
CENTER FOR INDIVIDUAL FREEDOM

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December 1, 2004

The Honorable Charles M. Kuperus
New Jersey Department of Agriculture
Post Office Box 334
Trenton, NJ 08625-0334

RE: PRN 2004-434

Dear Secretary Kuperus:

I write today to urge you to reject proposed rules that impose excessive restrictions on in-school sales of certain foods and beverages and that will fail to address rising levels of childhood obesity.

First, it's important to realize that there is no evidence that banning certain foods and beverages at school will reduce childhood obesity. Consuming a soda or eating a bag of potato chips does not make a child — or anyone else — obese. Instead, obesity is the result of a lifestyle of poor decision-making that includes consuming too much while exercising too little. New government regulations will not change what children eat outside of school or what they bring from home for lunch. In fact, banning the sale of certain foods in schools will only make the forbidden selections more desirable.

Furthermore, by restricting choice, schools abandon their opportunity to teach children about making healthy choices and enjoying foods in moderation, critical elements in building a foundation for a lifetime of healthy decisions. Indeed, by restricting choices and eliminating options, our schools are teaching our children to point the finger at others and to avoid taking personal responsibility for their own choices and health.

Consider the experience of the Los Angeles Unified School District. According to the *Los Angeles Daily News*, students responded to the district's ban on soda sales by bringing more soda to school. Meanwhile, schools in one part of the district reported losing more than \$300,000 in just the first three months of the ban. A subsequent "junk-food ban" spurred students to bring candy, cookies and other treats from home. Meanwhile, arts and sports programs are suffering from the loss of critical funding.

Instead of expanding government regulation of food choices, we believe that the New Jersey regulations for school nutrition that are already in place are more than adequate. The state can and should encourage students to make informed choices and teach

them what constitutes a balanced diet. The state can also help students make their way through confusing and often conflicting information about the right combinations of diet and exercise.

In addition, New Jersey's school children should be taught lessons to empower them to make wiser food choices before, during and after the school day, rather than face a long food and drink blacklist that simply teaches them they cannot make choices at all. Lessons about food and diet should be complemented with more opportunities for physical activity. That means more time for recess and physical education classes.

This approach stands in stark contrast to PRN 2004-434 which eliminates choices and fails to adequately address the lack of physical activity in schools.

There is no simple solution to childhood obesity, but the proposed rule is exactly the wrong approach. While action might make us feel better, it will fail to achieve any of its objectives. We can better meet our children's educational needs and help them start down the road of living a healthy life if we teach them to make smart choices while relying on better nutrition education and more physical activity.

Sincerely,

/s/

Marshall Manson
Vice President of Public Affairs

CC: Kathy F. Kuser, Director, Division of Food and Nutrition