

ORDINANCE 71490

BOARD BILL NUMBER 207 AS AMENDED INTRODUCED BY: ALDERWOMAN SARAH MARTIN/ALDERWOMAN CHRISTINE INGRASSIA/ALDERMAN DAN GUENTHER/ ALDERWOMAN ANNIE RICE/ ALDERWOMAN LISA MIDDLEBROOK/ ALDERMAN JESSE TODD

1 An ordinance to require food establishments, as defined in Chapter 11.42.040 of the Revised Code
2 of the City of St. Louis, to make water, low-fat milk and 100% fruit juice the default beverage
3 options offered with food establishment children’s meals.

4 **WHEREAS**, The U.S. Centers for Disease Control and Prevention reports that the percentage of
5 children and adolescents in the United States affected by obesity has more than tripled since the
6 1970s; and

7 **WHEREAS**, children and adults with obesity are at a greater risk for numerous adverse health
8 consequences, including type 2 diabetes, heart disease, high blood pressure, high cholesterol, tooth
9 decay and other debilitating diseases; and

10 **WHEREAS**, children and adults who are overweight or obese are at greater risk for numerous
11 serious health outcomes that place a large burden on the health care system and increase health
12 care costs; and

13 **WHEREAS**, many restaurants and beverage companies have taken steps to help people address
14 obesity by introducing lower and non-calorie options, displaying calorie information, encouraging
15 people to drink more water, removing full-calorie beverages from schools, and reducing calories
16 from many of their products; and

17 **WHEREAS**, this Board believes that restaurants in the City of St. Louis can help make it easier
18 for parents and kids to make healthy choices by offering healthy drink options on children’s menus,
19 instead of sugary drinks; and

1 **WHEREAS**, the sale of default beverages in children’s meals will benefit the public health, safety
2 and welfare of the citizens of St. Louis City.

3 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

4 **SECTION ONE. Definitions.**

5 For purposes of this ordinance the following terms and phrases shall be defined as follows:

6 “*Food establishment*” has the same meaning as in Chapter 11.42.040 of the Revised Code of the
7 City of St. Louis.

8 “*Children’s meal*” means a combination of food items and a beverage that is prepared by and
9 offered for purchase at a food establishment as a unit at a single price and is primarily intended for
10 consumption by children.

11 **SECTION TWO. Beverage limitation & educational material.**

12 A. Beverage limitation. Unless requested by the customer as provided in this paragraph A of
13 Section Two, no food service operation shall offer a children’s meal that includes a beverage unless
14 the beverage is:

- 15 1. water, with no added natural or artificial sweeteners; or
- 16 2. nonfat or one percent (1%) percent milk or a non-dairy milk alternative with no added
17 caloric sweeteners, low-calorie sweeteners, or flavorings containing no more than 130
18 calories per container or serving as offered for sale; or
- 19 3. 100% fruit juice, containing no more than 6 ounces per container or serving offered for
20 sale.

1 Upon a customer's request, a food service operation may sell, and a customer may purchase, a
2 substitute or alternative beverage instead of the beverages offered pursuant to this Subsection A.

3 B. Educational material. The Commissioner or a designee shall make available educational
4 material regarding the nutritional and health reasons to limit a child's consumption of sugared
5 beverages.

6 **SECTION THREE.** Violations.

7 A. Any food service operation found to be in violation of paragraph A, Section Two of this
8 ordinance offering a children's meal that includes a beverage shall be given a warning for its first
9 violation, and shall be assessed a fine of one-hundred dollars (\$100.00) for a second violation, and
10 five-hundred dollars (\$500) for a third violation and any subsequent violations.

11 B. The offering, by a food service operation on its written or posted menu, of a children's meal
12 with the beverage limitation set forth in Section Two is prima facie evidence of compliance with
13 this chapter.

14 **SECTION FOUR.** Effective date. The provisions of this ordinance shall become effective six-
15 months following the date of its approval by the Mayor.