WB, D'Agostino RB, Levy D. Residual lifetime risk for developing hypertension in middle-aged women and men: the Framingham Heart Study. JAMA. 2002;287:1003-1010.

It is recommended by practically every major health organization that most Americans should strive to consume no more than 2,300 milligrams of sodium per day. If you have already been diagnosed with hypertension, it is better to further reduce consumption to just 1,500 mg per day to lower your blood pressure even more. Studies show that simply reducing the sodium you eat by 1,000 mg per day offers blood pressure benefits.⁴ Contrast this evidence with the fact that non-Hispanic blacks in the U.S. eat on average 3,500 mg per day of sodium.⁵ Therefore, the necessity of public policy interventions to address this over-consumption should be more apparent.

Most people also have a basic inability to estimate the sodium content of their food. The American Heart Association surveyed 1,000 adults and found that one-third could not begin to estimate how much sodium they consumed. Furthermore, another 54% of surveyed participants thought they were eating less than 2,000 mg of sodium per day. Thus, approximately 97% of surveyed participants could not estimate or overestimate how much sodium they are consuming.⁶

New York City's proposal to implement a Sodium Warning Label helps to empower, educate and motivate restaurant consumers to make healthier choices when dining outside of their homes. The image of the salt shaker placed next to menu items that exceed the daily recommended limits of sodium (2,300 mg) is a responsible intervention to address this general lack of awareness and clear understanding.

New Yorkers deserve the opportunity to choose how much sodium they wish to consume. Right now, that decision is being made for us in many ways, by food manufacturers and the restaurant industry as nearly 80% of the sodium we consume comes from packaged, prepared and restaurant foods.⁷ It is appropriate that we place the power in the hands of the dining customer with an easily understood icon that effectively warns the individual if the sodium content is dangerously high.

New York City has often been a pivotal leader in the realm of health policy for our nation. From placing calorie counts on our menus to the formulation of the National Sodium Reduction Initiative, our city has lead the country forward in improving our food supply. I look forward to our continued progress on this front and encourage your support of the Sodium Warning Label proposal as our next step forward.

⁴ Eckel RH, Jakicic JM, Ard JD, et al. 2013 AHA/ACC guideline on lifestyle management to reduce cardiovascular risk: a report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines. *Circulation*. 2014;129(25 Suppl 2):S76-99.

⁵ http://www.ars.usda.gov/SP2UserFiles/Place/80400530/pdf/1112/Table_1_NIN_GEN_11.pdf

⁶ http://www.heart.org/HEARTORG/GettingHealthy/NutritionCenter/HealthyEating/75-of-Americans-Want-Less-Sodium-in-Processed-and-Restaurant-Foods-Infographic_UCM_467291_SubHomePage.jsp

⁷ Mattes, R. D., and D. Donnelly. 1991. Relative contributions of dietary sodium sources. *Journal of the American College of Nutrition* 10(4):383-393.



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Suzanne Steinbaum, DO, FACC
Director

In Support of
Proposed Amendment to Article 81 of the New York City Health Code
Requiring food service establishments to warn diners about menu items containing high amounts of sodium.

Submitted by:
Dr. Suzanne Steinbaum, DO
Attending Cardiologist
Director, Women's Heart Health of Lenox Hill Hospital

July 29, 2015

Dear members of the New York City Board of Health:

Thank you for this opportunity provide support for the pending proposal currently under your consideration, the amendment to Article 81 which will require certain restaurants to post warnings to consumers if food items exceed the daily recommended allowance for sodium.

I am cardiologist and the Director of Women's Heart Health of Lenox Hill Hospital. My fellowship training was in both Preventive Cardiology and Cardiology. I am a Fellow of the American College of Cardiology and a national spokesperson for the Go Red for Women campaign and chairperson of Go Red for Women in New York City. I have devoted my career to the treatment of heart disease through early detection, education, and prevention.

I am always reinforcing the need for an appropriate, balanced diet with my patients. Most do not realize the extent of sodium consumed in hidden sources, namely via bread, deli and other cured meats, poultry, pizza, soup and sandwiches. Our nation's palate has grown so accustomed to sodium-ridden foods that most Americans consumer close to 3500 mg of sodium every day.¹ This far exceeds the recommended amounts from the CDC which is just 2300 mg per day.²

¹ U.S. Department of Health and Human Services, U.S. Department of Agriculture. [What We Eat in America \[PDF-62K\]](#). NHANES 2009–2010. Agricultural Research Service Web site.

² <http://health.gov/dietaryguidelines/dga2010/dietaryguidelines2010.pdf>

The burden of high blood pressure due to our diets is significant. The more sodium we consume, the greater our risk for hypertension, cardiovascular diseases and stroke. And if we reduce salty foods in our diet, we see a reduced risk for these diseases and their adverse effects.³

While my work allows me to directly inform and motivate patients to reduce their sodium consumption, it is unfortunate that the restaurant industry has made it so difficult for them to choose meals wisely. As consumers, my patients deserve to have more control over the amount of sodium they eat. Currently, restaurants make it very cumbersome for diners to uncover the levels of sodium in their food. And it's very difficult for customers to estimate the sodium quantity in their meals.⁴ The proposal under your consideration would dramatically improve transparency, allowing my patients to more readily choose less salty food items.

The Sodium Warning Label, in the form of a salt shaker inside of a warning triangle, is an easily interpreted, simplistic way for consumers to know that a restaurant item is excessively high in sodium content. The sodium limit of 2300 mg is a benchmark that shouldn't be exceeded over the course of a day, let alone in one meal.⁵ This warning will certainly help consumers, and notably my patients, to make better, safer choices.

While my focus is unilaterally provided to the individual patient, there may also be some population-level benefit to reducing sodium consumption in our diets. Numerous studies have been achieved to examine the potential cost benefits of lessening sodium intake. By one estimate, reducing sodium in our diets by 400 milligrams a day could avert 15,000 to 32,000 deaths a year and \$4 billion to \$7 billion in annual health-care expenses.⁶

While this information is compelling, I ask for your support of the NYC Sodium Warning Label proposal with my patients in mind. They stand to directly benefit from the policy being implemented at many city restaurants. With sodium content information more readily available and easily understood, my efforts to encourage the necessary changes to their diets will be greatly enhanced. I look forward to the potential progress in the battle against high blood pressure once the policy is implemented.

³ Chobanian AV, Bakris GL, Black HR, Cushman WC, Green LA, Izzo JL Jr, Jones DW, Materson BJ, Oparil S, Wright JT Jr, Roccella EJ; National High Blood Pressure Education Program Coordinating Committee. Seventh report of the Joint National Committee on Prevention, Detection, Evaluation, and Treatment of High Blood Pressure. *Hypertension*. 2003; 42:1206–1252.

⁴ <http://newsroom.heart.org/news/american-heart-association-survey-shows-americans-are-unaware-of-how-much-sodium-they-eat>

⁵ <http://health.gov/dietaryguidelines/dga2010/dietaryguidelines2010.pdf>

⁶ Bibbins-Domingo K, Chertow GM, Coxson PG, et al. Projected Effect of Dietary Salt Reductions on Future Cardiovascular Disease. *New England Journal of Medicine*. 2010;362(7):590-599.



Public Health Association of New York City Public Comments in Support of Amendment (§81.49 of Article 81) by the NYC Board of Health.

July 29, 2015 — The Public Health Association of New York City (PHANYC) supports the proposed amendment to Article 81 of New York City’s Health Code, also known as the Sodium Warning Label Proposal. This proposed amendment will help to address a serious public health concern for many New York City residents, namely, the alarming incidence and prevalence of hypertension as well as disparities across diverse populations.

PHANYC, an affiliate of the American Public Health Association, is committed to the elimination of health disparities and urges the promotion of health equity in support of diverse families and communities. Founded in 1936, the Public Health Association of New York City provides a forum to convene public health professionals, students of public health programs and our city’s decision-makers to help advance thoughtful health policies for our city. PHANYC has grown to be one of the largest affiliates of the American Public Health Association.

The Department of Health and Mental Hygiene’s proposed “sodium warning” amendment to the New York City’s Health Code is a reasonable and measured approach to informing consumers about the health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of diagnoses of stroke and cardiovascular diseases each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

Research has well established the need to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive dietary sodium intake.ⁱ According to 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 mg of sodium per day. Many leading experts agree with the Guidelines additional recommendation that people at greater risk of cardiovascular disease—those with hypertension, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day.ⁱⁱ This ultimately accounts for the majority of adults in our country.ⁱⁱⁱ Despite those recommendations, the 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day.^{iv} And almost 80 percent of the sodium in the average American’s diet comes from processed and restaurant foods,^v resulting in sodium consumption level which is largely out of the consumer’s control. Therefore, the proposal to place an icon to warn restaurant customers if a menu item contains 2,300 mg of sodium or more is warranted.

Excess sodium consumption boosts blood pressure, and high blood pressure (hypertension) accounts for two-thirds of all strokes and half of all cases of heart disease.^{vi} Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year.^{vii} Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24

billion annually.^{viii} Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

Compared to the general population, African Americans' rate of hypertension is 60 percent greater, and rate of stroke deaths is 40 percent greater.^{ix} In New York City, the prevalence of hypertension falls disproportionately on communities of color,^x and the behaviors that lead to diet-related chronic diseases start at an early age.^{xi}

According to 2014 MenuStat data, more than 20 percent of entrées, hamburgers, and sandwiches contain at least 2,300 mg of sodium.^{xii} Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium.

The Public Health Association of New York City recommends the Board of Health approve the proposed amendment and move swiftly toward implementing the sodium warning label requirements. We look forward to the potential improvements in reduction of hypertension and diminishment of health inequities.

Sincerely,

Mary Beth Morrissey, President, Robin Vitale & Tracy Pugh, Policy Committee Co-Chairs

ⁱ Taylor, C. L., & Henry, J. E. (Eds.). (2010). Strategies to reduce sodium intake in the United States. Institute of Medicine, National Academies Press. <http://iom.nationalacademies.org/Reports/2010/Strategies-to-Reduce-Sodium-Intake-in-the-United-States.aspx>

ⁱⁱ U.S. Department of Health and Human Services, U.S. Department of Agriculture. (2010). "Dietary Guidelines for Americans." <http://health.gov/dietaryguidelines/dga2010/dietaryguidelines2010.pdf>.

ⁱⁱⁱ Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division for Heart Disease and Stroke Prevention. (12 April, 2013). "Most Americans Consume Too Much Sodium." <http://www.cdc.gov/bloodpressure/sodium.htm>.

^{iv} NHANES. (2011–2012). What We Eat in America. USDA ARS. http://www.ars.usda.gov/SP2UserFiles/Place/80400530/pdf/1112/Table_1_NIN_GEN_11.pdf.

^v Mattes, R. D., & Donnelly, D. (1991). Relative contributions of dietary sodium sources. *Journal of the American College of Nutrition*, 10(4), 383-393.

^{vi} He, F. J., & MacGregor, G. A. (2009). A comprehensive review on salt and health and current experience of worldwide salt reduction programmes. *Journal of Human Hypertension*, 23(6), 363-384.

^{vii} Bibbins-Domingo, K., Chertow, G. M., Coxson, P. G., Moran, A., Lightwood, J. M., Pletcher, M. J., & Goldman, L. (2010). Projected effect of dietary salt reductions on future cardiovascular disease. *New England Journal of Medicine*, 362(7), 590-599.

^{viii} Ibid.

^{ix} Cook, N. R., Cutler, J. A., Obarzanek, E., Buring, J. E., Rexrode, K. M., Kumanyika, S. K., et al. (2007). Long term effects of dietary sodium reduction on cardiovascular disease outcomes: observational follow-up of the trials of hypertension prevention (TOHP). *British Medical Journal*, 334(7599), 885.

^x New York City Department of Health and Mental Hygiene. (2004). Epiquery: NYC Interactive Health Data System – NYC Health and Nutrition Examination Survey. <http://nyc.gov/health/epiquery> Accessed 6/24/2015

^{xi} New York City Department of Health and Mental Hygiene. (2004). Epiquery: NYC Interactive Health Data System – Child Community Health Survey 2009. <http://nyc.gov/health/epiquery> Accessed 6/24/2015

^{xii} MenuStat. (2014). Search Criteria: Restaurants: [All]; Categories: Sandwiches, Burgers, Entrees, Appetizers and Sides; Dates: 2014; Nutrients: Calories (0;4990), Sodium (mg) (0;30910). <http://menustat.org/advanced-search/>



July 29, 2015

New York City Department of Health and Mental Hygiene
Board of Health
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132
Resolutioncomments@health.nyc.gov

**Re: Proposed Amendment to Article 81 of the New York City Health Code
(Sodium Warning Label Proposal)**

To Whom It May Concern:

The National Restaurant Association (the “Association”) appreciates the opportunity to provide comment on the Board of Health’s (“Board’s”) proposed amendment to Health Code Article 81 to add a new section 81.49 requiring chain food service establishments with 15 or more locations nationally to identify any menu items containing 2,300 mg of sodium or more by adding to menus a specified warning symbol and statement regarding the risk of increased blood pressure, heart disease, and stroke (the “Warning Label Proposal” or “Proposal”).

