



Robert Wood Johnson Foundation

BALANCE

ISSUE 6 | 2008 MID-YEAR REPORT | EXECUTIVE SUMMARY



**A Report on State
Action to Promote
Nutrition, Increase
Physical Activity
and Prevent
Obesity**

Produced by Albemarle State Policy Center (ASPC).

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Executive Summary

According to new data released by the National Health and Nutrition Examination Survey in May 2008, nearly one-third of American children and adolescents—or about 23 million youth—are overweight or obese.¹ The current statistics reflect a dramatic increase in obesity rates over the past four decades: among children ages 6 to 11 the obesity rate has more than quadrupled, and among teens ages 12 to 19, it has more than tripled. Over the past three decades, the obesity rate has more than doubled among children ages 2 to 5.^{2, 3}

The serious health risks associated with obesity, including cardiovascular disease, hypertension, type 2 diabetes and elevated cholesterol, and the tremendous burden obesity places on the U.S. health care system demand the attention of state and federal policy-makers.⁴

State Legislative Efforts

From January to June 2008 state lawmakers continued to address the nation's childhood obesity epidemic. Legislators in 39 states introduced or acted on at least 320 bills related to obesity-prevention measures.

¹ Ogden CL, Carroll MD, Flegal LR. "High Body Mass Index for Age Among U.S. Children and Adolescents, 2003–2006." *Journal of the American Medical Association*, 299(20): 2401–2405, 2008.

² *ibid.*

³ Ogden CL, Flegal KM, Carroll MD, et al. "Prevalence and Trends in Overweight Among US Children and Adolescents, 1999–2000." *Journal of the American Medical Association*, 288(14): 1728–1732, 2002.

⁴ United States Government Accountability Office. *Childhood Obesity: Most Experts Identified Physical Activity and the Use of Best Practices as Key to Successful Programs* (2005).

- Lawmakers in 13 states sought to establish state-level task forces to study policies intended to prevent or reduce obesity or its related chronic health complications.
- Policy-makers in 16 states explored various avenues to increase children's access to fresh, healthy foods through farmers' markets, farm-to-school programs and re-establishing grocery stores in urban settings.
- In seven states lawmakers sought to expand facilities in an effort to increase opportunities for physical activity for children, and legislators in 20 states focused on laws to improve the safety of such activity.

Figure 1 shows the 39 states that introduced or acted on legislation to address the childhood obesity epidemic in 2008. State legislators in Alabama, California, Florida, Hawaii, Iowa, Maryland, Minnesota, New Jersey, New York, Oklahoma and Washington were among the most active, having introduced or acted on 12 or more bills from January to June 2008.

