

# Banning Junk Food and Soda Sales in the State's Public Schools



*Prepared by:*

Stephen Isaacs and Ava Swartz

 The  
California  
Endowment

### **Stephen Isaacs and Ava Swartz**

Stephen Isaacs, founding partner of the consulting firm of Isaacs/Jellinek, writes frequently about health issues. Ava Swartz, who holds a master's degree in public health, is a journalist specializing in health and nutrition.



*The California Endowment*  
1000 North Alameda Street, Los Angeles, CA 90012  
800.449.4149 [www.calendow.org](http://www.calendow.org)

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**O**n September 15, 2005, at the widely publicized Summit on Health, Nutrition and Obesity, California Governor Arnold Schwarzenegger signed into law two bills establishing nutritional standards for the food and beverages sold in the state's public schools. The first, SB 12 (for Senate Bill 12), banned the sale of junk food—candy, cookies, chips and the like. The second, SB 965, banned the sale of soft drinks—Coke, Pepsi, fruit drinks, sugared waters and similar products. The governor also signed a third bill that provided funding for fruits and vegetables in school breakfast programs.

The laws—the toughest in the nation—serve as models for other states and foreign countries. They have ignited a movement that led ten states to ban the sale of junk food and soda in all grades, 22 states to limit the sale of soft drinks at some level, and U.S. Senator Tom Harkin to introduce legislation that would set national nutrition standards for food and drink sold in schools. The spate of legislative proposals and the threat of class-action lawsuits persuaded the American Beverage Association and the nation's three major soft drink companies, in April of 2006, to agree not to sell soft drinks in public schools throughout the country.

The struggle to pass California's laws is the story of determined legislators, resolute advocates, dogged researchers, responsible government officials, good timing and luck. It is also the story of how one foundation's strategic approach helped shape an inchoate

movement that, in collaboration with legislative and executive branches of government, was able to effect a change in public policy that will improve people's health and well-being. It illustrates public health at its best.

## A Strategy Takes Shape

In the 1990s and early 2000s, the nation was becoming increasingly aware that obesity seriously threatened the public's health. *The Surgeon General's Report on Nutrition and Health* sounded the alarm in 1988. Since then, medical journals and the popular media reported that obesity was linked to diabetes, stroke, heart attack, asthma, certain cancers and a variety of other illnesses; that obesity might soon surpass smoking as the leading cause of preventable death in the United States; and that the diseases brought on by obesity took a particularly high toll among minorities and poor people. The problem was particularly disturbing in children, one-third of whom are overweight and one-seventh of whom are obese. The causes of what some considered to be an obesity epidemic were not hard to discover: people were eating more food, much of it unhealthy, and getting less physical activity.

Finding solutions has proven more difficult. Traditionally, the public health and nutrition communities, perceiving food intake as a matter of personal choice, looked to improve eating habits through nutrition education. In the 1960s and 1970s, for example, the U.S. Department of Agriculture recommended

that individuals eat minimal levels of daily servings from each of the "basic four" foods (the milk group, the meat group, the bread group and the cereal group). The USDA later replaced this with the more familiar food pyramid and "recommended daily allowance" guidelines. For people who could afford them, Weight Watchers, Jenny Craig and other diet programs tried to educate their customers about healthy food choices. For people with limited means, the federal WIC program's educational efforts attempted to do the same thing.

A minority of people in the field, however, took a nontraditional position—that food intake was more than just a matter of individual choice. They argued that the nutritional choices that people make are influenced by the environment in which those choices are made. People living in poor urban communities where grocery stores don't sell fruits and vegetables and where fast food restaurants are plentiful, for example, have few real options about the kinds of food they eat. Taking a page from the tobacco-control policy book, proponents argued that policy changes were needed to improve the environment in which individuals made decisions about the food they eat.

A policy approach is particularly appropriate in addressing obesity in young people. Legally, children and adolescents under the age of 18 are considered minors, unable to make important choices on their own. More practically, they are bombarded with

advertising campaigns aimed at persuading them, for example, to eat at McDonald's, buy Coke or munch on M&Ms. Subjected to enormous peer pressure to conform to the eating patterns of other kids, they spend most of their day in school and must rely on whatever is sold in the school cafeteria and vending machines for sustenance.