The National Restaurant Association is the leading business association for the restaurant and foodservice industry which is comprised of one million locations employing 14 million people who serve 130 million guests daily. The Association represents more than 435,000 member restaurant establishments. Restaurateurs are job creators. Despite being an industry of predominately small businesses, the restaurant industry is the nation’s second-largest private-sector employer, employing almost 10 percent of the U.S. workforce.

The restaurant industry in New York is integral to the economy and job creation. In fact, every \$1 spent in New York’s restaurants generates an additional \$0.88 in sales for the economy and every extra \$1 million spent in New York’s restaurants generates an additional 20.6 jobs in the state. In 2015, restaurants account for 796,000 jobs in New York or 9% of employment in the state. New York City has a particularly high number of eating and drinking establishments, and thus, a high number of restaurants and employees impacted by costly regulations.

Our members agree with the Board that sodium reduction is important to the national discussion on health and wellness. To that end, the Association is supportive of voluntary, uniform efforts to sodium reduction. To be effective, any approach to inform consumers or to reduce dietary intake of sodium should focus on whole dietary patterns, which we believe is a better approach to health and wellness than a single focus on particular nutrients or particular foods.

We support working collaboratively with all stakeholders and broadening discussions toward a national dialogue on healthy eating, increased physical activity, and expanded consumer education. Indeed, restaurants across the country have voluntarily added more healthful items to

menus, reformulated existing offerings, and, within New York City, (and soon, across the rest of the nation) have disclosed nutrition information so that consumers may choose foods that meet their preferences and diet. Through these efforts, the restaurant industry has seen consumer demand for healthful and nutritional items increase, both among children and adults.

Under the Affordable Care Act, chain restaurants and similar retail food establishments with 20 or more locations will be required to post calorie information and make available to consumers additional nutritional information, including information on sodium, so that consumers will be presented with such information in a single uniform way and will have one consistent standard to evaluate the nutritional values of their food. In taking this action, Congress has recognized that the former patchwork of state and local requirements were confusing to consumers, inefficient, and costly to industry.¹ With the Food and Drug Administration's (FDA's) recent extension of the compliance date to December 1, 2016, restaurants across the nation will soon be updating their menus and menu boards to provide such information in a uniform, understandable way.

Public education is an important tool in equipping consumers with the information needed to make informed decisions that enable them to construct healthful diets. However, we firmly believe that posting warning labels on restaurant menus is not an effective strategy for the reasons articulated herein. In the comments below, we explain our view that the Proposal is arbitrary and capricious, violates the separation of powers doctrine, and would compel speech in violation of the First Amendment. The Board should unilaterally withdraw its Proposal and focus instead on constructive, lawful means by which to address consumer awareness of sodium and other nutrient content in the foods we consume across the entire spectrum of the food supply.

I. THE PROPOSAL IS ARBITRARY AND CAPRICIOUS

The Warning Label Proposal fails to meet the baseline requirement that any regulation must not be unreasonable, arbitrary, or capricious. *N.Y. State Ass'n of Counties v. Axelrod*, 78 N.Y. 2d 158 (1991); *Matter of Consolidated Nursing Homes, Inc. v. Comm'r New York State Dep't of Health*, 85 N.Y. 2d 326 (1995). As explained in more detail below, the proposal is arbitrary and capricious because it is not supported by the underlying science and data, would have inconsistent and arbitrary application to different types of food items and establishments, and would conflict with national public health strategy and recommendations.

A. The Proposal is Not Supported by the Underlying Science and Consumer Research

Before the Board adopts health-related policies, particularly policies that will significantly impact economic trade, compromise freedom of speech, improperly alarm consumers, and force restaurants to re-design and re-print menus, it must first establish that it has a rational basis for doing so. The Board has failed in this respect. More is required of the Board, including the considered evaluation of current nutrition and sodium science, as well as other consumer research. The Board must demonstrate the effectiveness of its misguided Proposal and take account of the potential unintended consequences of the proposed policy.

¹ See, e.g., 155 Cong. Rec. E587 (daily ed. Mar. 9, 2009) (statement of Rep. Jim Matheson).

1. *The Proposal fails to account for the evolving state of sodium science.*

Recent studies challenge the underlying science cited by the Board related to sodium reduction and do not appear to have been considered by the Board. NRA would like to take this opportunity to remind the Board of the current sodium science available. We note at the outset, that public health policy is based on the merits of the underlying science, not simply the views of well-meaning regulators.

The recent Institute of Medicine (IOM) report, “Sodium Intake in Populations: Assessment of Evidence,” concluded that, “the evidence from studies on direct health outcomes is inconsistent and insufficient to conclude that lowering sodium intakes below 2,300 mg per day either increases or decreases risk of [cardiovascular disease (CVD)] outcomes...or all-cause mortality in the general US population.”² This 2013 IOM assessment suggests that the current upper limit (UL) may be inappropriate, as intakes below this could cause harm. Moreover, IOM’s most recent evaluation of the science linking sodium intake to cardiovascular disease outcomes, did not define an intake range associated with optimal health or reduced risk of disease and suggested that no changes in intake recommendations be made until there was additional research available. The IOM report did not make a suggestion of any maximum daily intake level, but did conclude that excessive intake was associated with an increase in cardiovascular heart disease risk. The report was explicit in not defining what level of sodium intake constituted excessive.

A more recent meta-analysis by Graudal et al, which included over 250,000 participants indicated as with all other essential nutrients there is a u-shaped relationship between sodium intake and health outcomes.³ When consumption deviated from the 2,645 – 4,945 mg range mortality increased, so that both excessively high and low consumption of sodium were associated with reduced survival. The study also found that there is little-to-no variation in health outcomes between individuals as long as their consumption remained within the ideal intake range (2,645 – 4,945 mg/day).

Additionally, NRA would like to highlight that there were three new studies published in the *New England Journal of Medicine* in 2014. Most notably, there were two Prospective Urban Rural Epidemiology (PURE) studies. These studies provided new evidence about sodium and potassium intake, which were estimated from morning urine specimens, and the association between these nutrients and blood pressure, major cardiovascular events, and death. These PURE studies, which included more than 100,000 adults, sampled the general population of 17 countries that varied in their economic development and acculturation to an urban lifestyle. Across this broad range of populations, the relation between sodium excretion and blood pressure was positive but non-uniform: it was strong in participants with high sodium excretion, modest in those with low-moderate range, and non-significant in those with low sodium excretion. The authors concluded from the findings that a very small proportion of the worldwide population consumes a low-sodium diet and that sodium intake is not related to blood

² Institute of Medicine. Sodium intake in populations: assessment of evidence. May 2013. Retrieved from <http://www.iom.edu/Reports/2013/Sodium-Intake-in-Populations-Assessment-of-Evidence.aspx>

³ Graudal N, Jurgens G, Baslund B and Alderman MH. . Compared with usual sodium intake, low-and excessive- sodium diets are associated with increased mortality: a meta-analysis. *Am J Hypertens* 2014. Accessed at <http://ajh.oxfordjournals.org/content/early/2014/04/25/ajh.hpu028.abstract>

pressure in these persons, calling into question the feasibility and usefulness of reducing dietary sodium as a population based strategy for reducing blood pressure.

The Board does not appear to have considered the most recent scientific evidence regarding sodium intake. The totality of the science is contrary to the overly simplified approach proposed by the Board. The underlying legal standard requires more of the Board by way of in-depth scientific analysis and, in turn, how this analysis relates to the policy conclusions reached.

2. *Health-related policies should take a total diet approach, rather than focusing on single nutrients or single food items.*

Nutrition leaders and researchers have found that focusing on a single nutrient or food can distort our understanding of a total diet approach and thus overall health outcomes. Americans have a wide variety of lifestyles, which incorporate a wide variety of foods. Dietary guidance must take this diversity into account and consider how to encourage an overall balanced diet approach. The Academy of Nutrition and Dietetics (AND) embrace such an approach. In its position on a total diet approach to healthy eating, the Academy explains:

“...that the total diet or overall pattern of food eaten is the most important focus of healthy eating. All foods can fit within this pattern if consumed in moderation with appropriate portion size and combined with physical activity. The Academy strives to communicate healthy eating messages that emphasize a balance of food and beverages within energy needs, rather than any one food or meal.”⁴

The U.S. Centers for Disease Control and Prevention (CDC) also believe that all foods can fit within a healthful, overall dietary pattern if consumed in moderation with appropriate portion size and combined with physical activity.⁵

The Board’s Proposal fails to consider overall dietary patterns and inappropriately focuses on a single nutrient to the exclusion of calories or other nutrients. The Association supports the concept that no one food is good or bad, but that the total diet needs to be considered. Because the Proposal fails to do so, the Association believes it is arbitrary and capricious.

3. *The Proposal inappropriately takes a one-size-fits-all approach, rather than accounting for individual dietary needs.*

As illustrated by the recent research summarized above, which calls into question population-based approaches to sodium reduction, it is inappropriate to apply a one-size-fits-all warning statement when individuals’ sodium needs differ. Indeed, when considering the appropriate daily value for sodium in its recent proposed rule to update the nutrition labeling regulations, FDA discussed the “heterogeneity among individuals in blood pressure responses to changes in sodium” and that “Salt sensitivity differs among subgroups of the population as well as among individuals within a subgroup.”⁶ To require a single warning statement for the general population, when individual needs for sodium vary, is confusing. The Board’s approach would

⁴ Position of the Academy of Nutrition and Dietetics: Total diet approach to healthy eating. *J Acad Nutr Diet.* 2013;113:307-317.

⁵ Centers for Disease Control and Prevention. Healthy Weight: http://www.cdc.gov/healthyweight/healthy_eating/. Accessed May 4, 2015.

also mislead, as it is based on assumptions that are simply not true, and could cause consumers to avoid foods identified by the Board’s criterion without considering their individual dietary needs.

4. *The criteria used by the IOM, FDA, and in the Dietary Guidelines to set daily intake recommendations do not provide a basis for a mandatory warning statement.*

The Board relies on the daily intake recommendations for sodium to develop a mandatory warning statement for any food item sold in certain chain restaurants that exceeds that recommendation. The warning statement would relate the consumption of that food item to an increased risk of blood pressure, heart disease, and stroke. The Board’s reliance on the criteria relied upon by the IOM, FDA, and the Dietary Guidelines is inappropriate because these criteria are extremely poorly suited for developing a warning statement.

The IOM has recognized that the recommended daily intake for sodium is not a precise figure, and that sodium is not the sole factor related to blood pressure. The 2004 IOM report accompanying IOM’s recommendation on the UL for sodium explains that “it is difficult to precisely set [a UL of sodium intake], especially because other environmental factors (weight, exercise, potassium intake, dietary pattern, and alcohol intake) and genetic factors also affect blood pressure.”⁷

The challenges noted by IOM in recommending the daily value for sodium illustrate that the criteria for setting a daily value are not well-suited to provide the basis for a brief, blunt warning requirement. The relationship between sodium intake and blood pressure is a complicated one that depends on many factors, varies depending on the individual, and cannot easily be summarized in a single sentence. According to FDA, the daily value for sodium is established based on the UL for sodium, which is defined as the “highest level of daily nutrient intake that is likely to pose no risk of adverse health effects to almost all individuals in the general population.”⁸ The criteria for establishing the daily value, therefore, intend to set a level that is likely to pose no risk of adverse health effects to most individuals. It does not logically follow, however, that any food containing sodium above that level would pose a risk of adverse health effects to most individuals.

And yet this is the message that would be conveyed by the Warning Label Proposal. It is one thing to require restaurants to disclose the sodium content—as is required by the federal menu labeling law—so that a consumer can assess how that content fits in with daily sodium recommendations. It is quite another to require a warning label which suggests that consuming a single item of food that contains more than the recommended daily value of sodium could increase the risk of such serious conditions as high blood pressure, heart disease, and stroke. That message is not supported by the daily intake recommendations relied upon by the Board.

⁶ FDA Proposed Rule; Nutrition Facts Panel, 79 Fed. Reg. 11880, 11915 (Mar. 3, 2014).

⁷ IOM, Dietary Reference Intakes for Water, Potassium, Sodium, Chloride, and Sulfate, Chapter 6: Sodium and Chloride (2005).

⁸ 79 Fed. Reg. at 11914.

5. *The proposed use of a warning label is not supported by consumer research and may have serious unintended consequences.*

The Association finds seriously flawed the Board’s conclusion that warning labels would be an effective means to reduce sodium intake. Moreover, we are concerned that the Proposal, if adopted, may have serious unintended consequences.

The Board states that “evidence suggests that health warnings, like the proposed sodium warning, can increase knowledge and decrease purchase/consumption of certain products. Importantly, however, the basis for this statement is a study of health warning messages on tobacco products.⁹ The Association would like to point out that reliance on this study is misplaced. People do not biologically need tobacco products, whereas sodium is an element that the body needs to work properly. The body uses sodium to control blood pressure and blood volume. The body also needs sodium for your muscles and nerves to work properly.¹⁰ Based on this critical difference, the Association fears that the proposed warning statements may give the impression that all sodium is bad. While we understand the intent is to flag high sodium items, we worry that consumers may be given the impression sodium generally is bad, which could have unintended health consequences.¹¹ The Board does not appear to have considered or evaluated the possibility of such consequences.