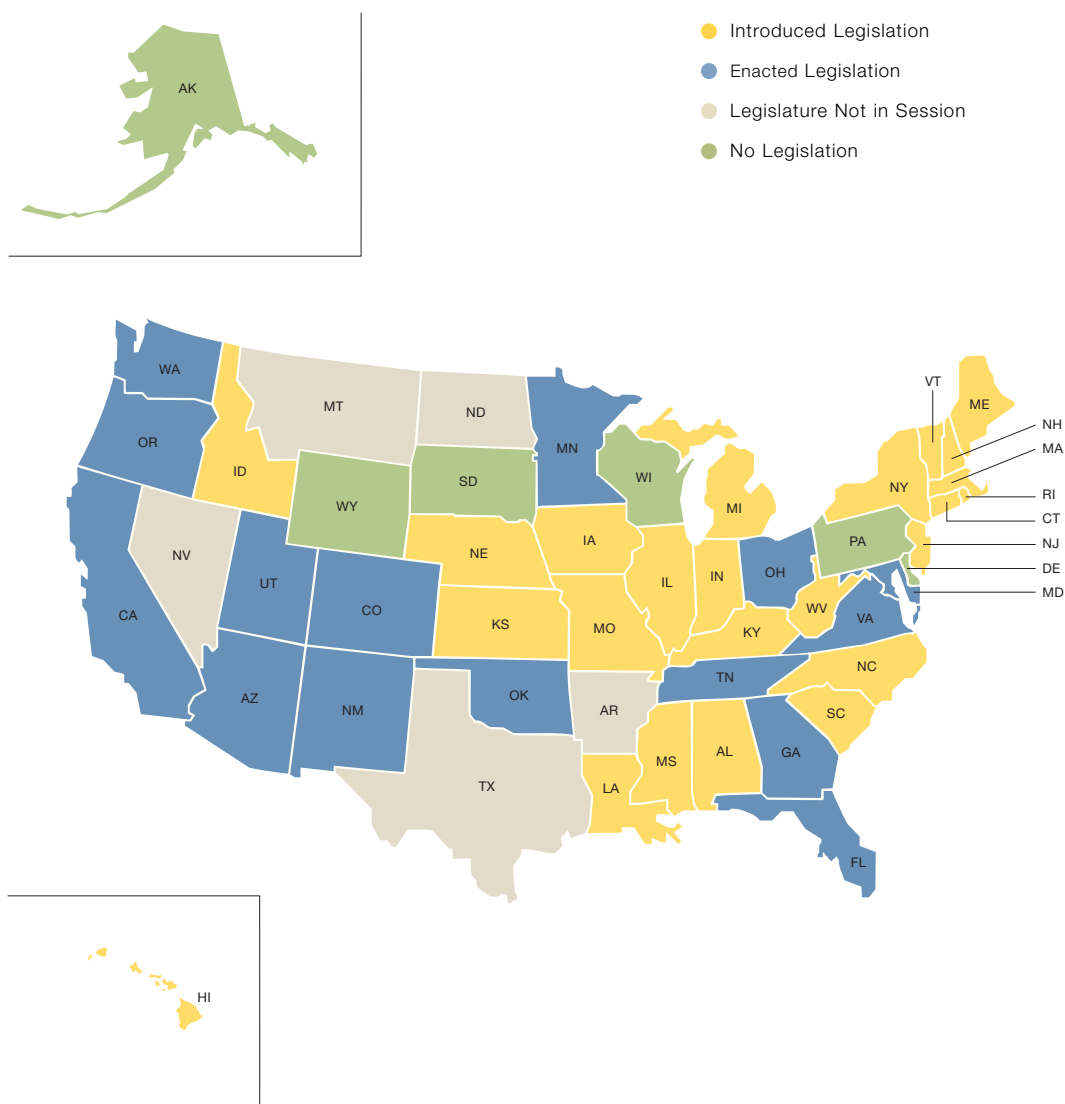
As in past years, the main focus of both federal and state legislation remains children's access to nutritious foods and opportunities for physical activity within the school system. Lawmakers also introduced a significant number of measures to create obesity-prevention related task forces.

The legislative action taken by state lawmakers during the first half of 2008 to address the obesity crisis is consistent with their efforts on this issue over the past five years. However, from January to June 2008 only 32 laws related to obesity prevention were enacted—and only 15 of the 39 state legislatures that introduced or acted on legislation actually passed measures. The dearth of new laws seems to reflect a concern recently voiced by Risa Lavizzo-Mourey, president and CEO of the Robert Wood Johnson Foundation, when she “urged policy-makers at all levels of government to think about the long-term impact of the decisions they make or choose not to make.”⁵ While the enacted laws were few in number, many of the laws that were passed and introduced in the state legislatures have strong potential to help create healthier schools and communities. Details about these measures are explained and presented in the *2008 Mid-Year Balance* report.

⁵ Risa Lavizzo-Mourey, *A Message from Risa Lavizzo-Mourey on the Anniversary of RWJF's \$500-Million Commitment to Reverse the Childhood Obesity Epidemic*, May 14, 2008, Robert Wood Johnson Foundation.

FIGURE 1

States Introducing or Acting on Legislation Affecting Childhood Obesity, January to June 2008



Source: Albemarle State Policy Center, 2008

Children's Access to Nutritious Foods

The majority of legislation introduced and considered by state legislators from January to June 2008 concerned nutrition guidelines for school breakfasts, lunches, vending machine products and other foods available on school grounds. Expanding participation in school breakfasts and facilitating access to fresh produce from local farmers through farm-to-school programs also captured the attention of state policy-makers.