During the first five years of the 2000s, the approach adopted by The California Endowment (The Endowment), a \$3 billion Los Angeles-based foundation dedicated to improving the health of Californians, evolved from nutrition education to public policy change. Initially, The Endowment emphasized the traditional approach—nutrition education on a one-to-one basis. Within The Endowment, there was considerable debate about whether to reframe the issue by de-emphasizing individual behavioral change and giving more attention to policy changes that would create more healthy nutrition environments. What won the day for the environmental approach was the argument that sufficient money was available for nutrition education from the state health department, WIC and other agencies to allow The Endowment to move in a different direction.

The shift began in 1999 when The Endowment awarded a \$285,000 grant to the Southern California Public Health Association. The grant enabled the association's director, Harold Goldstein, to identify leaders from six low-income Los Angeles communities and to work with them in bringing issues of children's

nutrition and physical activity to the attention of their elected leaders. It quickly became apparent that community residents and their leaders considered the poor quality of the food served in schools as the number one nutritional issue affecting children. A survey of the food sold in vending machines located on school campuses in the six low-income Los Angeles districts revealed that 98 percent was basically junk—chips, cookies, candy, colas and the like. The six teams combined their vending-machine findings with data showing that 80 percent of fifth, seventh and ninth graders fail the state-mandated California Physical Fitness Test and put the information into fact sheets that they distributed to their representatives in the state Assembly. Not surprisingly, the Assembly members were astonished. Most had no idea that the weight of children in their district was even an issue.

At about the same time, The Endowment supported the work of California Project LEAN (Leaders Encouraging Activity and Nutrition), a joint program of the California Department of Health Services and the Public Health Institute, a nonprofit research and policy group. The Endowment awarded \$8,000 to the Public Health Institute to find out what kinds of foods were being sold in high schools throughout the state. This small grant had a big payoff. The survey revealed that fast food vendors such as Taco Bell, Subway, Domino's Pizza, McDonald's, KFC and Arby's were common on high school campuses. In fact, 95 percent of California

high schools sold fast food as a la carte items. These foods competed with the comparatively healthier food sold by the federally subsidized school lunch program, which must comply with USDA standards. The release of the survey in February of 2000 generated great media attention, shocked parents who previously had no idea what kinds of foods their children were buying at school, and jump-started the school nutrition movement in California.

Andrea Margolis, a consultant who was staffing the Senate Health and Human Services Committee, saw the newspaper reports and grasped their significance immediately. Margolis had been asked by the committee chair, Senator Martha Escutia, a Democrat representing the largely Latino district of Montebello (which lies about eight miles east of downtown Los Angeles), to come up with ideas for legislation that would address the problem of obesity. Margolis realized that school nutrition should be the focal point for Escutia's legislation. She called Sarah Samuels, a longtime nutrition activist and president of the consulting firm that had carried out the survey for California Project LEAN. Samuels and Harold Goldstein then pulled together a small ad hoc group to generate ideas for Senator Escutia.

Based on the advice of this small group, Senator Escutia proposed an omnibus bill in 2000 that contained just about everything the group could think of: a soda tax, a junk food ban, nutritional standards, mandated physical education, diabetes testing in school and so

forth. The bill went nowhere, but it did generate an "informational hearing" in the Legislature from which it became clear that any future legislation had to be targeted, not scattershot. Senator Escutia, who had decided to concentrate on school nutrition (another legislator, Carol Migden, took responsibility for physical education), was determined to introduce a more focused bill the next year, one that would establish nutritional guidelines for food sold in school. The problem was that no such guidelines existed.

With funding from The Endowment, Harold Goldstein, who by then was the executive director of a new organization called the California Center for Public Health Advocacy, convened a panel of experts—from within and outside of California—that developed standards for food and beverages appropriate for school-age children. They were the first such nutritional standards anywhere in the country. The panel recommended that only food approved by the USDA for school breakfast and lunch programs be sold in elementary schools. For secondary schools, it recommended a ban on the sale of soft drinks, sports drinks (such as Gatorade and PowerAde), other drinks containing less than 50 percent fruit juice, whole milk, coffee, and caffeinated teas; it also proposed limits on portion sizes and fats, saturated fats, and sugar sold in secondary schools. In brief, the nutritional standards for middle schools and high schools would ban the sale of soft drinks and the high-fat candies, chips, pizza, and burgers that were being sold to schoolchildren.

In December of 2000, Senator Escutia introduced SB 19, a bill that would have adopted the panel's standards for the California public school system. SB 19 faced heavy opposition from the start, especially from associations representing school officials such as principals, superintendents, board of education members and food services directors. They testified that schools would lose substantial amounts of money that came to them through contracts—called “pouring rights contracts”—with the big beverage and food companies. Financially pressed schools counted on this money to pay for extracurricular activities such as athletics and band.

