



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 9

February 10, 2022

PROMOTION OF HEALTHY FOODS IN CITY PUBLICATIONS AND IN ADVERTISING
ON CITY PROPERTY

WHEREAS, the United States Department of Agriculture Dietary Guidelines (“USDA Guidelines”) for 2020 state that “nutritional needs should be met primarily from...nutrient-dense foods and beverages” and “nutrient-dense foods provide vitamins, minerals, and other health-promoting components and have no or little added sugars, saturated fat, and sodium;” and

WHEREAS, overconsumption of foods and beverages containing high levels of added sugar, sodium or saturated fat are associated with health harms, including type 2 diabetes, heart disease, and weight gain; and

WHEREAS, according to the Department of Health and Mental Hygiene’s (“DOHMH”) 2020 Community Health Survey, 11% of adults residing in New York City reported consuming no fruits or vegetables in the previous day, and 22.3% of adult New Yorkers consumed one or more sugary drinks per day,¹ which may exceed the USDA Guidelines’ recommended limit for daily added sugars;² and

WHEREAS, a 2010 study found that average daily sodium intake for adult City residents was 3,239 milligrams,³ over 70% higher than the USDA Guidelines daily recommended limit of 2,300 milligrams; and

WHEREAS, the DOHMH’s Annual Summary of Vital Statistics for 2019 show that diet-related diseases, including diabetes and heart disease, are among the top contributors of premature mortality in the City;⁴ and

¹ 2020 Community Health Survey Public Use Data, available at www1.nyc.gov/site/doh/data/data-sets/community-health-survey-public-use-data-page

² U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020. Available at www.dietaryguidelines.gov

³ 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 Dec; 104(12):2409-16.

⁴ Li W, Onyebeke C, Huynh M, Castro A, Falci L, Gurung S, Levy D, Kennedy J, Maduro G, Sun Y, Evergreen S, and Van Wye G. Summary of Vital Statistics, 2019. New York, NY. Bureau of Vital Statistics, New York City Department of Health and Mental Hygiene.

WHEREAS, a 2019 DOHMH study found increased density of advertisements for consumable products, including unhealthy foods, in City neighborhoods with higher proportions of Black residents,⁵ and another 2020 DOHMH study found that street-level sugary drink advertisements were disproportionately displayed in specific City neighborhoods, especially those with higher percentages of Black, non-Latino residents;⁶ and

WHEREAS, the City has an interest in promoting the health and safety of New Yorkers;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Every City agency is directed to ensure that, to the extent practicable:

a. Any advertising or promotional material produced, published or otherwise disseminated by the agency relating to a program, service, activity or public campaign of such agency or the City that includes any representation, by image, name or description, of food, shall feature healthy foods, such as whole foods, including but not limited to fruits, vegetables, legumes, whole grains, and plain nuts and seeds; and

b. Any contract, including but not limited to a franchise or concession, entered into or renewed by the agency or the City after the date this Order takes effect that authorizes, provides for or otherwise contemplates advertising on real or personal property owned or controlled by the City, including but not limited to any street furniture, bus shelter, bike shelter, newsstand, phone booth, Wi-Fi kiosk, or recycling kiosk, shall require any such advertising of food products to promote or feature only such healthy foods, except where such advertising occurs on a portion of a property authorized for the sale of food where the item being promoted or featured is sold.

§ 2. This Order shall take effect immediately.



Eric Adams
Mayor

⁵ Adjoian T, Dannefer R, Farley SM. Density of outdoor advertising of consumable products in NYC by neighborhood poverty level. BMC public health. 2019 Dec;19(1):1-9.

⁶ Dowling EA, Roberts C, Adjoian T, Farley SM, Dannefer R. Disparities in sugary drink advertising on New York City streets. American journal of preventive medicine. 2020 Mar 1;58(3):e87-95.