Through a literature review the Association identified two additional studies that examined the impact of warning labels on alcohol and high fat foods, respectfully.^{12 13} These studies found that while warning labels may increase consumer awareness and knowledge, they are ineffective in changing consumer behavior. Basing a significant nutrition regulation on as a single tobacco study – that contradicts the body of a field of literature that is very small to begin with – evidences the arbitrary and capricious nature of the proposed action.

The Proposal also runs counter to the significant body of consumer research demonstrating that consumers are best motivated to change their eating habits by positive messages, rather than messages demonizing foods. Research shows that empowering consumer choice is more effective than restricting it. Restricting choices by classifying specific foods as “good” or “bad”—or in this case, effectively restricting choices using an alarming warning symbol demonizing particular food items—is overly simplistic. In fact, a substantial body of research has shown that restriction may foster unhealthy eating behaviors, such as increased intake/preoccupation with restricted foods, poor weight management and reduced development of self-regulatory skills, particularly in children.^{14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33}

⁹ High sodium warning label: why it matters. City of New York. Accessed at <http://www.nyc.gov/html/doh/downloads/pdf/cardio/high-sodium-warning-label.pdf>

¹⁰ Chen et al. Sodium in diet. *U.S. Nat Library Med.* May 13, 2014.

¹¹ Dugdale et al. Hyponatremia. *U.S. Nat Library Med.* April 14, 2013.

¹² Stockley, C. The effectiveness of strategies such as health warning labels to reduce alcohol-related harms- an Australian perspective. *Int J of Drug Policy.* July 1, 2001. 12; 153-166.

¹³ Bushman, B. Effects of warning and information labels on consumption of full-fat, reduced-fat, and no-fat products. *American Psychological Association.* February 1998. 83 (1): 97-101.

¹⁴ Clark HR, Goyder E, Bissell P, Blank L, Peters J. How do parents’ child-feeding behaviours influence child weight? Implications for childhood obesity policy. *J Pub Health.* 2007;29:132-41.

Guiding Americans on which nutrient rich food choices to make, and focusing on portion guidance to provide “how to” practical advice, can help people make wise food choices within the context of the total diet.

The Board has ignored this substantial body of literature and instead proposed a negative message that singles out particular foods as “bad.” This approach is simply not supported by the relevant consumer research. There appears to be no effort by the Board to commission appropriate consumer research from which to objectively evaluate its Proposal. More is required of the Board from the perspective of fashioning sound public policy and as a matter of law.

B. The Proposal Would Apply Inconsistently and Arbitrarily to Different Types of Foods and Establishments

The Board has devised a rule that would have inconsistent, unreasonable, and arbitrary application. The warning requirements would apply only to certain chain restaurants, and would not apply to higher sodium foods sold in other segments of the food industry, such as

¹⁵ Fisher JO, Birch LL. Restricting access to palatable foods affects children's behavioral response, food selection, and intake. *Am J Clin Nutr.* 1999; 69: 1264-72.

¹⁶ Rollins BY, Loken E, Savage JS, Birch LL. Effects of restriction on children's intake differ by child temperament, food reinforcement, and parent's chronic use of restriction. *Appetite.* 2014; 73: 31-39.

¹⁷ Jansen E, Mulkens S, Emond Y, Jansen A. From the Garden of Eden to the land of plenty Restriction of fruit and sweets intake leads to increased fruit and sweets consumption in children. *Appetite.* 2008; 51: 570-75.

¹⁸ Jansen E, Mulkens S, Jansen A. Do not eat the red food!: Prohibition of snacks leads to their relatively higher consumption in children. *Appetite.* 2007; 49: 572-77.

¹⁹ Temple JL, Chappel A, Shalik J, Volcy S, Epstein LH. Daily consumption of individual snack foods decreases their reinforcing value. *Eat Behav.* Aug 2008;9(3):267-276.

²⁰ Fisher JO, Birch LL. Restricting access to foods and children's eating. *Appetite.* 1999;32:405-19.

²¹ Fisher JO, Birch LL. Eating in the absence of hunger and overweight in girls from 5 to 7 y of age. *Am J Clin Nutr.* Jul 2002;76(1):226-231.

²² Francis LA, Birch LL. Maternal weight status modulates the effects of restriction on daughters' eating and weight. *Int J Obes (Lond).* Aug 2005;29(8):942-949.

²³ Rollins BY, Loken E, Savage JS, Birch LL. Maternal controlling feeding practices and girls' inhibitory control interact to predict changes in BMI and eating in the absence of hunger from 5 to 7 y. *Am J Clin Nutr.* Feb 2014;99(2):249-257.

²⁴ Bleser JA, Rollins BY, Savage JS, Birch, LL. Availability and Access to Candy within the Home is Associated with Children's Candy Intake in a Free Access Setting and Frequency of Candy Intake in the Home. Presented at The Obesity Society Conference; 2014 Nov 2-7; Boston, MA.

²⁵ Loth KA, MacLehose RF, Fulkerson JA, Crow S, Neumark-Sztainer D. Food-related parenting practices and adolescent weight status: a population-based study. *Pediatrics.* 2013

²⁶ Polivy J. Psychological consequences of food restriction. *J Am Diet Assoc.* Jun 1996;96(6):589-592; quiz 593-584..

Markowitz JT, Butryn ML, Lowe MR. Perceived deprivation, restrained eating and susceptibility to weight gain. *Appetite.* Nov 2008;51(3):720-722.

²⁷ Savage JS, Hoffman L and Birch LL. Dieting, restraint and disinhibition predict women's weight change over 6 y. *Am J Clin Nutr.* 2009 Jul;90(1):33-40.

²⁸ Kuiker RG, Boyce JA. Chocolate cake. Guilt or celebration? Association with healthy eating attitudes. Perceived behavioral control, intentions and weight loss. *Appetite.* 2014 Mar;74:48-54

²⁹ Urbaszat, D., C.P. Herman, and J. Polivy. Eat, drink, and be merry, for tomorrow we diet: effects of anticipated deprivation on food intake in restrained and unrestrained eaters. *J Abnorm Psychol.* 2002. 111(2): p. 396-401.

³⁰ Polivy, J., J. Coleman, and C.P. Herman, The effect of deprivation on food cravings and eating behavior in restrained and unrestrained eaters. *Int J Eat Disord.* 2005. 38(4): p. 301-9

³¹ Soetens, B., et al., Resisting temptation: Effects of exposure to a forbidden food on eating behaviour. *Appetite.* 2008. 51(1): p. 202-205.

³² Cameron JD, Goldfield GS, Cyr M, Doucet E. The effects of prolonged caloric restriction leading to weight-loss on food hedonics and reinforcement. *Physiol Behav.* 2008;94:474-80.

³³ Mann, T. and A. Ward, Forbidden fruit: Does thinking about a prohibited food lead to its consumption? *International Journal of Eating Disorders.* 2001. 29(3): p. 319-327.

convenience and grocery stores, independent restaurants, stadiums and arenas, or vending machines. This is in spite of the fact that some of the highest sodium foods are offered for sale in these venues. As a result, a multi-serving meal in excess of 2,300 mg sold in a chain restaurant would be subject to a warning label, but the same food item sold in the frozen section of a grocery store or in a convenience store would not. There is no rational basis for the same menu items to be subjected to warning labels in one type of venue but not in another.

The illogic associated with this approach is even more extreme in light of the fact that consumers obtain the majority of their sodium from grocery and convenience stores rather than from restaurants. The Board states that restaurant and processed foods are the largest source of dietary sodium (77%). In fact, research by the CDC and Drewnowski et. al. demonstrates that consumers ingest the majority of their sodium from consumer packaged goods, not restaurant foods.³⁴ Specifically, grocery and convenience stores provide between 58.1% and 65.2% of dietary sodium, whereas quick service restaurants and full service restaurants together provide between 18.9% and 31.8% depending on age. There is no rational basis for singling out restaurants when the majority of sodium is ingested from grocery stores and convenience stores, which are not included in the Proposal.

Restaurateurs are primarily small business owners. This is the case even for chain restaurants, which frequently are owned and operated by small business franchisees. Thus, small businesses restaurant owners will most definitely suffer from the economic impact of this proposal while the ban will have no impact on convenience and grocery stores. It is simply unreasonable and unfair to impose a novel sodium warning requirement on only one segment of the food industry.

Even within a restaurant that is covered by the Proposal, the application would be inconsistent and nonsensical. The warnings would apply to the level of sodium “per total item” for restaurant foods, when consumers may not consume the entire restaurant item themselves, but may share the item with others or take a portion of it home. There is no recognition in the proposal that the amount of sodium consumed by each individual “per serving” may be well under 2,300 mg.

Another perverse result of the Proposal is that the sodium warnings would not apply to items that alone do not exceed 2,300 mg but that when ordered in multiples or in combination with other items exceed that amount. Indeed, under the Proposal, a combination meal would be subject to the warning requirement if it exceeds 2,300 mg, but if a restaurant offers the exact same food items in the meal as à la carte selections, in many cases no warning would be required because the individual items would not exceed 2,300 mg. This result is similar to the NYC soda ban, which would have prevented a consumer from purchasing a 32 oz soda, but would not have prohibited the sale of a 16 oz soda with free refills. Due to this and other inconsistencies in the application of the rule to different establishments, different foods, and differing ways of ordering a covered item, the trial court ruled that the soda ban was arbitrary and capricious. *N.Y. Statewide Coal. of Hispanic Chambers of Commerce v. New York City Dep’t of Health and Mental Hygiene*, 2013 WL 1343607 (N.Y. Sup. Mar. 11, 2013).

³⁴ Drewnowski A and Rehm C. Sodium Intakes of US Children and Adults from Foods and Beverages by Location of Origin and by Specific Food Source. *Nutrients* 2013 5 (6), 1840-1855.

The inconsistency of the Proposal when applied to different food items within a single restaurant underscores the fallacy of trying to apply warning statements to individual food items. In order to make sound dietary decisions, consumers must consider their overall dietary practices, rather than focusing rigidly on the nutrient content in one particular food item, which varies depending on how it is offered for sale on the menu (e.g., as a combination meal or an à la carte item), and how much of the menu item is consumed. The Proposal is arbitrary and capricious because of its uneven application to similar food items.

C. The Proposal Would Conflict with National Public Health Strategy and Recommendations

The Association strongly supports the requirement in the federal menu labeling rule to provide written nutrition information on sodium. Success in sodium reduction efforts will best come about from a flexible approach that provides nutrition information and choices to allow customers to make informed decisions regarding the food they eat. The Association has led the way in ensuring consumer access to national, uniform nutrition information. We joined forces with over 70 public health and stakeholder groups to advocate for a federal standard that gives families clear, easy-to-use nutrition information at the point of ordering, presented in a standardized format. Under the new federal menu labeling regulations, nutrition information, including sodium, will be available in more than 250,000 restaurant locations nationwide by December 2016. With this information, consumers will be able to make informed choices when dining out.

Additionally, many of our members enable consumers to customize their orders, allowing for individual variations such as lower sodium options. Increasingly, restaurant operators are striving to offer or expand the availability of lower sodium options.

The Board's Proposal is in conflict with this uniform federal approach because it declares that information and education on sodium are not enough and that consumers must be warned about certain high sodium foods. Moreover, the proposed warnings are premature given that federal menu labeling will soon take effect, and the impact of making sodium information more widely and consistently available has not yet been evaluated. The Proposal's failure to take into account a new sweeping federal mandate that ensures consumer access to information on the levels of sodium and other nutrients in restaurant foods (as well as in convenience and grocery stores) is profound.

Separately, with FDA's recent extension of the compliance date for the menu labeling rule to December 1, 2016, the NYC Proposal, which would be effective December 1, 2015, also would create significant implementation issues due to the conflicting timelines. FDA has established a single, uniform effective date. This date was recently adjusted to ensure, in part, that restaurants can make a smooth, cost-effective transition via changing-over menus in a reasonable, planned manner. The Proposal would remove that assurance for restaurants with NYC locations.

The warnings also undermine the federal *Dietary Guidelines for Americans* (DGA), which are issued by the U.S. Food and Drug Administration and U.S. Department of Agriculture. The DGA encourage a focus on overall dietary patterns rather than on specific food items. Indeed, the document is framed as providing information and advice for choosing a "healthy eating

pattern.” The DGA recognize the concept of indulging in moderation so long as dietary practices generally conform to the recommendations. One example is in the context of calories, where the Guidelines recommend maintaining “calorie balance over time” rather than strictly limiting calorie intake daily. They advise limiting certain nutrients and food components; not eliminating those nutrients or food components. Nowhere in the DGA is there a suggestion that single food items can pose a health risk. In contrast, the warnings could create consumer confusion by suggesting there are certain individual foods that are dangerous. This message is alarming, potentially misleading, and inconsistent with federal public health messaging.

The Board has proposed a warning statement that is confusing and inconsistent in light of federal strategies for sodium reduction, including federal menu labeling, and federal dietary guidance, and is therefore arbitrary and capricious.