After acrimonious hearings and nastiness that extended outside of the legislative chambers, the Legislature passed, in September 2001, a watered-down version of SB 19 that banned the sale of soft drinks and junk food in elementary schools, allowed soft drinks to be sold in middle schools through the end of lunch, and took high schools out of the bill altogether, opting, instead, to test the standards in ten high schools and middle schools. SB 19 never went into effect, however. The Legislature linked execution of the law to an increase in the reimbursement for school food services, but it never authorized the increase.

Even though it never went into effect, SB 19 energized a movement for improved school nutrition, a movement that The California

Endowment was able to help shape through a range of grants that it made between 2001 and 2005. Spurred by senior program officer Marion Standish, The Endowment embraced the issue on all fronts. It funded policy analysis, survey research, public opinion polling, advocacy, demonstration projects and media relations. Its senior officials spoke out on the issues, and its staff worked with government and the private sector to publicize the issues and come up with concrete plans to address the problem.

A key element of The Endowment's strategy was its support of activists. It funded the establishment and the work of the Strategic Alliance for Healthy Food and Active Environments, a statewide coalition of nutrition and physical activity advocacy groups, each of which had its own agenda but all of whom could put their individual interests aside and come together to promote environmental and policy changes needed to support healthy eating and regular physical activity.<sup>†</sup> The Endowment decided to house the Strategic Alliance in the Oakland-based Prevention Institute, a nonprofit organization working to improve community health that was not perceived to have a political agenda and which could bring the advocates together and forge consensus. Through its training, community meetings, statewide “listening sessions,” newsletters, Web site, technical assistance and training, the Strategic Alliance kept the movement grounded in reality and, in many ways, served as its conscience.

<sup>†</sup> The founding members of the Strategic Alliance were the California Adolescent Nutrition and Fitness Program (CANFit), California Center for Public Health Advocacy, California Food Policy Advocates, California Pan-Ethnic Health Network, California Project LEAN, California WIC Association, Child Care Food Program Roundtable, Latino Health Access, Prevention Institute, and Samuels & Associates.

To complement the work of the Prevention Institute, which served as a neutral convener of diverse advocates, The Endowment supported the policy activism of the California Center for Public Health Advocacy. By giving the Center a series of core support grants, The Endowment backed Harold Goldstein's policy-oriented research and public education work to advance nutrition policy in Sacramento. Although core support is often frowned upon by foundations—which often prefer to link their grants to specific projects—it proved to be an extremely effective approach in this case.

Another element of The Endowment's approach was research and data collection, and analysis. It awarded a series of grants to expand the scope of the California Health Interview Survey. The survey, conducted every two years by the UCLA Center for Health Policy Research, provides a snapshot of the health needs of the state's residents. The Endowment's grant enabled the UCLA Center to over-sample minority and underserved populations and to add questions about young people's eating habits in the 2001 and 2003 California Health Interview Surveys. It funded the Field Research Corporation, a highly respected San

## KEY POLICY ACTIONS AND DATES

**SB 19:** Bans sale of food and soda not meeting nutritional standards in elementary schools. Allows soda sales in middle school through lunch period. Authorized study of nutritional standards in ten high schools and middle schools. Passed in 2001 but never implemented.

**SB 1520:** Tax on soda introduced in 2002. Died in committee.

Los Angeles Unified School District bans sale of soda not meeting nutritional standards in schools in 2002.

**SB 677:** Bans sale of soda not meeting nutritional standards in elementary, middle and junior high schools. Passed in 2003. Became effective in 2004.

**SB 12:** Bans sale of food not meeting nutritional standards in public schools, including high schools. Passed in 2005. Becomes effective in 2007.

**SB 965:** Bans sale of soda not meeting nutritional standards in public schools, including high schools. Passed in 2005. Becomes effective in 2009.

Governor's Summit on Health, Nutrition and Obesity held September 15, 2005. Governor signs SB 12, SB 965 and SB 281 (providing money for fruits and vegetables for school breakfast programs).

Francisco-based polling organization to conduct a statewide survey to determine what ordinary Californians thought about the issue of obesity and what they expected their legislators to do; supported the Center for Weight and Health at the University of California, Berkeley, to study, as required by the Legislature, the effects of banning sodas and junk foods in the state's public schools; and commissioned Samuels & Associates to conduct studies of school nutrition.

