

# Soft Drink Pouring Rights

---

Representative Julia Howard and Senator Ellie Kinnaird

During the 2001 legislative session, as the two of us were leaving a reception together near the Legislature, we began to talk about the “pouring rights” contracts that school boards are signing with soft drink companies, in which the companies pay for the right to place their vending machines in public schools. We were both alarmed at the health consequences to our state's children of the increased consumption of carbonated beverages instead of milk, juice, and water while at school. We further felt that it was inappropriate for local school boards to be endangering our children's health in order to raise money for school needs. While we certainly sympathized with the schools' plight of not having enough funds to provide for programs and supplies, we felt that this was not the way to address that shortfall.

We were very concerned by the mounting research showing that children's increased consumption of soft drinks is contributing to growing rates of obesity, diabetes, dental caries, and even osteoporosis. We felt confident that parents and school boards weren't completely aware of the health consequences of this easy access to soft drinks in schools, and we felt that, with more information, they would be convinced, as were we, that continuing to substitute soft drinks for nourishing beverages would lead to even greater overall health problems among our children.

Quite clearly, soft drinks rob children of the nutrients found in milk and juices. Even if sold in the vending machines, bottled water is a better beverage for children than soft drinks, which, besides providing empty calories, contribute with their high sugar content to behavioral problems in the classroom as well as to numerous other health concerns. It is unconscionable to continue to encourage children to consume soft drinks by allowing vending machines to be places in schools. Such an act could be considered the health equivalent of the advertising of tobacco to minors years ago.

We both wondered what we as legislators could do to address this problem. While the state can't force anyone to eat a healthy diet, we thought there was at least some action that could be taken in this situation. We subsequently proposed a bill that would place a moratorium on the pouring rights contracts between schools (and/or school boards) and soft drink companies until a comprehensive study could be conducted researching the full health consequences of soft drinks on students' health. We felt that if school boards were fully aware of how harmful soft drinks are to children's health, they would rethink the contracts. But, surprisingly, the School Board Association (SBA) opposed our pouring rights moratorium bill. However, as more information has surfaced this year about the health risks of bad diets (and, more specifically, soft drinks), the SBA has now stated that it will not oppose such a bill in the future.

A bill proposed by Rep. Howard in 2001 was, interestingly, associated with this matter. This bill, which provided for nutritious breakfasts for kindergarteners, was well received by the Legislature. To enhance the scope of this bill, we thought that placing a tax on the purchase of soft drinks in school vending machines could increase the available funds for the breakfast program and extend the service to first-grade students as well. Health professionals and educators alike will testify that a good breakfast is fundamental to a child's optimal learning. We thus saw an opportunity to kill two birds with one stone by initiating a three-cent tax per soft drink: to expand the breakfast program while at the same time potentially discouraging soft drink consumption in schools.

To inform our colleagues of the problem of soft drinks and children's health, we held a Women's Caucus meeting with presentations by a pediatrician from Wake Forest Medical School, the president of the North Carolina Dental Society, and a certified nutritionist. The response was favor-

---

Representative Howard has represented District 74 in the NC State Legislature for seven terms. She can be reached by phone at 919/733-5904 or by email at [juliah@ncleg.net](mailto:juliah@ncleg.net). State Senator Kinnaird is chair of the NC Children and Human Resources Committee. She can be reached by phone at 919/733-5804 or by email at [elliek@ncleg.net](mailto:elliek@ncleg.net).

able but not the landslide support for our bills that we had hoped for. We realize, however, that getting measures passed in the Legislature takes time, lots of information, lobbying, and patience. Without question we remain committed to addressing this growing problem among our young people.

Several states have begun prohibiting soft drink machines in public schools. The Coca-Cola company has responded by adding 100% natural juices and bottled water to their school vending machines, suggesting that perhaps prohibition efforts are beginning to have some effect. But the elimination of machines in the schools is vigorously opposed by the bottling and soft drink companies, and they wield great influence on legislators. Indeed, campaign contributions and networking between lobbyists and legislators could prevent any bill designed to curb soft drink consumption from ever passing.

Nonetheless, facing rising rates of childhood obesity, diabetes, and dental caries, we must turn our attention to prevention and education. The costs associated with treatment for children with these diseases need not be incurred, if we start to address the causes. While the State cannot prevent citizens from eating and drinking high-calorie foods—

now “super-sized” for even further damage—we can start our public school children's day off with a healthy, nutritious breakfast, paid for by a new soft drink tax, and we can offer 100% natural juices, milk, and water in school vending machines rather than soft drinks. And education by health professionals would work in tandem with these initiatives.

Good diet and the alarming increase in serious diseases among our children have not yet registered on the radar screen of the general public. But health professionals, and especially school nurses and nutritionists, quickly came to our side with letters of support and resolutions. We are now poised to introduce our bills this session with the support of the School Board Association and many school health groups. More articles are appearing in the media every month about children's obesity and diabetes. We hope to get the support, if not the pressure, of the general public, to encourage the Legislature to look at both the moratorium on pouring rights and the tax to pay for expanded breakfast coverage for first graders. Damage to our children's health and education has already been done because of the use of soft drink sales in the public schools as a source of school revenues. This simply cannot continue, and now is the time to act, before the damage grows irreparable.