II. THE PROPOSAL VIOLATES THE SEPARATION OF POWERS DOCTRINE

New York courts have invalidated rules made by an agency when it improperly assumes the role of the legislature. See, e.g., *N.Y. Statewide Coal. of Hispanic Chambers of Commerce v. New York City Dep’t of Health and Mental Hygiene*, 16 N.E.3d 538, 547-48 (N.Y. 2014). To determine when an agency violates the separation-of-powers doctrine, a court will look to four factors articulated in *Boreali v. Axelrod*, 517 N.E.2d 1350, 1355-57 (N.Y. 1987): (1) whether the agency engaged in the balancing of competing concerns of public health and economic costs; (2) whether the agency created its own comprehensive set of rules without benefit of legislative guidance; (3) whether the challenged rule governs an area in which the legislature has repeatedly tried to reach agreement in the face of substantial public debate by interested factions; and (4) whether the development of the rule requires expertise in the field of health. Under any measure of the *Boreali* test, the Board’s actions fail.

The Proposal has no basis in legislation and therefore is similar to the regulation considered in *N.Y. Statewide Coalition*, in which the Board “illicitly created the Portion cap rule on a clean slate” rather than conducting rulemaking. *Id.* at 543. The Board is attempting to require a sodium warning without any legislative guidance with respect to how sodium reduction efforts should be pursued.

The NYC Council is the sole legislative body in the City and the Board’s authority is restricted to promulgating rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local Law” (NYC Charter S 1043). The City Council has tried, but failed to regulate sodium content in restaurant foods. A bill that would have placed an upper limit on sodium in kid’s happy meals was twice introduced and twice failed to pass the NYC legislature, illustrating that the City Council has not reached consensus on how or whether to address the sodium content of restaurant foods. The bill, known as the *Healthy Happy Meals Bill* was originally introduced by former Council Member Leroy Comrie in 2011, and was re-introduced in August 2014 by City Council Member Benjamin J. Kallos. In both cases, the bill died in Committee.

Under the bill, restaurants would have been prohibited from selling or offering for free happy meals—defined as “incentive item[s] [offered] in combination with the purchase of a meal”—

unless the meal met certain nutritional requirements that included a 600 mg limit on sodium. The bill also would have banned restaurants from selling or offering for free “incentive item[s] in combination with . . . a single food item” unless that single item had less than 200 calories and 200 mg of sodium, among other criteria. That both bills died in Committee demonstrates that the NYC Council has chosen not to pass a law or adopt a policy regarding sodium in restaurant food. The Board may not act simply because the legislative body has elected to refrain from this type of legislation.

Moreover, the Proposal does not require any specific expertise of the Board. The text of the Proposal indicates the Board is relying solely on publicly available research and guidelines, as was the case in *Boreali*, in which the court struck down a regulation banning indoor smoking that was based on common knowledge of the harms of smoking. 517 N.E.2d at 1351.

While the Board has very broad powers under the New York City Charter, “the intention of the legislature with respect to the Board is clear. It is to protect the citizens of the city by providing regulations that prevent and protect against communicable, infectious and pestilent diseases.” *N.Y. Statewide Coal. of Hispanic Chambers of Commerce v. New York City Dep’t of Health and Mental Hygiene*, 2013 WL 1343607 (N.Y. Sup. Mar. 11, 2013). The courts were very clear in the striking down of the New York City soda ban that with respect to food, the Board’s authority is limited to food cleanliness and sanitation. The Board has exceeded this grant of authority in issuing the Proposal and has therefore inappropriately assumed the role of the legislature.

It is clear that the Board is trying to circumvent the legislative process, and set policy by creating its own set of rules regarding sodium without the benefit of a legislative mandate or even guidance. The Board is engaging in law-making, acting beyond the scope of its limited authority over food cleanliness and sanitation, and infringing upon the legislative jurisdiction of the City Council of New York. For these reasons, the Proposal violates the separation of powers doctrine.

III. THE PROPOSAL WOULD COMPEL SPEECH IN VIOLATION OF THE FIRST AMENDMENT

The proposal would compel commercial speech in violation of the First Amendment. A bedrock principle of the First Amendment is that “regulating speech must be a last – not first – resort.” *Thompson v. Western States Med. Ctr.*, 535 U.S. 357 (2002). The proposal provides no justification for requiring restaurants to communicate a warning message for certain menu items, rather than adopting an approach that does not infringe upon speech. Where the City seeks to require restaurants to include a specific warning message on their menu boards, intermediate scrutiny applies. *See, e.g., Evergreen Ass’n, Inc. v. City of New York*, 740 F.3d 233, 245 n.6 (2d Cir. 2014). Under this standard, in order to compel commercial speech, the government must establish a “substantial” interest and the law must “directly advance” that interest via a restriction that is “no more extensive than necessary.” *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n of New York*, 447 U.S. 557, 566 (1980).

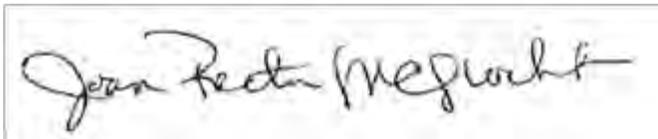
The City has failed to show that the proposed warning requirement is likely to directly advance its stated goal of reducing the incidence of high blood pressure. Indeed, the proposal cites no

research or evidence demonstrating the warning statement is likely to be effective rather than confusing to consumers. The City also has failed to demonstrate that the proposed requirement is no more extensive than needed. The proposal would compel restaurants to convey to their customers a message with which they do not agree; namely, that every consumer must be warned when a single food item contains enough sodium exceeding the recommended level of daily intake. The City should be aware that if it moves forward with the proposal, it would be compelling controversial commercial speech in violation of the First Amendment.

* * *

The Proposal is unlawful because it is arbitrary and capricious, violates the separation of powers doctrine, and unlawfully compels speech in violation of the First Amendment. The National Restaurant Association recognizes that there is a responsibility and a role for local officials in public health matters, but we do not believe that the Warning Label Proposal – which misplaces responsibility on some small business operators, creates an uneven playing field from a business perspective, produces a false sense of accomplishment in the fight against cardiovascular disease, and adds to consumer confusion – is the correct way to engage on this issue. The Board’s focus should be on education around a total, balanced diet, and active lifestyle. Science and research continues to point to the need for broad-based solutions and a comprehensive approach to address chronic illnesses. The Board’s novel Proposal to influence public health policy fails on its merits and as a matter of law.

Sincerely,



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NORTHWESTERN
UNIVERSITY

July 29, 2015

Dr. Mary T. Bassett, MD, MPH
Commissioner
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear Dr. Bassett:

I wish to express unreserved endorsement of the New York City Department of Health and Mental Hygiene's proposed "sodium warning" amendment (§81.49 of Article 81) to the City's Health Code.

This action in the interest of the public's health is highly consistent with more than 40 years of calls for reducing sodium consumption and is supported by a very substantial body of scientific evidence. This evidence demonstrates that excess sodium intake causes high blood pressure, with its huge burden in terms of cardiovascular disease, health disparities, and health care costs; that reduction of sodium intake prevents and reduces high blood pressure; and that change in individual sodium consumption requires public health policies enabling choice in food purchasing by consumers.

The proposed amendment is an important step toward improvement of population health by addressing a root cause of the greatest health burden on contemporary society, in the US and worldwide. The New York City Department of Health and Mental Hygiene can achieve better health for all New Yorkers and provide a model for other major cities and the nation as a whole through adoption and timely implementation of this amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darwin R. Labarthe'.

Darwin R. Labarthe, MD, MPH, PhD
Professor of Preventive Medicine



National
Kidney
Foundation™

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July 29, 2015

Commissioner Mary Travis Bassett, MD, MPH
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Re: §81.49 (sodium warning) of Article 81 of the Health Code to require food service establishments to warn diners about menu items containing high amounts of sodium

Dear Commissioner Bassett,

The National Kidney Foundation (NKF) is pleased to support the New York City, Department of Health and Mental Hygiene (DHMH) proposal to require food service establishments to warn and increase awareness for consumers about menu items containing high amounts of sodium.

We applaud the DHMH proposal as an important step to limit population sodium intake. The NKF Council on Renal Nutrition adds that the threshold of allowing up to 2300 mg of sodium for one menu item may be too high. Most patrons are likely to consume more sodium in other foods throughout the day resulting in excess sodium intake that will surpass the total daily intake recommendations. Individualized meal plans consider alternative choices when the sodium content in a given item is more than 1/3 of the daily recommended intake value, assuming that patrons are likely to consume three meals a day.

Reducing sodium consumption has been a priority for NKF and we are proud to be one of the first partners of the National Salt Reduction Initiative.¹ A maximum daily sodium intake of 1500 mg could help avoid the estimated 26,000 deaths attributed to hypertensive kidney disease each year.² For Americans with kidney disease, it is also recommended that they consume <2,000 mg of sodium per day to help prevent kidney disease progression.

¹ Whelton, Paul K., et al. AHA Presidential Advisory Sodium, Blood Pressure, and Cardiovascular Disease Further Evidence Supporting the American Heart Association Sodium Reduction Recommendations. *Circulation*, 2012; 126: 2880-2889.

² Murphy, Sherry L. et al. Deaths: Final Data for 2010, National Vital Statistics Report, May 2013; 61:4 http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61_04.pdf.

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- 3.1.19: *We recommend lowering salt intake to ,90 mmol (,2 g) per day of sodium (corresponding to 5 g of sodium chloride) in adults, unless contraindicated (CKD). (1C)³*

There are also strong links between blood pressure and sodium intake and given the prevalence of high blood pressure (one-third of Americans have hypertension with another third in the prehypertension range), we believe more needs to be done to encourage food establishments and producers to lower sodium content and consumers to lower their intake.⁴ High blood pressure has been shown to damage the kidneys over time, and is a leading cause of kidney disease and kidney failure. Kidney disease is also an independent risk factor for heart attack and stroke.⁵

NKF is America's largest and oldest health organization dedicated to the awareness, prevention and treatment of kidney disease for hundreds of thousands of healthcare professionals, millions of patients and their families, and tens of millions of people at risk. In addition, NKF is the founding sponsor of the Kidney Disease Improving Global Outcomes (KDIGO) initiative and has provided evidence-based clinical practice guidelines for all stages of chronic kidney disease (CKD) and related complications since 1997 through the NKF Kidney Disease Outcomes Quality Initiative (NKF KDOQI).

We appreciate DHMH's attention to this important issue. Please feel free to contact me if the National Kidney Foundation can be of further assistance to DHMH in this initiative.

Sincerely,

Joseph Vassalotti

Joseph Vassalotti, MD
Chief Medical Officer

³ Inker LA, et al. KDOQI US commentary on the 2012 KDIGO clinical practice guideline for the evaluation and management of CKD. *Am J Kidney Dis.* 2014; 63:713-735.

⁴ Centers for Disease Control and Prevention High Blood Pressure Facts
<http://www.cdc.gov/bloodpressure/facts.htm>

⁵ Matsushita K, et al. Association of Estimated Glomerular Filtration Rate and Albuminuria with All-Cause and Cardiovascular Mortality: A Collaborative Meta-analysis of General Population Cohorts. *Lancet*, 2010; 375(9731): 2073-2081.



POLICY & ACTION FROM CONSUMER REPORTS

July 29, 2015

Dr. Mary T. Bassett, MD, MPH
Commissioner
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear Dr. Bassett:

The Department of Health and Mental Hygiene's proposed "sodium warning" amendment to the New York City's Health Code is a fair, smart and effective approach to informing consumers about the health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of heart attacks and strokes each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

For those reasons, Consumers Union, the policy and advocacy division of Consumer Reports, strongly supports approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health. Consumer Reports regularly reports on salt in processed and restaurant foods in our magazine, website and health newsletter, to advise readers and the public about how to maintain a healthy diet, and avoid excessive salt intake. Consumers Union has also been a partner in the National Salt Reduction Initiative, to help reduce sodium in processed and restaurant foods.

We believe it can be quite difficult for consumers to control sodium intake, particularly when they consume restaurant foods, where information on sodium levels may be unavailable, posted remotely if at all, or otherwise very hard to find. We are also concerned that many menu items at chain restaurants have appallingly high levels of sodium that customers would likely wish to avoid, if they had more effective notice of the sodium level and potential health consequences. Because so many Americans – including a majority of adults – are being advised by physicians,

[continued]

health professionals and public health authorities to curb their sodium intake for health reasons, it is critically important to provide accurate, easy-to-understand information on sodium levels for specific menu items, wherever possible on menu boards, menus and at the point of sale.

REDUCING HEALTH RISKS

Public health organizations and authoritative scientific bodies have long called for actions to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive sodium in the diet.^{1,2,3,4,5,6,7,8,9}

According to the government's 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 milligrams (mg) of sodium per day. The Guidelines also recommend that people at greater risk of cardiovascular disease—those with hypertension, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day.¹⁰ The latter group accounts for the majority of adults, according to the Centers for Disease Control and Prevention (CDC).¹¹ In contrast to those recommendations, the 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day.¹² Therefore, the proposal to place an icon warning of high sodium if a chain restaurant dish contains 2,300 mg of sodium or more is both warranted and targeted to dishes clearly with an excessive sodium content.