In addition, The Endowment reached out to the field and to the media. It made grants to the Public Health Institute (and, through it, California Project LEAN) and PolicyLink to conduct a series of policy-related meetings, to produce publications, and to provide information to the media. Most important, perhaps, it funded and helped organize the Governor's Summit on Health, Nutrition and Obesity.

Working from the bottom-up as well as the top-down, The Endowment made grants to organizations such as the National Coalition of Hispanic Organizations and Mazon to enable them to carry out obesity- and diabetes-prevention projects at the local level. To show what could be done on the ground, in 2005, The Endowment funded demonstration nutrition and physical activity projects in six communities—projects that also contained an advocacy and communications component.

## Strategic Grant Making and Public Policy Change

As The California Endowment was developing and executing its strategy to improve childhood obesity-prevention policies in California, school districts throughout the state were turning their attention to this serious health issue. In December of 2001, the Oakland school board voted to prohibit the sale of soft drinks in the district's schools. Nine months later, the Los Angeles Unified School District proposed the adoption of nutrition standards based on the ones developed by the panel convened by the California Center for Public Health Advocacy. What prompted the debate in Los Angeles was the advocacy of Jacqueline Domac, a teacher in Venice and one of the original grassroots leaders with both California Project LEAN and the six Los Angeles teams of activists that The Endowment had funded back in 1999. After a contentious hearing where proponents of the measure argued in favor of its health benefits and opponents argued that the school system could not afford to lose the income from pouring rights contracts, the Los Angeles school board voted unanimously to ban the sale of sodas in the district's schools.

In the Legislature, Senator Deborah Ortiz (D-Sacramento) proposed a bill, SB 677, that would permit only healthy beverages to be sold in the public schools. As drafted, the bill set standards that would limit the sale of drinks in elementary school to water, milk, 100 percent fruit juices, or fruit-based drinks

with no less than 50 percent fruit juice and no added sweeteners. It placed the same limitations on middle schools, junior high schools and high schools, except that it allowed the sale of sports drinks.

As the bill was being debated, two grantees of The California Endowment released reports, both of which received considerable media attention. The first, from the California Center for Public Health Advocacy, reported on overweight children in California—legislative district by legislative district. The report (which had been funded by the Robert Wood Johnson Foundation) showed that more than a quarter of the state's schoolchildren were overweight and that 40 percent were considered unfit according to the state's own physical-fitness data. "I knew at the beginning that reporting data by legislative district was a good idea," Harold Goldstein says. "I didn't realize *how* good it was. What I didn't realize was that every reporter would call his or her legislator and ask, 'Have you seen the data on obesity in your district? What are you going to do about it?'"

The second report, written by the Public Health Institute on behalf of California Project LEAN, opened, for the first time, a window on the beverage companies' contracts with California's schools. The Public Health Institute surveyed the state's largest school districts about their contracts with soft drink companies. Twenty out of the 25 school districts responded. Most had contracts with soft drink companies that provided schools or

school districts with commissions ranging from 39 percent to 56 percent of the revenue taken in from the sale of soft drinks; the more cans of soda sold, the higher the commission. Some districts received signing bonuses and other financial incentives not tied to sales volume. The bonuses ranged from \$55,000 to \$1 million. Incentives in the form of yearly payments ranged from \$25,000 to \$80,000. "Soda contracts guarantee the pervasive presence of soda company products and logos at school," the report concluded. "The system is inherently created to increase soda and beverage consumption at school."

Like its predecessor bills to limit soda and junk food in school, SB 677 faced a firestorm of opposition. Some came from school officials fearful of losing money from soda sales that they felt they needed for extracurricular activities. Mainly, however, the opposition came from the beverage industry. SB 677 made it through the Senate easily, but ran into problems in the Assembly. The chairman of the Assembly Health Committee, for example, asked how it was possible that high school seniors, many of whom were old enough to join the military, wouldn't be allowed to buy a Coke. The Assembly ultimately passed the bill, but it did not include high schools; as passed, it applied only to elementary, middle and junior high schools.

SB 677 was the first statewide ban on food or drink in school to actually go into effect (SB 19, the ban on food and soda passed two years earlier, never was implemented).

It revealed that the beverage industry was willing to allow the removal of sodas from elementary and junior high schools, but drew the line at high schools. Governor Gray Davis, who was facing a recall election at the time, signed the bill into law on September 17, 2003, and it went into effect on July 1, 2004.

