

# Sugar-Sweetened Beverage Warning Label for Advertisements in San Francisco

## FACT SHEET

### WHAT

Warning labels will be placed on any advertisement or logo for a sugar-sweetened beverage (SSB) that identifies, promotes, or markets a SSB for sale.

- The warning label must occupy at least 20% of the area of the ad and the text must be clearly legible.
- Type of advertisements include paper, poster, billboards, in or on a stadium, arena, transit shelter, in or on a bus, car, train, pedicab, or any other vehicle, wall or any other surface or material.
- All the letters in the Warning shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material in the SSB Ad.
- The Warning shall be enclosed in a rectangular border within the printed advertisement that is the same color as the letters of the Warning and that is the width of the first down stroke of the capital “W” of the word “WARNING.” The word “WARNING” shall appear in capital letters.
- The text of the Warning shall be positioned in the same direction as the SSB ad.
- The Warning shall be printed on or permanently affixed to each SSB Ad.

The warning label shall read:

**WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and**

**tooth decay. This WARNING is a message from the City and County of San Francisco.**

### DEFINITIONS

A “**Sugar-Sweetened Beverage**” is any nonalcoholic beverage sold for human consumption that has one or more added caloric sweeteners and contains more than 25 calories per 12 ounces of beverage including but not limited to: soft drinks, energy drinks, sports drinks, sweetened teas, flavored waters, frozen beverages, sweetened coffee beverages, and juices that are not 100% juice.

The following beverages are NOT included:

- Milk or milk alternatives (e.g. soy, almond, rice, hemp or coconut milk)
- 100% natural fruit or vegetable juice
- Any product designed to be used primarily to prepare coffee or tea
- Any product for an individual consumer mixing, compounding or making a SSB
- Any product sold for infants (i.e. “infant formula”)
- Medical food
- Any product designed for meal replacement, supplementation or nutritional therapy, or weight reduction

An “Advertiser” is any person who is in the business of manufacturing, distributing, or selling SSBs, including a retailer, an agent or contractor assisting with the manufacture, distribution, sale of SSBs and

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the placement or installation of advertisements or the provision of space for advertisements. This includes individuals acting as sole proprietors.

The term “Advertiser” does NOT include the employees of a person or the employees of agent or contractors.

## EXCEPTIONS

Warning labels shall NOT be placed on:

- Any advertisement in a newspaper, magazine, periodical, on television, the Internet or other electronic media.
- Packaging or containers for SSBs.
- Menus or food lists.
- Shelf tag or label stating retail price.
- Any logo smaller than 36 square inches that is unaccompanied by any display, representation or other information identifying, promoting or marketing a SSB.
- Any SSB advertisement that has not been substantially changed for a period of 50 or more years before the Operative Date and the Advertiser provides records or other information that substantiates the SSB ad has not been substantially changed over the 50-year period.
- Any reproduction or ad that was created before December 31, 1985, for which records are provided by the advertiser.
- Signs, other than general advertising signs (aka billboards) that were permitted by the city prior to October 20<sup>th</sup>, 2015.

## PENALTIES AND ENFORCEMENT

The Director may assess and collect administrative penalties for any manufacturer, distributor, or retailer found in violation of this ordinance. A retailer shall not be deemed in violation of this ordinance unless they continue to allow an SSB advertisement to be posted in/on their establishment 30 days after they received a written notice from the Director that the ad is in violation of section 4203. For more details about enforcement, please refer to the legislation here:

[www.shapeupsfcoalition.org/resources/heal-legislation](http://www.shapeupsfcoalition.org/resources/heal-legislation)

## EFFECTIVE DATE

The ordinance is effective July 25, 2015 and operative July 25, 2016.

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For more information, including examples of drinks and warning labels for standard size advertisements, go to:

[www.shapeupsfcoalition.org/resources/heal-legislation](http://www.shapeupsfcoalition.org/resources/heal-legislation)

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