Exact sodium consumption is not known with great accuracy. Importantly, NHANES data underestimate actual sodium consumption because they do not include salt added in cooking and at the table, and survey participants tend to underreport the amount of food they consume.¹³ Reviews of generally small studies that used 24-hour urine analyses also found that adults in the U.S. consume about 3,500 mg per day.¹⁴ However, even those studies may underestimate sodium because some sodium is lost in sweat and feces and subjects do not adhere perfectly to collection protocols. A quarter-century-old report found that almost 80 percent of the sodium in the average American's diet comes from processed and restaurant foods,¹⁵ meaning that sodium intake is largely out of the consumer's control. That figure is likely to be higher today. Therefore, the proposal to place icons on high-sodium, chain-restaurant dishes is a reasonable approach.

Excess sodium consumption boosts blood pressure, and high blood pressure (hypertension) is a leading cause of cardiovascular disease, accounting for two-thirds of all strokes and half of all cases of heart disease.¹⁶ Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year.¹⁷ Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24 billion annually.¹⁸ Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

HEALTH DISPARITIES

Compared to the general population, African Americans' rate of hypertension is 60 percent greater, and rate of stroke deaths is 40 percent greater.¹⁹ In New York City, the prevalence of hypertension falls disproportionately on communities of color,²⁰ and the behaviors that lead to diet-related chronic diseases start at an early age.²¹ Approximately 58 percent of New York City children ages six to 12 years who identify as Hispanic or Asian Pacific Islander consume often-salty fast food at least once a week, and 66 percent of children who identify as Black consume fast food at least once a week.²² Less than half of children who identify as white consume fast food that often.²³

PREVALENCE OF SALTY MEALS

Frequent dining at fast or casual restaurants can easily lead to high levels of sodium consumption. MenuStat is a data base established and maintained by the New York City of Health and Mental Hygiene that collects nutrition data from the nation's top 100 restaurant chains.²⁴ According to 2014 MenuStat data, more than 20 percent of entrées, hamburgers, and sandwiches contain at least 2,300 mg of sodium.²⁵ Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium; even if shared, these items can easily put an individual well-over the daily recommended limit.²⁶

EFFECTIVENESS OF SODIUM WARNING

New York City's proposed sodium warning offers an opportunity to educate customers about an often-overlooked part of their meals: the high sodium content. Consumers want this information—research shows that more than 72% of people support the addition of a warning label on foods that contain high levels of sodium.^{27,28}

In 2008, New York City demonstrated its leadership by implementing mandatory calorie labeling at restaurants.²⁹ Because calories and sodium tend to be correlated, these warning labels have helped consumers make healthier decisions.³⁰

While the current calorie labeling may help consumers avoid Applebee's 4 Cheese Mac & Cheese with Chicken Tenders, which contains 1,830 calories coupled with 4,290 mg of sodium, a consumer may not be aware that Chili's Margarita Grilled Chicken—found on the "Lighter Choices" menu with a modest 640 calories—actually contains 2,430 mg of sodium, a whole day's worth.^{31,32} A consumer may also be surprised to learn that P.F. Chang's Vegetarian Buddha's Feast, which has fewer than 500 calories, admits to 3,440 mg of sodium.³³

A study found that when consumers saw both a calorie label and a sodium warning label, they selected food items with significantly less sodium than those who saw a calorie label alone.³⁴ Of the 65 percent of consumers who said the labeling influenced or somewhat influenced their food choice, the majority cited the high sodium content.³⁵

In addition to educating and empowering consumers, this policy is likely to lead restaurants to reformulate some of their high-sodium products in order to avoid the warning label altogether. Between six and 18 months following mandatory labeling of calories, sodium, and saturated fat in King County, Washington, there was a significant decrease in milligrams of sodium in entrees at sit-down restaurants.³⁶ The process of reformulation has been common following the implementation of mandatory labeling for various macro- and micro-nutrients. For instance, after the Food and Drug Administration required the labeling of trans fats in 2006, 66 percent of a selected 360 food products were reformulated to contain less trans fat.³⁷ Eighty-two percent of the reformulated products contained fewer than 0.5 grams and therefore were not required to include trans fats on the nutrition facts panel.³⁸

CONCLUSION

For all the reasons outlined above, Consumers Union strongly supports the proposed “sodium warning” amendment to the New York City Health Code. We commend your agency for developing this smart, efficient and highly targeted proposal to improve transparency for menu items with high sodium levels at New York City restaurants. This proposal will give customers greater personal control over their diet and health, and advance the public interest in making sure that New York City residents are fairly and appropriately warned about menu items that contain excessive levels of sodium. Consumers Union believe this proposal is very much in the consumer and public interest, and an excellent model for other communities around the country, who also wish to help empower consumers to reduce their exposure to high-sodium levels in restaurant foods. Thank you very much for your leadership on these issues.

Sincerely,



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¹ Taylor, C. L., & Henry, J. E. (Eds.). (2010). Strategies to reduce sodium intake in the United States. Institute of Medicine, National Academies Press.
<http://iom.nationalacademies.org/Reports/2010/Strategies-to-Reduce-Sodium-Intake-in-the-United-States.aspx>

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It is my privilege to speak before you today on behalf of my colleagues who are members of the Registered Dietitians Nutritionists Chapter of New York Region of Hadassah of which I am the founding president.

I am speaking in support of the proposed Amendment to Article 81 of the Health Code but only if the threshold for identifying high sodium items is lowered to greater than 500 mg/serving. Let me explain.

I was initially excited about the proposed amendment because it is probably the first such regulation in this country. Over the past decade, New York City has been a trendsetter in passing nutrition-related rules, specifically the trans fat ban implemented in 2007 and calorie labelling implemented in 2008.

Prior to 2007, several food companies were already reducing the trans fat content of their products. But when that landmark ruling was approved it had an incredible domino effect in this country not previously seen. It seemed that overnight, food companies across the nation were re-formulating their products to remove trans fat. A similar effect needs to occur for sodium because as your fact sheet, "High Sodium Warning Label: Why It Matters" states, "restaurants and processed foods are the largest source of dietary sodium accounting for 77% of dietary sodium."

The objective of any regulation to help achieve a reduction in sodium intake needs to impact on the food that is being provided not just about educating consumers.

So in coming back to our support of this amendment, you need to significantly lower the rule for the proposed use of the icon that will put the pressure on the food industry to re-evaluate the sodium

content of all foods being provided to the public. The proposed use of the high sodium icon should be allocated to foods providing >500 mg of sodium per serving. This is derived as follows:

While both the 2005 and 2010 Dietary Guidelines for Americans recommended that Americans consume less than 2,300 mg of sodium per day and that is the upper limit set by the Food and Nutrition Board of the Institute of Medicine, the 2005 Dietary Guidelines further recommended that "Individuals with hypertension, blacks, and middle-aged and older adults aim to consume no more than 1,500 mg of sodium per day" and the 2010 Dietary Guidelines recommended that Americans "further reduce intake to 1,500 mg among persons who are 51 and older and those of any age who are African American or have hypertension, diabetes, or chronic kidney disease." Furthermore, the AI (Adequate Intake) as recommended by the Food and Nutrition Board doesn't exceed 1,500 mg/d for any life stage group.

Thus, 1,500 mg/day should serve as a standard and if we consider that the average person usually has 3 meals daily, then the average sodium content of each meal should not exceed 500 mg. Hence my recommendation that the proposed rule identify menu items containing > 500 mg of sodium.

We would also like to suggest that you consider expanding this amendment to include all restaurants.

As per the Notice of Intention for the proposed amendment dated June 10, 2015, it is stated that this amendment will affect one third of all restaurant traffic in New York City. So your proposal will not impact a majority. One of the reasons that's been offered is it would be a burden to individual restaurants to comply, presumably because they may not have standardized recipes for their ongoing menu items. The feasibility to calculate the sodium content as well as the complete nutritional information for any menu item can be done online using a USDA site for recipe analysis such as that on SuperTracker. Yes, you may need to give such establishments a later date to comply compared to the chain restaurants that already have the information available, but you can't ignore the majority of restaurant traffic in New York City.

In summary, if you really are sincere in your intent to get New Yorkers to reduce their sodium intake, then the rule for identifying high sodium foods must be reduced to >500 mg/serving and we recommend be applied to ALL food establishments.

Thank you.

**Sodium Hearing Testimony of Robert Sunshine
Executive Director, NATO Theatre Owners of New York State**

- **Good afternoon. My name is Robert Sunshine, and I am the Executive Director of NATO, Theatre Owners of New York State, a not-for-profit trade association representing movie theatres.**
- **In New York City we represent 37 movie theatres, 312 screens, and 1,800 employees across the 5 boroughs.**
- **I know that health officials rely on studies, and with the best interests of public health they pursue novel approaches.**
- **But, doing so skips the legislative branch, and the business community that would be impacted by a regulation.**
- **If this sounds familiar, it's because that is what happened with the Mayor Bloomberg's soda ban.**
- **Unfortunately, that is also what is happening today with this sodium-labeling requirement.**
- **I think former President Reagan said it best, when he said, "there you go again."**
- **If the desire is to educate consumers, then why is the Board seeking to impose a regulation without first speaking with the affected businesses?**
- **Why isn't the focus on our schools to educate children on nutrition, and specifically on sodium?**
- **What about ads on TV, radio, social media and City owned property to warn consumers about excessive sodium intake?**
- **Why isn't the department creating a dynamic app, like Sage, to provide nutritional information, instead of a static sticker?**
- **No one denies the serious public health issues that harm New Yorkers like obesity and high blood pressure.**

**Sodium Hearing Testimony of Robert Sunshine
Executive Director, NATO Theatre Owners of New York State**

- **But, are menu boards the best place to experiment with the fight against these health issues?**
- **After all, an NYU and Yale University study¹, based on restaurant receipts, clearly shows that New Yorkers actually eat more calories since the calorie posting on menu boards went into effect.**
- **Is a little sodium label on a menu board the best thing the City can come up with to combat high blood pressure?**
- **Last week the board held a hearing on bringing NYC's menu board requirements in line with federal regulations, which are being delayed at least a year.**
- **If the idea is to have identical NYC and federal regulations, then why have separate starting dates that are one year apart?**
- **Also, the federal regulations do not include salt shaker labels.**
- **In fact, Section 4205 of the ACA clearly says that States and local governments may not impose nutrition-labeling requirements for food sold in covered establishments unless the requirements are identical to the Federal requirements.**
- **In other words, States and localities cannot have additional or different nutrition labeling requirements.**
- **Simply put, no sodium menu labeling exists in the federal requirements, so there cannot be sodium menu labeling in the NYC requirements.**
- **Sodium is mentioned in the federal requirements, but only upon request as part of the additional nutritional information.**
- **It is specifically not something labeled on menus.**

¹ <http://www.nytimes.com/2009/10/06/nyregion/06calories.html>

**Sodium Hearing Testimony of Robert Sunshine
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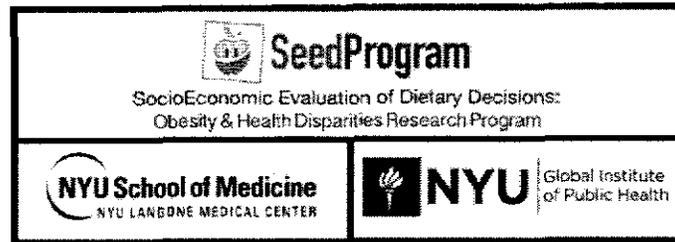
- **This 2300 mg of sodium label sounds a lot like the 16 ounces of soda requirement.**
- **Both are based on somewhat selective science, but the reality is they are arbitrary numbers that should be policy decisions decided by the legislature.**
- **The soda ban exceeded powers granted to the legislature.**
- **Here, the Board is exceeding its legal authority by going beyond the language of a law enacted by Congress.**
- **Moreover, is the Board confident on the science of sodium?**
- **The average U.S. consumption of sodium is about 3,400 mg.**
- **While the advice to restrict sodium to 1,500 mgs a day is in dietary guidelines, it never came from health outcome research.**
- **Instead, 1500 mgs is the lowest sodium consumption can go for a person to eat the minimum amount of calories to survive.**
- **As for the 2,300-mg level, that is the highest sodium levels can go before blood pressure begins to slightly increase.**
- **The Institute of Medicine came up with these numbers, but states that diets, exercise levels, and what folks remember differ.**
- **These factors all make finding that right number very difficult.**
- **So how can this justify putting a 2300 mg + label on our menus?**
- **More importantly, much of the newer research finds adverse effects on the lower end of the sodium scale.**
- **A 2008 study² involving Italian patients with aggressively treated moderate to severe congestive heart failure found that those**

² <http://www.ncbi.nlm.nih.gov/pubmed/17688420>

**Sodium Hearing Testimony of Robert Sunshine
Executive Director, NATO Theatre Owners of New York State**

- **consuming the lower level of sodium had more than three times the number of hospital readmissions, and more than twice as many deaths as with the higher-salt group.**
- **A 2011 study³, followed 28,800 subjects with high blood pressure ages 55 and older concluded that the risks of heart attacks, strokes, congestive heart failure and death from heart disease increased significantly for those consuming more than 7,000 mg of sodium a day and for those consuming less than 3,000 mg per day.**
- **So, shouldn't the public health message be: eat salt, just not too much, and not too little?**
- **Instead of a salt shaker, maybe the label should be *Goldilocks*, so that people get the amount just right?**
- **Will we soon label everything that might raise blood pressure?**
- **Will everyone's coffee come with a warning?**
- **What's next? Anything with sugar or fat?**
- **If this measure passes, we fear that the menus will show less food than warnings, and look more like a subway map than a menu.**
- **New Yorkers want to spend a few hours watching a movie, and enjoying a snack that they may not eat elsewhere.**
- **The more the Board interferes with that, the less enjoyable it becomes, and people may decide to stay home.**
- **This sodium label is based on an incomplete scientific review, the track record of menu board postings is not overly successful, and the clear language of the federal law preempts the Board's effort.**
- **The best thing for the health of the business community is that the Board of Health puts down this salt shaker.**

³ <http://www.ncbi.nlm.nih.gov/pubmed/22110105>



Testimony of
Marie A. Bragg, PhD
Assistant Professor
NYU School of Medicine and NYU College of Global Public Health

before the
NYC Department of Health and Mental Hygiene / Board of Health

regarding
Sodium warnings on menu items containing high amounts of sodium

July 29, 2015

Thank you for inviting me to testify at today's hearing regarding sodium warning labels for menu items containing high amounts of sodium. My name is Dr. Marie Bragg, and I am an Assistant Professor at NYU School of Medicine and NYU College of Global Public Health, and Director of the SeedProgram (SocioEconomic Evaluations of Dietary Decisions), which is designed to conduct scientific research that can inform policies and public health interventions seeking to prevent obesity and diabetes and eliminate health disparities.