By 2004 the alarming rise in obesity and its health consequences had captured the public's attention throughout the nation. While the Surgeon General's report, *A Call to Action to Prevent and Decrease Overweight and Obesity*, had sounded the alarm in 2001, by 2004, films such as *Supersize Me*, highly publicized weight battles of celebrities from Oprah Winfrey to Bill Clinton, and diet books ranging from Atkins to South Beach had popularized the issue. One could hardly pick up a newspaper or watch the evening news on TV without seeing something about weight and, more often than not, how to lose it. Within the state, the Field Poll commissioned by The Endowment in 2003 and released in March of 2004 revealed that 92 percent of Californians believed the problem of obesity was serious. When asked what the major causes were, Californians cited a lack of physical activity and consumption of junk food.

Then an event occurred that gave The Endowment a rare opportunity to build upon its previous work and move in new directions—after an acrimonious recall election, Arnold Schwarzenegger replaced Gray Davis as the state's governor.

Schwarzenegger's celebrity and his personal interest in physical fitness had the potential to vault obesity into a highly visible issue. Moreover, as his Secretary of Health and Human Services, Schwarzenegger appointed Kimberly Belshé, who, as the head of the state health department, had played a major role in California's tobacco-control campaign and who immediately recognized the parallels between smoking and the twin causes of obesity—poor diet and lack of physical activity.

The Endowment invited Belshé to its Los Angeles headquarters to meet with some of its senior staff members and discuss ways that The Endowment could be helpful to the new governor. At that meeting, which took place in April of 2004, the group agreed that the most meaningful thing the governor could do was to host a "summit" on obesity and that The Endowment could help by financially supporting it. The idea behind the summit was to bring together the people who could make an impact on childhood obesity in the state and to ask them to make commitments to alleviate the problem. This included government, of course, but also public health, education, business, labor and philanthropy. Thus was born the idea of the Governor's Summit on Health, Nutrition and Obesity. As a first step, The Endowment and the Health and Human Services Agency hammered out a tough set of principles—based on principles articulated originally by the Strategic Alliance—that became the basis for the governor's "vision statement" on reducing childhood obesity.

For the next year and four months, the office of the governor, the office of first lady Maria Shriver (who was personally invested in the issues and played a catalytic role in the Summit), the California Health and Human Services Agency, and The California Endowment worked to organize a summit meeting that would both attract media buzz and, at the same time, come up with concrete plans to reduce childhood obesity. The advisory committee included health care leaders, executives of food and physical fitness companies, educators, nutrition advocates, and public health experts.<sup>‡</sup> As a member of the planning committee, The Endowment played an active role in shaping, planning

and implementing the Summit. In addition, it contracted with public relations firms in Sacramento and Los Angeles to identify businesses that would make public commitments to reducing childhood obesity at the Summit; bring together people who did not usually talk to each other, such as community activists, corporate executives and government officials, in order to forge a common agenda (or at least understand each other's concerns); and assure that the Summit received the media attention it merited.

In late 2004 and into 2005, as the plans for the Governor's Summit were progressing, Senator Martha Escutia was making one last

## GOVERNOR'S VISION FOR A HEALTHY CALIFORNIA: TEN STEPS TOWARD HEALTHY LIVING

1. Californians will understand the importance of physical activity and healthy eating, and they will make healthier choices based on their understanding.
2. Every day, every child will participate in physical activities.
3. California's adults will be physically active every day.
4. Schools will only offer healthy foods and beverages to students.
5. Only healthy foods and beverages will be marketed to children ages 12 and under.
6. Produce and other fresh, healthy food items will be affordable and available in all neighborhoods.
7. Neighborhoods, communities and buildings will support physical activity, including safe walking, stair climbing and bicycling.
8. Healthy foods and beverages will be accessible, affordable and promoted in grocery stores, restaurants and entertainment venues.
9. Health insurers and health care providers will promote physical activity and healthy eating.
10. Employees will have access to physical activity and healthy food options.