At least 29 state legislatures considered legislation in the following areas:

- establishing stricter nutrition standards;
- increasing the availability of fresh fruits and vegetables in school cafeterias;
- curtailing unhealthy foods offered in à la carte lines in cafeterias and school vending machines; or
- expanding access to school breakfast programs.

Figure 2 shows the states introducing or acting on legislation from January to June 2008 that affects children's access to nutritious foods.

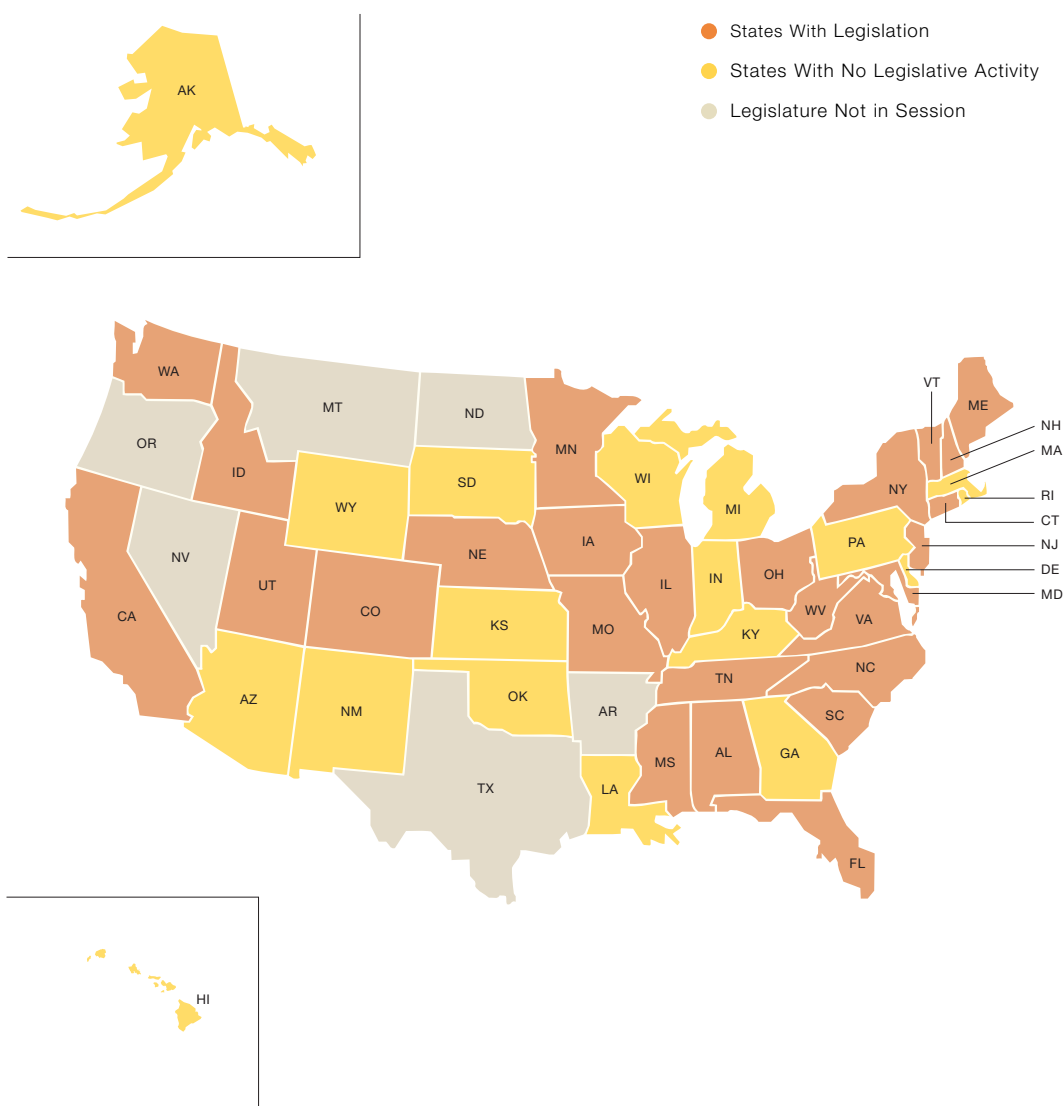
Reflecting the critical importance of breakfast to students' academic success, school breakfast programs are increasingly popular among policy-makers and school administrators. In 2008 state legislators sought to expand access to breakfast by offering it for free to students who previously paid a reduced price, and by proposing measures intended to make the meals more appealing and convenient.