The Problem: High sodium diets contribute to risk for heart attacks, stroke, kidney disease, and other health problems, especially among individuals with high blood pressure

The average American consumes almost 4,000 mg of sodium per day,¹ almost twice the recommended maximum of 2,300 mg per day.² The majority of sodium in the US diet, about 77%, comes from packaged foods and restaurant prepared meals, including salad dressings, condiments, breads, chicken, pizza, and burgers/beef.^{2,3} While there is some scientific debate

about which types of individuals are most at risk for health problems that may result from high sodium intake, the existing scientific evidence regarding sodium intake has led the Centers for Disease Control and Institute of Medicine to call for reductions in sodium intake because of the associations between sodium intake and hypertension, high blood pressure, and other health problems.^{2,3} In fact, researchers estimate sodium reductions could result in 11 million fewer cases of high blood pressure.⁴ Given the frequency with which Americans rely on restaurant prepared meals, as well as the failed attempts from the food industry to reduce sodium consumption, restaurant labels are a key site for policy makers to focus efforts in order to raise consumer awareness and reduce sodium consumption.

High Sodium Consumption Poses a Significant Threat to Health in Communities of Color and All Consumers Unknowingly

While heart disease remains the number one killer of all Americans, racial/ethnic minority groups display disproportionately higher rates of cardiovascular disease and the associated risk factors.^{5,7} A study conducted in NYC in 2010 found that sodium intake is higher among non-Hispanic blacks and Hispanics when compared with non-Hispanic whites.⁸ The researchers also found that the reported higher intake of sodium was, as expected, associated with higher blood pressure. The largest effect observed between sodium intake and blood pressure was observed among African Americans, adding to previous research concluding higher risk of hypertension and CVD mortality among African Americans as compared to whites. Currently, sodium recommendation limits for African Americans and elderly people of any ethnicity, have been set at 1,500 mg per day,² a limit that is nearly impossible to meet without a major transformation of the food industry. Given African American individuals experience high rates of high blood pressure, hypertension, and CVD, sodium labels can provide information on which high-sodium items should be avoided.

The Science of Nutrition Labeling on Restaurant Menus to Inform Consumers

Studies investigating the effectiveness of food labeling have shown that labels on packaged food and at point-of-sale have been successful in increasing consumer awareness of nutrition information and increase consumers' ability to accurately assess the nutritional quality of various food and beverage products. Let me briefly summarize a few of the most relevant and research findings from that could inform discussions regarding this sodium label.

- Clear, easy-to-understand text with large, legible font enables consumers to accurately understand labels and make accurate assessments of nutrition labeling systems and various food and beverage products.^{9,10} (Hawley, Roberto, Bragg, Liu, Schwartz, Brownell, 2012; Roberto, Bragg, Seamans, Mechulan, Novak, Brownell, 2012).
- Symbols like traffic lights, color labels, and simple images (e.g. check marks) are among the most promising types of labels because they enable consumers to more accurately assess the healthfulness of various food products.¹⁰
- Only 6 (0.1%) of 4311 customers from 8 different restaurants (McDonald's, Burger King, Starbucks, and Au Bon Pain) accessed nutrition information from pamphlets, brochures, or wall postings, suggesting that labels need to be easy to find and easy to read in order for consumers to use them.¹¹

The degree of nutrient underestimation among consumers is notably greater for sodium,¹² in comparison estimations regarding to calorie levels, suggesting the need for accurate information about sodium on menus. Taken together with evidence about the relationship between sodium intake and CVD risk among individuals who already have high blood pressure, these findings indicate that menu labels that visually alert consumers to excess sodium content can be an important element of policies designed to better inform consumers about the nutrition composition of meals prepared in restaurants. This policy will not single-handedly reduce or eliminate health problems associated with high blood pressure or hypertension, but it can be an important piece of creating an environment where the healthy choices are clearly labeled.

Common Food Industry Arguments

The food industry uses a variety of claims to argue against lower sodium initiatives.

1. The evidence on the links between sodium and health is unclear

The food industry states that sodium's role in health is unclear. They have argued that there is no clear consensus that eating too much salt, especially for people with high blood pressure, poses a threat to health. The Salt Institute, a trade association for salt producers that inherently has a vested interest in high sodium consumption, argues that a typical healthy person can consume up to 6,000mg of sodium per day without it posing a threat to their health and in fact consuming less than 3,000mg of sodium per day could raise health risks. Thus, they argue that the proposed levels of sodium in products that would warrant warning labels are too low and if followed could harm people. (<http://www.cbsnews.com/news/nyc-considers-high-sodium-warning-on-chain-restaurant-menus/>)

(<http://www.washingtonpost.com/blogs/wonkblog/wp/2015/04/06/more-scientists-doubt-salt-is-as-bad-for-you-as-the-government-says/>)

Research on sodium intake and its association with high blood pressure and hypertension indicate that high levels of sodium intake pose serious health risks, especially for African Americans. The current food and beverage environment makes unhealthy, high-sodium products easily available, very inexpensive, and highly palatable. This environment overwhelms Americans' ability to maintain a healthy diet, and sodium is a significant player in the unhealthy environment. Requiring a warning label on items that contains more than 2,300mg of sodium still allows meals to contain up to the recommended daily sodium intake without needing a label. (http://www.nytimes.com/2015/06/10/nyregion/de-blasio-administration-wants-high-sodium-warnings-on-menus.html?_r=0)

2. These policies will lead to excessive regulation

"The composition of menus may soon have more warning labels than food products."-Melissa Fleischut, president of New York State Restaurant Association

(<http://www.cbsnews.com/news/nyc-considers-high-sodium-warning-on-chain-restaurant-menus/>)

A second argument involves the risk for excessive regulation and infringement on consumers' freedom of choice. However, the current state of the food environment actually limits freedom of choice because high sodium items are widely available and heavily marketed. This label would equip consumers with the necessary information to make choices that are appropriate for their health.

3. Warning labels will do nothing to educate consumers

Research studies have shown that tobacco-warning labels can effectively inform consumers about the health risks associated with smoking. Furthermore, front-of-package food labels that use legible font and are easy-to-understand effectively inform consumers about the health profile of various foods and beverages. Food companies have been major proponents of educational campaigns when they argue against other food policies.

4. These changes will affect the taste of food products

Another common argument that has been used in the face of sodium reduction initiatives is that: *not all companies are able to reduce the sodium content of their products without customer dissatisfaction. Campbell Soup Company lowered the salt in half of its soups in 2009, but recently brought back some of the higher-sodium soups due to concerns about the taste. (<http://www.cbsnews.com/news/nyc-considers-high-sodium-warning-on-chain-restaurant-menus/>). Salt is also used to increase the shelf life of foods by preventing bacteria growth. Companies want to be on the same level playing field as their competitors and having an industry wide initiative would allow for this. (<http://www.nydailynews.com/life-style/health/fda-issue-salt-guidelines-food-industry-article-1.1833796>).*

It is important to acknowledge that consumers have become accustomed to high sodium foods, which would make it challenging for companies to make drastic sodium reductions overnight. However, companies have slowly and gradually changed the nutrient profiles of some food

products (for example, General Mills began reducing in sugar in cereals in the year 2007 and plans to continue until cereals reach single digits for grams per serving;

<http://www.generalmills.com/Health/improving-health/reducing-sugar>), suggesting that tapering sodium over time could have important benefits for public health while reducing the likelihood that consumers would reject the products because of poor taste.

Conclusions

The negative health risks associated with excess sodium consumption have been well defined. Excess consumption of sodium is significantly associated with increased risk for blood pressure, heart attacks, strokes, congestive heart failure, and kidney disease. Labels on tobacco have proven effective in informing consumers about the health risks associated with smoking, and labels on food and beverage products have similarly effectively informed consumers about the health profiles of those products. The most effective labels use legible font and easy-to-understand language and symbols that are easy-to-interpret. The food industry has consistently delayed self-implementation of meaningful changes that would improve the food environment in New York and other areas of the United States. Having a transparent monitoring program is urgently needed to improve the foods that we consume as a population. The sodium warning labels would provide an even level playing field for all and allow consumers to be better informed about the foods they choose to consume. Individuals cannot cut down on their sodium intake alone and food companies will not voluntarily reduce the sodium content of their products, which is why regulation is needed.

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Friday, July 24, 2015

Member, Board of Health
New York City
Gotham Center, 42-09 28th Street
Long Island City, NY 11101

Subject: Support the Sodium Warning Icon

Dear New York City Board of Health:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,

Maryna Arkhypenko
2032 CRESCENT ST
ASTORIA, NY 11105

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,

Patrick Chen
6115 173RD ST
FRESH MEADOWS, NY 11365

Saturday, July 25, 2015

Member, Board of Health
New York City
Gotham Center, 42-09 28th Street
Long Island City, NY 11101

Subject: Support the Sodium Warning Icon

Dear New York City Board of Health:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,

Steven Kostis
261 W 28th St Apt 2C
New York, NY 10001

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:43:09 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Angie Harrison
275 Greenwich St
New York, NY 10007-2150

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:43:58 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Alice Leopold
343 E 74th St
21B
New York, NY 10021-3752

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:44:23 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Leslie Eaddy
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:44:58 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Mark Hurley
790 11th Ave
Apt 30A
New York, NY 10019-3520

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:45:13 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Lily Zeng
10110 Avenue K
Brooklyn, NY 11236-4430

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:45:37 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Nancy Lopez
7 Mason Blvd
Staten Island, NY 10309-1735

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:45:57 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Roberta Desalle
18 W 90th St
New York, NY 10024-1547

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:46:19 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Cynthia Cendoma
400 W 43rd St
New York, NY 10036-6302

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:43:50 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Lauren Grosz
401 E 65th St
apt. 10j
New York, NY 10065-6937

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:52:44 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Rochelle Didier MD
105 MacDougal St
New York, NY 10012-1244

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:53:29 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Robin Williams-Vitale
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:53:47 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

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Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

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Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Denise Su
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:54:29 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
veronica stein
2380 84th St
Brooklyn, NY 11214-3414

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:54:39 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Desiree Cooper
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:54:57 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Eugene Falik
1034 Dickens St
Far Rockaway, NY 11691-2407

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:55:13 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
al chazin
150-10 79 ave.
2f
flushing, NY 11367

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:55:30 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Sharon Friedman
1 Washington Square VIg
New York, NY 10012-1632

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:55:49 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Melinda Murray
100-10 31 Avenue
East Elmhurst, NY 11369

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:56:05 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Judith Ackerman
636 W End Ave
New York, NY 10024-1023

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:56:35 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Molly Perini
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:56:42 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Pamela Bonney
86 Kenneth Ave
Huntington, NY 11743-4929

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:57:04 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Wendy Mono
6936 Fleet St
Forest Hills, NY 11375-5148

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:57:23 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
John Keiser
410 E 6th St
New York, NY 10009-6417

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:57:35 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Scott Bernstein
107 W86 St.
Apt. 3F
New York, NY 10024

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:57:58 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Leslie Cassidy
534 E 83rd St
Apartment 2B
New York, NY 10028-6801

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:58:08 PM

Dear Hon. Board of Health Member:

As someone who commutes into the City daily for work, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses. I have found the NYC calorie labeling law so helpful when eating out in NYC - and I am confident that this sodium icon will be just as helpful when coming to selecting healthier food options.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Cathy Wilkins
37 Stephenson Blvd
New Rochelle, NY 10801-4401

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:58:25 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Alison Sewell
16319 130th Ave
Jamaica, NY 11434-3046

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:58:59 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Sharon Bean
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:59:03 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Tom Gorsuch
3555 Netherland Ave
3
Bronx, NY 10463-1641

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:59:32 PM

Dear Hon. Board of Health Member:

As a native resident of the city of New York, I ask you to support the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Yet for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

Even if we stop using the salt shaker completely, those of us who eat out often still can't bring our sodium consumption down to a healthful level.