<sup>‡</sup> Two beverage giants, Coca-Cola and PepsiCo, were initially involved in planning the Summit, but did not participate in the event (at which the governor signed laws banning the sale of many of their products in schools).

try. She introduced two bills—SB 12 that would ban the sale of junk food and SB 965 that would ban the sale of soft drinks (with limited exceptions such as sports drinks) in all grades of the school system. Given the almost certain opposition of the food and beverage industry, it was questionable whether there was enough support in the Legislature to pass the bills—especially the ban on soda, which was particularly controversial. That was when Governor Schwarzenegger publicly entered the picture. At a press conference concluding a body-building event in Columbus, Ohio, in March of 2005, the governor said, “We in California this year are introducing legislation that would ban all sales of junk food in schools.” His aides later added that he supported the bill that would ban the sale of soft drinks in the state’s school system. Schwarzenegger reinforced his position a couple of weeks later in an interview with the editors of the *San Francisco Chronicle*, in which he said that the Legislature should “just pass a law that says you are not going to have any junk food in the schools because it is destroying our kids.”

As the Legislature considered the bills, results of Endowment-funded research were being released and, once again thanks to the efforts of the advocates, receiving widespread media attention.

- The California Center for Public Health Advocacy reported on diabetes rates in each of the state’s legislative districts; it found that diabetes in the state had increased by 67 percent between 1990 and

1998. The Center followed with a report on childhood obesity rates broken down by legislative district, noting that the number of overweight schoolchildren in the state had risen 6 percent between 2001 and 2004.

- The Center for Weight and Health at the University of California, Berkeley, issued a report on the impact of prohibiting the sale of unhealthy food and drinks in sixteen middle schools and high schools. The report, which the Legislature had mandated when it passed SB 19, found that the schools that had banned soda and junk food sales “tended to see an increase in school meal participation, *with an overall increase in food service department revenue [emphasis added]*.” In other words, prohibiting the sale of unhealthy foods and drinks did not have the devastating financial impact on schools that the opponents had predicted.
- UCLA’s Center for Health Policy Research reported findings from the 2003 California Health Interview Survey which said that two-thirds of California teenagers drank soda and nearly half ate fast food daily, and that students attending schools where they could buy sodas at school vending machines drank 25 percent more than students attending schools without soft drinks in the vending machines.

The hearings on the bill to ban the sale of junk food in the school system—SB 12—surprised nearly everybody. The opposition to it had crumbled completely. The associations of public

school leaders—principals, superintendents and school board members—that had objected so strongly to earlier bills now backed SB 12. School food services directors—the people in charge of school nutrition—who had taken the anomalous position of opposing SB 19 because of the monetary damage it would have inflicted on them, recognized that they had made a political miscalculation and now came out in favor of SB 12. With no significant opposition, the bill sailed through.

The bill to ban the sale of soft drinks—SB 965—faced tougher sailing. The beverage industry argued that high school students were old enough to decide what they would drink and, besides, could simply walk across the street and buy a can of soda. Moreover, the industry argued that the ban on artificial sweeteners hampered the development of relatively healthy new products such as flavored waters. Most significant, however, was the argument that diet sodas did not contribute to obesity and therefore should not be banned. Senator Escutia, backed by Governor Schwarzenegger, held firm, arguing that if diet sodas, which have no nutritional value at all, were allowed in, then schools would simply shift to them and not to healthy drinks such as fruit juices and milk. In the end, Escutia and Assembly Speaker Fabian Núñez (D-Los Angeles) rounded up Democratic votes and Governor Schwarzenegger did the same on the Republican side, and the bill squeaked through.

The Governor's Summit on Health, Nutrition and Obesity was held on September 15, 2005. Arnold Schwarzenegger signed into law the two bills banning the sale of junk food and soft drinks in the state's public schools, along with a third bill, SB 281, introduced by Senator Abel Maldonado (R-Santa Maria), which provided money for fruits and vegetables in school breakfast programs. More than 100 invited guests attended, including celebrities Lance Armstrong, Dr. Phil, Dean Ornish, Mehmet Oz and chef Alice Waters.

Governor Schwarzenegger presented his ten-point vision for a healthy California and announced an honor role of organizations that he recognized for their leadership, vision and commitment to the health of all Californians. Throughout the day, business, philanthropic, and governmental leaders announced the commitments of their organizations to improving the health of California's children. The monetary value of these commitments was estimated at \$50 million.