Enthusiastic state lawmakers across the country are trying to make it easier for local farms to establish business relationships with schools, in a critical effort to increase children's access to fresh fruit and vegetables. The most comprehensive farm-to-school legislation introduced so far in 2008 includes the following objectives:

- provide local farm products to local schools;
- assist farmers in finding the most effective ways to link with schools;
- emphasize locally and state-grown food products;
- facilitate school field trips to local farms;

FIGURE 2

States Introducing or Acting on Legislation Affecting Children’s Access to Nutritious Foods, January to June 2008



Source: Albemarle State Policy Center, 2008

- emphasize the role agriculture plays in the state's economy; and
- assist farmers with establishing and improving a revenue stream by selling to local schools.

Students' Physical Activity, BMI and Fitness Levels

State legislators continued to recognize that supporting opportunities for safe physical activity in schools is critical for preventing childhood obesity. From January to June 2008, lawmakers in at least 29 states introduced legislation addressing physical activity in schools, with a focus on physical education classes, body mass index (BMI) screenings, fitness assessments and physical education curricula. State legislators fell short in enacting the many bills that were introduced. The opposition they encountered often cited the need to give priority to academics over physical activity and fitness testing.

Figure 3 shows the states introducing or acting on legislation from January to June 2008 that affects physical education, BMI and fitness testing and physical activity in schools.

Many of the bills introduced focus on physical fitness assessments, which record the ability to meet certain age-appropriate flexibility, strength and endurance standards; and BMI, or the measurement of weight in relation to height, which is the most widely accepted assessment for determining weight-related health risks in children and adolescents.⁶ While school-based BMI screenings continue to be controversial in some parts of the country, lawmakers in several states introduced legislation requiring health assessments, including BMI measures, in schools. Other proposed legislation outlines how to track, analyze and monitor BMI changes over time.