The recommendations in the proposal will not constrain restaurateurs in their meal planning nor customers in their menu choices. They will just have the information needed to make good decisions.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Gerrie Blum
120 E 36th St
New York, NY 10016-3465

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:00:07 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
maureen dando
8410 Sutter Ave
#2
Ozone Park, NY 11417-1413

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:00:21 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Sonia Goldstein
321 W 24th St
New York, NY 10011-1554

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:00:22 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Daniel Klein
326 12th St
Brooklyn, NY 11215-4944

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:00:38 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at most 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Alan Brown
157 W 79th St
New York, NY 10024-6414

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:00:53 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Nancy Alcivar
7814 Austin St
Forest Hills, NY 11375-6152

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:01:24 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Maria Galarza-Catuiria
2965 Briggs Ave
32B
Bronx, NY 10458-2008

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:01:38 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Mary Gonzalez
633 Olmstead Ave
Apt 10-J
Bronx, NY 10473-1722

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:01:41 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Mitchell Elkind
531 W 112th St
New York, NY 10025-1666

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:01:55 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Jessica Melore
888 8th Ave
2T
New York, NY 10019-5704

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:02:19 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Richard Laborowicz
171 India St
Brooklyn, NY 11222-5451

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:02:26 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Jennifer Lin
32 Monroe St
New York, NY 10002-7789

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:02:40 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Linda Gazzola
236--Bedgewater Park
Bronx, NY 10465

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:02:54 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Rachel Sica
592 Vanderbilt Ave
Apt 3L
Brooklyn, NY 11238-3536

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:03:24 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Sean Scott
1755 York Ave
New York, NY 10128-6849

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:04:00 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Steven Kostis
261 W 28th St
Apt. 2C
New York, NY 10001-5936

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:04:04 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Annie Stevenson - King
400 E 17th St
Brooklyn, NY 11226-5726

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:04:22 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Cori Eastmond
9804 25th Ave
East Elmhurst, NY 11369-1642

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:04:39 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Anne Plunkett
525 W End Ave
Apt 141
New York, NY 10024-3272

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:05:12 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Alice Yao
52 Narrows Rd S
Staten Island, NY 10305-2801

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:05:28 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Esteban Macias
210 E 181st St
5G
Bronx, NY 10457-2141

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:06:03 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Dionne Polite
780 3rd Ave
780 Third Avenue
New York, NY 10017-2024

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:06:17 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

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Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Donald Cobb
6560 Wetherole St
Rego Park, NY 11374-4766

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:06:36 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

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High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Gregory Mandell
122 E 42nd St
New York, NY 10168-0002

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:06:37 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Dmitry Landa
8330 98th St
Woodhaven, NY 11421-1655

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:07:12 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Anthony Maddaluno
46 Hamden Ave
Staten Island, NY 10306-2506

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 1:07:27 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Ellen Wolfe
160 Claremont Ave
Apt.4B
New York, NY 10027-4638

From: [Robin Vitale](#)
To: [Resolution Comments](#)
Subject: Please Support the Sodium Warning Icon Proposal
Date: Wednesday, July 29, 2015 12:53:01 PM

Dear Hon. Board of Health Member:

As a resident of the city of New York, I ask for your support of the proposed update to Article 81 which would implement a Sodium Warning Icon on certain restaurant menu items when they exceed 2300 mg of sodium.

We are consuming far too much sodium in our diets. And our health is suffering for it. Close to 80 million Americans are diagnosed with high blood pressure. And only about half of these individuals have their high blood pressure under control.

Yet there is strong evidence that, for most of us, lowering our consumption of sodium to at least 2300 mg per day could significantly decrease our blood pressure. However, according to data from NYC's MenuStat, nearly 20% of restaurants' entrees and 10% of appetizers exceed 2300 mg. To have your full daily supply of sodium in just one menu item is deeply troubling.

High blood pressure can result in an elevated risk for heart attack, heart failure, stroke and other diseases. These are devastating to the individual - and a significant burden on healthcare expenses.

Thank you for your consideration of this proposal. I look forward to your support!

Sincerely,
Clair Francis
1162 E 215th St
Bronx, NY 10469-2402

Clare Farrand

Comment:

WASH supports NYC sodium warning labels World Action on Salt and Health applauds the proposal by the New York City Department of Health and Mental Hygiene to the NYC Board of Health for chain restaurants to post warning labels for items on menus that contain more than 2300mg sodium (6g salt). We commend all efforts to reduce salt intake worldwide. We have long been campaigning for the food industry to remove the unnecessary amount of salt they add to our food, but little has been done with the catering industry. Chefs' preference for saltier foods is putting us at risk as we increasingly enjoy eating out. We need to make sure that we are work with all food sectors to reduce the amount of salt we are all eating. Salt puts up our blood pressure, and as a result, thousands of people die unnecessarily each year from strokes, heart attacks and heart failure. A single meal should not contain a day's worth of salt – those that do should not only come with a warning label, but should be immediately removed from the menu. WASH supports this proposal as a first step, to alert consumers to the high levels of salt in their food, and calls for further action to ensure that restaurant meals do not contain such excessive amounts of salt in the first place, and that ALL foods are correctly labelled to enable consumers to know what is in the food that they are eating. WASH is a global group, supporting countries around the world to reduce salt intake. For more information on the WASH please visit: www.worldactiononsalt.com
Agency: [DOHMH](#)



WASH supports NYC sodium warning labels

World Action on Salt and Health applauds the proposal by the New York City Department of Health and Mental Hygiene to the NYC Board of Health for chain restaurants to post warning labels for items on menus that contain more than 2300mg sodium (6g salt).

Clare Farrand, who leads the global programme at WASH, commends all efforts to reduce salt intake worldwide. 'We have long been campaigning for the food industry to remove the unnecessary amount of salt they add to our food, but little has been done with the catering industry. Chefs' preference for saltier foods is putting us at risk as we increasingly enjoy eating out. We need to make sure that we are work with all food sectors to reduce the amount of salt we are all eating'.

'It's a scandal that there is so much salt in our food!' Graham MacGregor, Professor of Cardiovascular Medicine at The Wolfson Institute of Preventive Medicine, Queen Mary University and Chairman of WASH comments: "Salt puts up our blood pressure, and as a result, thousands of people die unnecessarily each year from strokes, heart attacks and heart failure. A single meal should not contain a day's worth of salt – those that do should not only come with a warning label, but should be immediately removed from the menu'.

WASH supports this proposal as a first step, to alert consumers to the high levels of salt in their food, and calls for further action to ensure that restaurant meals do not contain such excessive amounts of salt in the first place, and that all foods are correctly labelling to enable consumers to know what is in the food that they are eating.

WASH is a global group, supporting countries around the world to reduce salt intake.

For more information on the WASH please visit: www.worldactiononsalt.com



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29 July 2015

Sonia Angell MD, MPH
Deputy Commissioner, Division of Prevention and Primary Care
New York City Department of Health & Mental Hygiene
Gotham Center
42-09 28th Street; 9-189
Long Island City, NY 11101-4132

Dear Ms Angell:

Support for amendment to Article 81 - Food Preparation and Food Service Establishments 9 ('Sodium Warning Labeling')

We write in support of the proposal by New York City Health Department for chain restaurants to post warning labels for items on menus that contain more than 2300mg sodium (6g salt).

The George Institute's mission is to improve the health of millions of people worldwide. Our Food Policy Division works in Australia and internationally to reduce rates of death and disease caused by diets high in salt, saturated fat, sugar and excess energy, by undertaking research and advocating for a healthier food environment.

The Food Policy Division is designated a World Health Organization Collaborating centre on Population Salt Reduction, with remit to support countries to achieve global targets for reducing salt by 30% by 2025. A recent review of countries' progress towards the global salt target highlighted there is currently inadequate activity and stronger action is urgently required.¹ It is estimated that eating too much salt is causing 1 of every 10 cardiovascular deaths worldwide.²

We believe the current proposal is an important and valuable extension of New York City's global leadership in implementing mandatory calorie information on menu boards. Consistent

¹ Trieu K, Neal B, Hawkes C, Dunford E, Campbell N, Rodriguez-Fernandez R, et al. Salt Reduction Initiatives around the World - A Systematic Review of Progress towards the Global Target. PLoS One. 2015;10(7):e0130247.

² Mozaffarian D, Fahimi S, Singh GM, Micha R, Khatibzadeh S, Engell RE, et al. Global sodium consumption and death from cardiovascular causes. N Engl J Med. 2014 Aug 14;371(7):624-34.



with experience in Australian jurisdictions, that initiative provides consumers with clear and consistent information to make better informed and healthier food choices.

There is Australian evidence to suggest addition of interpretive elements to existing energy information enhances consumers' ability to make healthier choices.³ Healthy logos, colour coding and other interpretive elements are now being explored internationally as a simpler and more direct way of highlighting healthier food options to a broad range of consumers.⁴ The proposed salt warning icon would be likely to operate in a similar manner, increasing knowledge of sodium risks and allowing consumers to select healthier choices.

As consumers increasingly factor nutritional information into their day-to-day purchasing practices, the proposal may also help drive favourable product reformulation. Inclusion of the icon on menus will, we believe, provide a significant new incentive for fast food chains to reduce salt content. As fast food restaurants are a major contributor of salt in the diet, this has potential to significantly reduce population salt intake and save thousands of lives and money to the health care system.

Please feel free to contact Jacqui Webster on jwebster@georgeinstitute.org.au if you have any questions or would like more information.

Sincerely,

Dr Jacqui Webster
Director, WHO CC Population Salt Reduction
The George Institute for Global Health

³ Morley B, Scully M, Martin J, Dixon H and Wakefield M. What types of nutrition menu labelling lead consumers to select less energy-dense fast food? An experimental study. *Appetite* 2013; 67, 8-15.

⁴ For example, Dowray S, Swartz J, Braxton D and Viera AJ. Potential effect of physical activity based menu labels on the calorie content of selected fast food meals. *Appetite*, 2013 62, 173-181.

From: swh1002@aol.com
Sent: Wednesday, July 29, 2015
To: Resolution Comments
Subject: sodium resolution

I would like to add my support to the NYC Department of Health's proposal to require labeling of foods high in sodium in fast food restaurants. I have been involved for almost 20 years in efforts to document the harms of excess sodium consumption on the health of Americans. Excess sodium kills roughly 150,000 Americans annually. Our food supply is loaded with sodium. I am the author of a resolution approved by the American Medical Association in 2006 calling for a 50% reduction of sodium in processed and restaurant foods based on the strong scientific evidence of the deleterious effects of sodium and another passed by the American Public Health Association in 2011 calling for a 75% reduction based on an even larger body of evidence.. Many Americans consume a lot of sodium in restaurants and almost none know how much sodium has been added. Roughly 90% of Americans develop high blood pressure, and excess salt is a major causal factor. The proposal to require labeling is justified based on the strong scientific base supporting sodium reduction. This proposal is a small, but necessary, step to help residents of NYC to reduce their sodium consumption. I urge that it be approved as an important beginning step. Much more remains to be done and the Department of Health's efforts are laudable.

Stephen Havas, MD, MPH, MS, FACP, FAHA
Professor of Preventive Medicine
Department of Preventive Medicine
Northwestern University
Feinberg School of Medicine
680 N. Lake Shore Dr.
Suite 1400
Chicago, IL 60611
Office: 312.503.2404 | Mobile: 410.215.1428
s-havas@northwestern.edu

7/29/15

Mary T. Bassett, MD, MPH
Commissioner
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132

Dear Dr. Bassett,

The Department of Health and Mental Hygiene's proposed "sodium warning" amendment to the New York City's Health Code is a reasonable and measured approach to informing consumers about the health risks associated with high-sodium restaurant dishes. It has the potential to prevent thousands of heart attacks and strokes each year in New York City, reduce health disparities, and control healthcare costs while not placing an undue burden on industry.

Therefore, I support approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health. As a nutritionist educating consumers on healthy eating, the sodium warning would help to raise consumers' awareness about salty foods they should be avoiding.

REDUCING HEALTH RISKS

Public health organizations and authoritative scientific bodies have long called for actions to reduce sodium intake to prevent strokes, heart attacks, and other diseases associated with excessive sodium in the diet.

According to the 2010 Dietary Guidelines for Americans, adults should consume no more than 2,300 milligrams (mg) of sodium per day. The Guidelines also recommend that people at greater risk of cardiovascular disease—those with hypertension or diabetes, adults 51 years and older, and African Americans—should limit sodium to 1,500 mg per day. The latter group accounts for the majority of adults, according to the Centers for Disease Control and Prevention (CDC). The 2015 Dietary Guidelines Advisory Committee echoed this advice. Its report concluded that "the goals for the general population" include "consuming less than 2,300 mg dietary sodium per day".