## Reflections on Foundations and Public Policy Change

Policy change does not come easily, and it is especially hard for foundations—which are prohibited by law from lobbying for specific pieces of legislation—to influence. Moreover, policy change is not something that foundations can easily take credit for. They are one of a number of players, and they can contribute to policy change, not bring it about. Nonetheless, there is little doubt that The Endowment and its grantees played an

important role in the events leading up to the passage of SB 12, SB 965 and the other laws passed earlier by the Legislature. The approach adopted by The Endowment can serve as an example of strategic grant making for foundations striving to bring about policy change. Its key elements were the following:

**1. Recognize the importance of the issue and work to shape a movement addressing it.**

Foundations are often most effective when they recognize an emerging policy issue and devote their energy and grant making to shaping a movement that is addressing it. By the late 1990s, The Endowment had recognized that obesity had become both a national public health problem and a national obsession. The timing was right. It seized the moment, and by 2001 was developing strategies to help shape the direction of what was, at the time, an inchoate movement.

**2. Focus directly on policy change.**

Because of the federal restrictions on lobbying by foundations, foundations are often reluctant to address policy change. Yet, there are many avenues open to foundations that allow them to legally work toward policy change. They can, for example, make grants to provide information to the public, including policymakers; organize policy-relevant meetings and conferences; bring people, including policymakers, together; conduct policy research; hold policy briefings; and educate policymakers. They can also provide core support to grantees, which are then permitted to carry out lobbying activities. The Endowment made a decision to try to effect policy change, working within the applicable legal restrictions.

The decision to focus on policy change marked a departure from the way that public health professionals traditionally had addressed behavioral and lifestyle issues. The traditional approach involves, for the most part, one-on-one interventions that attempt to change behavioral choices made by individuals. The alternative implies a different way of looking at the problem. Without denying the importance of individual choice and the need for health promotion and education, it emphasizes changing the environment in which those choices are made. And the way to change the environment is by modifying public policies.

*There are many avenues open to foundations that allow them to legally work toward policy change.*

**3. Embrace the issue in a comprehensive manner.**

The Endowment attacked the issue of childhood obesity on a variety of fronts. It funded research, advocacy, public opinion polling, media relations and public education. It supported grassroots organizations and high-level policy conferences. Some elements of

The Endowment's all-embracing approach were:

- ***Research and data collection and analysis:***

The Endowment funded research studies, such as those showing that fast food chains dominated school cafeterias, finding that junk food filled school vending machines, and documenting obesity and diabetes rates for each legislative district. These studies brought to light the kinds of food and beverages being sold in public schools, the ways in which they contributed to children's obesity, and the levels of obesity and obesity-related illness throughout the state. The expert panel's standards for school nutrition, the first in the nation, guided policymakers in determining the kinds of food and beverages that were healthy for children and, therefore, appropriate for sale in public schools. Public opinion polling revealed that Californians wanted unhealthy food out of the public schools and reassured legislators that banning junk food and soda would not be unpopular. In its totality, the research and data analysis funded by The Endowment gave politicians, advocates and the media a credible scientific basis to back their call for the removal of junk food and soda from schools.

- ***Advocacy:*** The Endowment supported advocates who were not afraid to take on the food and beverage industry and who used the data and research findings to effect positive change. The Endowment funded the Strategic Alliance, comprised of grassroots and policy activists who otherwise might have been fighting with each other. The Strategic Alliance's director, Leslie Mikkelsen, kept the group

focused on improving nutrition in the school system. The Endowment did not just fund projects; it funded people whom it knew would be effective advocates. For example, it gave core support grants to the California Center for Public Health Advocacy to enable its executive director, Harold Goldstein, to carry out studies, put findings in terms that the media and policymakers could use, and take advantage of opportunities as they arose. The Endowment awarded a series of contracts to Samuels & Associates; its president, Sarah Samuels, used the funding to conduct the survey on fast food sales in public schools and other surveys, draft reports, establish the Strategic Alliance, and serve as a strategy advisor to The Endowment.

- ***Media:*** Childhood obesity had become a hot issue throughout the nation and nowhere more than health-conscious California.

Building on the momentum, The Endowment awarded grants to advocacy and research organizations for the purpose, in part, of reaching out to the media and generating media coverage. As a result, the reports on fast foods in schools, district-by-district obesity and diabetes rates, results of the Field public opinion poll, and the Governor's Summit all generated huge amounts of media coverage.

- ***Community-level demonstration projects:***

Adopting both a top-down and bottom-up approach, The Endowment complemented its research, advocacy and media grants by making grants to local organizations to carry out community-based obesity-prevention and diabetes-prevention and monitoring efforts.