Commissions, Councils and Task Forces

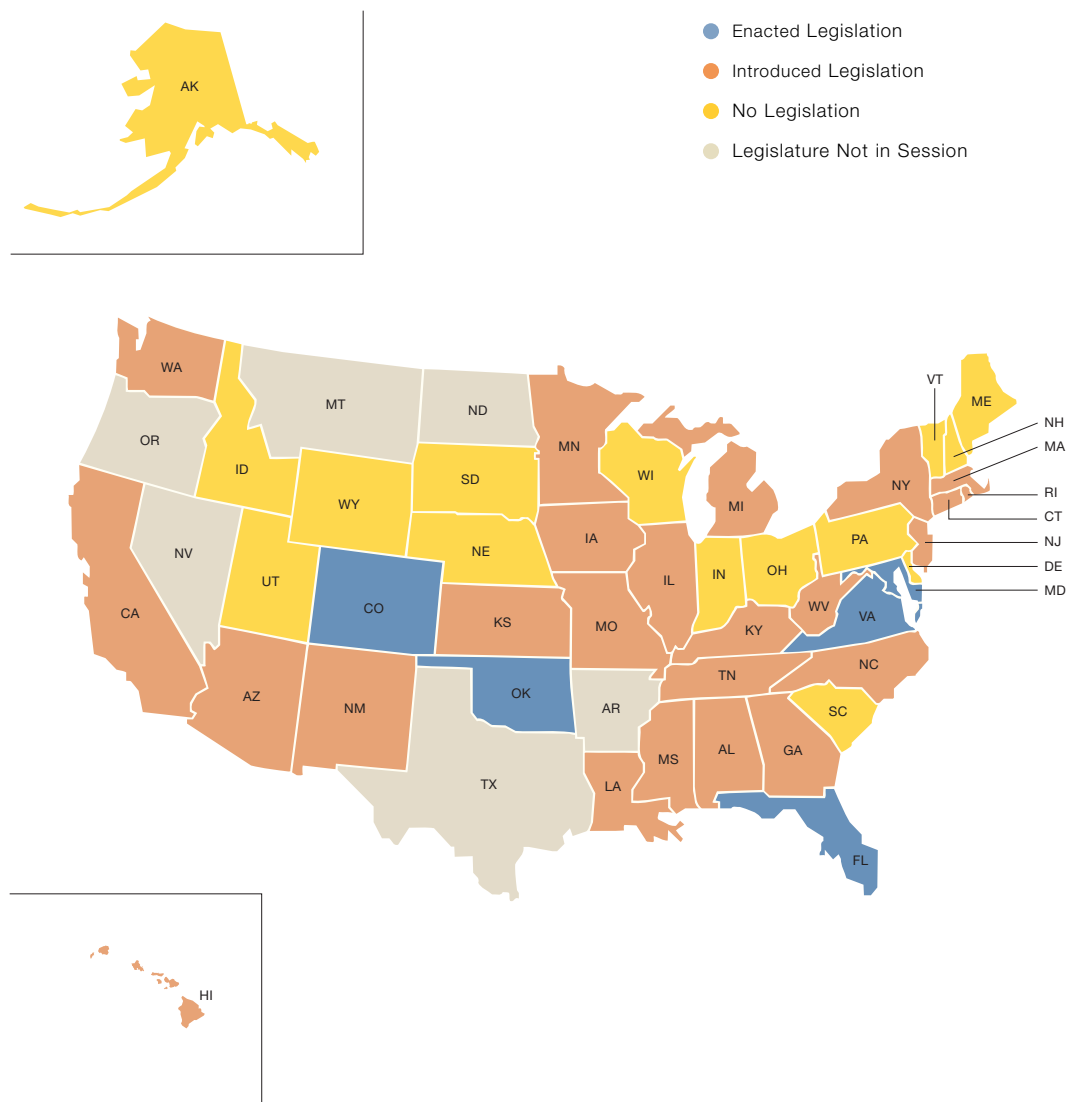
Because myriad medical and social causes contribute to the nation's obesity epidemic, state governments confront unique challenges in addressing the problem through public policy actions. Lawmakers must consider many stakeholders—health care providers, school systems, municipal planners, industry groups, advocacy organizations and taxpayers—in forming their policy recommendations. Most experts agree that there is no single solution to the obesity crisis and agree that a multifaceted approach is required.

More than 20 bills were introduced in 13 states from January to June 2008 to create obesity-prevention related commissions, councils or task forces, reflecting state legislators' desire to address the spiraling health care costs associated with obesity.

⁶ Division of Nutrition, Physical Activity and Obesity. *Obesity and Overweight; Childhood Overweight: Defining Childhood Overweight*. Centers for Disease Control and Prevention. November 2008.

FIGURE 3

States Introducing Legislation on Physical Education, BMI and Fitness Testing and Physical Activity in Schools, January to June 2008



Source: Albemarle State Policy Center, 2008

- Legislators in 10 states introduced legislation that would authorize a task force, commission, agency or department to study policies intended to prevent or reduce obesity or its related chronic health complications.
- Lawmakers in three states proposed legislation that would fund grants or pilot programs aimed at reducing obesity.
- Legislators in one state introduced legislation to create a task force to study menu labeling.

Community Access to Nutritious Foods

In a handful of states, legislators sought to establish and promote farmers' markets and to improve access to grocery stores and supermarkets in underserved areas. In these two areas, state legislators have demonstrated a willingness to facilitate private sector investment in neighborhoods lacking affordable nutritious foods. Many of the most successful programs addressing the availability of healthy foods reflect a concerted collaboration that taps into the expertise, resources and funds of government, public interest groups and private foundations. The examples discussed in the *2008 Mid-Year Balance* report may inspire policy-makers in other states to pursue similar initiatives in their states, cities or districts.

Active Living

State legislators have proposed legislation and policies that would create additional opportunities for active living, which is defined as incorporating more physical activity into daily life. In particular, they introduced 46 bills related to pedestrian or bicycle safety. Many of the measures sought to make pedestrian and bicycle travel safer by increasing the penalties for motorists who create dangerous conditions. Such measures are especially beneficial for very young pedestrians and bicyclists, who are most vulnerable to accidents. Safe routes to school and stores, bicycle path and lane safety, and municipal planning and design are key factors in the effort to increase physical activity. Yet, these issues are often overlooked by state and federal policy-makers in their efforts to combat obesity.