Despite recommendations, Americans are eating a lot more sodium than suggested. The 2011–2012 National Health and Nutrition Examination Survey (NHANES) shows that the average American consumes roughly 3,500 mg of sodium per day. Therefore, the proposal to place an icon warning of high sodium if a chain restaurant dish contains 2,300 mg of sodium—a whole day's worth of sodium in one meal!—or more is both warranted and targeted to dishes clearly having an excessive and dangerous sodium content.

Even that 3,500 mg figure likely understates Americans' over-consumption of sodium. Americans' exact sodium consumption is not known with great accuracy. Importantly, NHANES data underestimate actual sodium consumption because they do not include salt added in cooking and at the table, and survey participants tend to underreport the amount of food they consume.

Excess sodium consumption raises blood pressure, and high blood pressure (hypertension) is a leading cause of cardiovascular disease, accounting for two-thirds of all strokes and half of all cases of heart disease. Researchers estimate that reducing current sodium consumption intakes by 1,200 mg a day (such as from 3,500 to 2,300 mg per day) would prevent 60,000 to 120,000 cases of coronary heart disease and save 44,000 to 92,000 lives per year. Such a shift in sodium consumption is also estimated to reduce health care costs by \$10 billion to \$24 billion annually. Therefore, a measure that may reduce sodium consumption has the potential to save both lives and money.

HEALTH DISPARITIES

The prevalence of hypertension falls disproportionately on communities of color, and the behaviors that lead to diet-related chronic diseases start at an early age. Nationally, the prevalence of hypertension in African American men and women is nearly 13 and 17 percent higher, respectively, than among white men and women. Approximately 58 percent of New York City children ages six to 12 years who identify as Hispanic or Asian Pacific Islander consume often-salty fast food at least once a week, and 66 percent of children who identify as Black consume fast food at least once a week. Less than half of children who identify as white consume fast food that often.

PREVALENCE OF SALTY MEALS

Frequent dining at fast or casual restaurants can easily lead to excessive sodium consumption. MenuStat is a data base established and maintained by the New York City Department of Health and Mental Hygiene that collects nutrition data from the nation's top 100 restaurant chains. According to 2014 MenuStat data, nearly 20 percent of entrées contain at least 2,300 mg of sodium. Additionally, approximately 10 percent of appetizers—food items that are not meant to constitute a complete meal—contain more than 2,300 mg of sodium; even if shared, these items can easily put an individual well over the daily recommended limit.

EFFECTIVENESS OF SODIUM WARNING

New York City's proposed sodium warning would help educate customers about an often-overlooked part of their meals: the high sodium content. Consumers want this information—research shows that more than 72 percent of people support the addition of a warning label on foods that contain high levels of sodium.

In 2008, New York City demonstrated its bold leadership by implementing mandatory calorie labeling at restaurants. Because calories and sodium tend to be correlated, those labels have helped consumers make healthier decisions.

While the current calorie labeling may help consumers avoid Applebee's 4 Cheese Mac & Cheese with Chicken Tenders, which contains 1,830 calories coupled with 4,290 mg of sodium, a consumer may not be aware that Chili's Margarita Grilled Chicken—found on the "Lighter Choices" menu with a modest 640 calories—actually contains 2,430 mg of sodium, a whole day's worth. A consumer may also be surprised to learn that Baja Fresh's Tortilla Soup, which has only 270 calories, contains 2,600 mg of sodium.

A study found that when consumers saw both a calorie label and a sodium warning label, they selected food items with significantly less sodium than those who saw a calorie label alone. Of the 65 percent of consumers who said that additional labeling influenced or somewhat influenced their food choice, the majority cited the high sodium content.

In addition to educating and empowering consumers, requiring warning icons on high-sodium dishes would encourage restaurants to reformulate some of their high-sodium products in order to avoid the warning labels. Between six and 18 months following mandatory labeling of calories, sodium, and saturated fat in King County, Washington, there was a significant decrease in milligrams of sodium in entrees at sit-down restaurants. The process of reformulation has been common following the implementation of mandatory labeling for various macro- and micro-nutrients. For instance, after the Food and Drug Administration required the labeling of trans fats in 2006, 66 percent of 270 food products that had contained 0.5 grams or more trans fat in 2007 had been reformulated by 2011 to contain less trans fat. Eighty-two percent of the reformulated products contained less than 0.5 grams and therefore could state 0 grams of trans fats on the Nutrition Facts panel.

CONCLUSION

In conclusion, I support approval of the "sodium warning" amendment (§81.49 of Article 81) by the New York City Board of Health. As a nutritionist educating consumers on healthy eating, the sodium warning would help to raise consumers' awareness about salty foods they should be avoiding, and certainly help to promote health.

Sincerely,

Lisa R. Young, PhD, RD, CDN

ADJUNCT PROFESSOR OF NUTRITION, NEW YORK UNIVERSITY
REGISTERED DIETITIAN NUTRITIONIST IN PRIVATE PRACTICE
AUTHOR, THE PORTION TELLER PLAN

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Proposed Adoption of Section 81.49 of the Health Code

THE RESTAURANT INDUSTRY PERSPECTIVE

On July 29, 2015, the New York City Department of Health and Mental Hygiene ("DOHMH") will hold a hearing to receive comments regarding the DOHMH's efforts to enact sodium warning requirements contained in section 81.49 of the Health Code.

The New York State Restaurant Association submitted this document as written testimony at the hearing to provide the restaurant industry's perspective on and objection to the proposed regulation.



NEW YORK
STATE
RESTAURANT
ASSOCIATION

July 29, 2015

The New York State Restaurant Association is a trade group that represents approximately 5,000 food service establishments in New York City and over 10,000 statewide. The Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 75 years. Our members, known as Food Service Establishments (FSEs), represent one of the largest constituencies regulated by the City as nearly every agency regulates restaurants in one aspect or another.

Restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade here in New York City. To ensure the continued viability of the restaurant and hospitality industry, New York City must have sensible and reasonable regulations that protect consumers and the restaurants that serve them.

We are writing to provide you with the hospitality industry's concerns about, and objection to, the DOHMH's efforts to implement sodium labelling requirements contained in proposed Health Code section 81.49.

While the Association understands and has generally supported the DOHMH's public safety efforts, the proposed section 81.49 should not be adopted by the DOHMH as it is (i) duplicative in that it will require menu changes inconsistent with existing federally mandated menu labelling changes; (ii) based upon an arbitrarily selected standard for the application of additional labelling requirements; and, (iii) beyond the established authority of the DOHMH to establish such mandates.

1. Federal Law Already Exists for Sodium Disclosures

The proposed enactment of Section 81.49 is premised upon the DOHMH's desire to have the Code mandate additional menu labelling requirements on chain establishments. Under enacted federal law, chain establishments will be required to update their menus to include new posting requirements and make nutritional information available to consumers upon request, including sodium levels in food. These federal requirements were initially set to be implemented on December 1, 2015, and just last week, the DOHMH held hearings on parallel NYC labelling requirements.

The FDA has also been encouraging restaurants to voluntarily reduce sodium levels in food and has been considering additional sodium guidelines that would possibly include sodium labelling requirements.

The sole basis cited for NYC's 2015 menu labelling requirements was "so that [DOHMH's] requirements are identical to the federal requirements that will go into effect on December 1, 2015."

By notice dated July 10, 2015, the U.S. Department of Health and Human Services delayed the implementation of the new federal menu labelling requirements until

December 1, 2016.ⁱ The federal requirements include nutritional disclosure requirements, including sodium information. Just as the proposed changes to Section 81.50 should be delayed to ensure impacted operators are not subjected to myriad and conflicting regulations, so too should the § 81.49 proposed warning requirements.

As the DOHMH's notice for this hearing indicates, the DOHMH's concern is that sodium over consumption occurs due to a "lack of awareness regarding the risks related to excess sodium intake."ⁱⁱ Federal mandates already require such disclosures and § 81.49 would therefore be duplicative and premature as the federal menu labelling requirements have an implementation date of December 1, 2016 – an enactment date that the federal government recognized was necessary to allow sufficient time for impacted FSEs to comply with those regulations.

This logical process will allow for certainty to the impacted FSEs as they will then not be subject to potentially divergent NYC and federal regulations on menu labelling which would lead to inflated costs necessitated by the need to comply with two sets of regulations. Moreover, there is simply not enough time for FSEs covered by this proposed DOHMH regulation to develop and comply with the DOHMH's proposed labelling requirements. This was a major basis for the FDAs delay of the implementation of the federal regulations and the same rationale further supports delaying the implementation of the proposed changes to the Health Code.

2. The Proposed Sodium Warning Standards Are Arbitrary

Rulemaking is by its nature arbitrary when it is not based on sound science or supported by independent research developed by the agency proposing a new rule. **The proposed rule is not supported by any independent research to support the 2300 milligram threshold for the proposed warning notice.** The threshold set forth in § 81.49 was adopted by simply selecting the daily recommended maximum intake on sodium and using that recommended maximum to create a ban. As noted by other speakers today, there is no proof that the dietary guidelines on sodium cited by the DOHMH were ever intended to be utilized to support mandatory warning labels.

The definition of arbitrary and capricious action is one that is based on unreasonable grounds and without the proper consideration of circumstances. Unfortunately, it appears that in its zeal to post another "first" on its record, the DOHMH has failed to consider the wide body of scientific evidence that exists on sodium content, including that which analyzes the appropriate levels of sodium necessary for daily usage, or the practical impact of the rule as written.

The rule is also arbitrary because it will disparately target particular types of food as unhealthy and thereby act as a ban on that food. A pizza pie advertised on a menu board would be subject to the proposed rule and require a warning. In that case, the warning label would be disingenuous as no one eats a full pizza and the label would

place a stigma on pizza at a FSE covered by that rule, whereas the same pizza at a non-covered FSE would not face the same consumer bias. Hence, the proposed rule will arbitrarily harm businesses that serve a certain type of food not based on the amount of sodium that a customer will actually ingest, rather it will be based on a serving method. That impact is arbitrary and cannot stand.

3. The Proposed Sodium Warning Standards Are Arbitrary and Beyond the DOHMH's Established Authority

The DOHMH's proposed sodium warning exceeds its authority under the New York City Charter and the well-established separation of powers doctrine as it crosses the line into prohibited policymaking which is the exclusive domain of the New York City Council.

The DOHMH's past efforts to establish arbitrary standards to regulate food consumption have been soundly rebuffed by the courts.

As recently as 2014, the DOHMH's efforts to limit consumer choice through the "portion control" of soda were struck down by the New York State Court of Appeals, New York's highest court.ⁱⁱⁱ While the DOHMH has attempted to frame section 81.49 as a "warning label" to avoid venturing into improper policy making, such language is a distinction without a difference. The proposed sodium warning is a value judgment by the DOHMH as to what amount of sodium is harmful for patrons of restaurants and that by its very nature is policy making and not rulemaking.

Prohibited policymaking, as opposed to rulemaking, will be found where an agency acts without guidance from a legislative body. Such was the case in the portion control litigation where the DOHMH was policy making without guidance from the City Council. Here, the City Council's inaction on sodium warnings indicates that section 81.49 constitutes policy making versus rulemaking. And it is important for the DOHMH to consider that the City Council has made efforts to address sodium consumption in at least two bills – one during this session and one during the last session. These bills demonstrate that the City Council has not forsworn its right to make policy in this area of health regulation and for that reason the DOHMH should not venture into the City Council's domain yet again.

CONCLUSION

For the reasons set forth herein, and based on the written submission of the National Restaurant Association that the Association adopts into these comments by reference, the Association asks the DOHMH to not enact the proposed section 81.49 to the Health Code. **This regulation is a gateway to the regulation of all food content that the DOHMH deems ill-advised to eat and if passed it will undoubtedly one day lead to**

warnings on thousands of foods based on their components. From ice cream, soda, popcorn, to pizza pies, almost any food will require a warning label and the confluence of warnings on menus will lead to a collective shrug by consumers as the warnings will have no meaning as every item on a menu will be flagged as inappropriate in one way or another.^j

A vital part of NYS Restaurant Association's mission is to seek the development of a fair and equitable regulatory environment that encourages the success and growth of New York City's world famous restaurant industry. The Association thanks you for the opportunity to provide these comments today on behalf of the members of the NYS Restaurant Association in New York City and the entire food service industry.

Respectfully submitted,

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ⁱ See <https://s3.amazonaws.com/public-inspection.federalregister.gov/2015-16865.pdf> and <https://www.federalregister.gov/articles/2015/07/10/2015-16865/food-labeling-nutrition-labeling-of-standard-menu-items-in-restaurants-and-similar-retail-food>

ⁱⁱ <http://www.nyc.gov/html/doh/downloads/pdf/notice/2015/noi-repeal-article81.pdf>

ⁱⁱⁱ See, *Matter of New York Statewide Coalition of Hispanic Chambers of Commerce v New York City Dept. of Health & Mental Hygiene*, 23 NY3d 681 (2014).