In addition to the specific projects and people supported by The Endowment, its staff and board gave the issue of obesity public visibility. Speeches by, and interviews of, President and Chief Executive Dr. Robert Ross, for example, lent The Endowment's credibility to the issue of obesity and the public policies to address it.

#### **4. Seize opportunities.**

These factors, on their own, might have led to the passage of laws banning junk food and soft drinks in California public schools in due course, especially given the dogged determination of Senator Martha Escutia. Then Arnold Schwarzenegger became governor. His election offered a rare opportunity for, as Health and Human Services secretary Belshé observed, "When this governor comes out and supports something, it totally changes the context."

The California Endowment maintained the flexibility to take advantage of this unique opportunity. It worked closely with the governor's office, the first lady's office, the Health and Human Services agency, and its own grantees to plan, organize and execute what everybody agrees was a successful summit. It contracted with public relations firms to identify businesses that would make commitments to reducing childhood obesity and arranged for the media attention that the Summit attracted. It collaborated on the draft of the governor's vision statement, all the while listening to the members of the Strategic Alliance to be sure that the document did not compromise away important principles.

#### **5. Maintain the momentum.**

The Endowment's work did not end with the Summit and the signing of the legislation in September 2005. It has maintained pressure to make sure that the laws are implemented and that other, related issues, such as physical education in schools, are addressed. For example, The Endowment funded the Public Health Institute to conduct a survey (carried out by Samuels & Associates and released in March of 2006) of vending machines in the state's schools and also to work with California Project LEAN to help district administrators and school boards establish policies that encourage healthy eating and physical activity. Under its Healthy Eating/Active Communities program (which was funded in March 2005 and runs through 2009), it awarded grants to collaboratives of community organizations, schools and public health departments in six low-income communities to demonstrate ways of improving nutritional and physical activity environments for school-age children. And The Endowment monitors the status of the commitments made at the Summit and the work of the committee led by Kimberly Belshé, Harold Goldstein and Steven Burd, the chairman, president and chief executive officer of Safeway, charged with overseeing the follow-up to the event.

### **The Continuing Challenge**

As significant as the laws may be, neither their proponents nor opponents believe that banning the sale of junk food and soft drinks in public schools will halt the epidemic of overweight children. Childhood obesity is a

complicated problem and combating it requires action on a variety of fronts. Any adult who has tried to lose weight knows the definition of frustration. For kids struggling with issues of identity and peer pressure, attending schools that offer little or no physical education and living in neighborhoods where it is often dangerous to go outside to play and where the grocery stores sell mostly fat- and sugar-laden foods, the challenge to lose weight and get in shape can seem hopeless. What these laws are is a first step—a giant baby step—in a continuing struggle to improve children's health.

While the laws that have been passed or introduced in the wake of California's legislation, plus the agreement of the American Beverage Association and the major bottling companies to limit sales of soft drinks in schools, appear to offer comfort that the problem of children's obesity is being adequately addressed, this is illusory.

The American Beverage Association's policy, for example, is strictly voluntary and therefore unenforceable. Moreover, it allows the sale of diet drinks and sports drinks, and does not address the issue of junk foods being sold in schools. A report card issued by the Center for Science in the Public Interest, a Washington, D.C.-based nutrition advocacy group, in June of 2006 painted a discouraging picture. No state received an A, and Kentucky received the highest grade, an A- (California was awarded a B+, though presumably that will go up when SB 12 and SB 965 are fully

implemented). Twenty-three states received a failing grade, because they did not have any policy on foods sold outside of school meals beyond a weak and outdated policy specifying that foods of minimal nutritional value could not be sold in the food service area during mealtime.

Thus, there is still much to be done to improve the health of America's schoolchildren. For foundations striving to bring about change at the policy level, the approach taken by The California Endowment illustrates how philanthropy can play a critical role. The Endowment's president and CEO, Dr. Robert Ross, summarized this approach. "I recall that my training on public policy taught me that good data drives policy—that you should focus on the data and the evidence," he said. "After my experience as a public health official in Philadelphia and San Diego—not to mention my experience at The Endowment—I realized that this was woefully incomplete. To good data, you have to add advocacy, media, information for policymakers, grassroots activism. You've got to work with the resources at your disposal, and connect your work on the ground with your efforts to shape policy at high political levels. You've got to be very thoughtful and strategic, but yet have the flexibility to take advantage of opportunities as they present themselves."



*The California Endowment*  
1000 North Alameda Street, Los Angeles, CA 90012  
800.449.4149 [www.calendow.org](http://www.calendow.org)