Food and Beverage Industry

From January to June 2008 the food and beverage industry continued its pursuit of pledges for tighter restrictions on advertising to children. At the same time, major food companies continue to reformulate their food products to contain less salt, sugar and trans fat, while adapting to new guidelines for the Women, Infants, and Children's Supplementary Nutrition Program (WIC).

The Institute of Medicine (IOM), The Federal Trade Commission and the Department of Health and Human Services have all stated that food marketers must be part of the solution for improving children's diets and addressing childhood obesity. Each of the groups has issued reports regarding food and beverage advertising and children—including suggestions and recommendations for effective marketing and advertising strategies that promote healthier foods, beverages and meal options.^{7, 8, 9}

In response to these reports, the Council of Better Business Bureaus (CBBB) established the Children's Food and Beverage Advertising Initiative, which provides a voluntary advertising self-regulation program to companies that advertise foods and beverages to children. The goal of the initiative is to increase the percentage of advertising messages,^{10, 11} that encourage healthier dietary choices and healthy lifestyles directed to children under age 12.

In 2007, 12 food and beverage companies pledged to improve their advertising as part of the initiative, and in March 2008 ConAgra Foods became the 13th company to submit their pledge and have it approved by the CBBB. The pledges have set into motion a cycle of "virtuous advertising" by the companies involved and even competition among them, which may lead to more rigorous children's advertising standards.

Looking Ahead

In fall 2008 the attention of policy-makers and the electorate will likely be riveted on the local, state and national elections. However, those same national and state policy-makers who kept their attention focused on the nation's childhood obesity epidemic during the initial months of 2008 will no doubt be turning their attention to the 2009 reauthorization of the National School Lunch Program. The reauthorization holds the promise of addressing issues concerning guidelines for school meals, a national standard for à la carte offerings, vending machine products, foods sold on school grounds and support for the ever-rising food costs. In addition, new WIC guidelines will be implemented in October 2009, and new federal Dietary Guidelines for Americans are being developed. Future editions of *Balance* will closely track actions of the new Congress and president regarding the reauthorization and these issues.

⁷ Institute of Medicine. Overview of the IOM Report on Food Marketing to Children and Youth: Threat or Opportunity? Dec. 6, 2005, available at: www.iom.edu/Object.File/Master/31/337/KFM%20Overview.final.2-9-06.pdf.

⁸ Federal Trade Commission and U.S. Dept. of Health and Human Services. Perspectives on Marketing, Self Regulation, and Childhood Obesity, April 2006.

⁹ Press Release, Federal Trade Commission. "FTC, HHS Release Report on Food Marketing and Childhood Obesity (May 2, 2006)." www.ftc.gov/opa/2006/05/childhoodobesity.shtm.

¹⁰ Press Release, Better Business Bureau. "New Food, Beverage Initiative to Focus Kids' Ads on Health Choices; Revised Guidelines Strengthen CARU's Guidance to Food Advertisers (Nov. 14, 2006)." www.bbb.org/Alerts/article.aspx?D=728.

¹¹ Better Business Bureau. "Children's Food and Beverage Advertising Initiative (2007)." us.bbb.org/WWW/Root/SitePage.aspx?site=113&id=dba51fbb-9317-4f88-9bcb-3942d7336e87

Looking ahead also means dealing with rising food costs. Since the beginning of 2008, anecdotal reports on the impact of rising food costs on school nutrition programs have grown tremendously. During the late spring and summer months the issue may come to a head, as the programs wrestle with providing healthy meals, à la carte offerings and vending machine products while staying within a limited budget taxed by the rising costs of food, employee benefits, fuel and energy. The *Balance* report expects to devote a portion of its *2008 Fall* edition to the impact that rising costs are having on the effort to provide healthy foods to children in the classroom and at home.

The past is prologue to the future. The policies, issues, bills and laws that were considered, acted upon, or pending in June 2008 by the public and private sector—state and federal government and the food and beverage industry—can become a starting point for policy-makers as they prepare for the 2009 state and congressional legislative sessions. The *2008 Mid-Year Balance* report may serve as a useful resource to policy-makers as they plan their future efforts.



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