



Written by [Michael Tennant](#) on June 15, 2012

After Soda, Will Juice, Milkshakes, and Popcorn Be Banned in the Big Apple?

If you thought New York Mayor Michael Bloomberg's plan to limit the size of sodas sold at certain city venues was already bad, just wait till the city Board of Health gets through with it. The 11-member board not only voted to take the next step toward making the Mayor's proposal law, but also recommended that the ban be extended to other beverages and foods.



As [The New American](#) previously reported, Bloomberg has proposed a prohibition on the sale of sugary drinks in containers larger than 16 ounces, though the plan has its share of loopholes: Fruit juice and milk-based drinks are exempt, as are soda sales at grocery and convenience stores.

At a Tuesday hearing in Queens, the board unanimously voted to publish the plan for public review, hold a public hearing on it July 24, and vote on whether to adopt the proposal on September 13.

"Several board members — all of whom are appointed by the mayor — signaled strong support for the measure," the [New York Daily News](#) reported, "with only a couple voicing serious concerns."

Several of those supporting the proposal had only one problem with it: It doesn't go far enough.

One board member wanted to ban free refills, according to the [New York Times](#).

Although he considered the proposal a "great approach," Dr. Joel Forman said he agreed with other members that "excluding juice, even 100 percent juice, and milk-containing beverages ... that have monstrous amounts of calories in them" was not the best idea.

Among those high-calorie "milk-containing beverages" are Starbucks concoctions, though even some of them may fail to meet the board's standards. The *Times* notes that "the city plans to pore over barista training manuals to determine specific quantities of ingredients" in order to figure out which ones have enough dairy content to be exempted from the ban.

As if the sugary-drink rules weren't ludicrous enough, still another board member, Dr. Bruce Vladeck, suggested that sales of Bloomberg's favorite snack should also be restricted. "Popcorn isn't a whole lot better from the nutritional point of view than soda is, and may have even more calories," Vladeck argued. He also "asked what the department's next step would be," according to the [Wall Street Journal](#).

Board member Pamela Brier, who called the Mayor's proposal "very persuasive," was also disappointed that it didn't restrict New Yorkers' freedom even more. Nevertheless, she said she supports it because it doesn't "let the perfect be the enemy of the good."

Skeptics tended to concentrate on the details of the plan rather than its underlying premise that



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government has the right to play diet dictator.

Board member Michael Phillips, for instance, asked whether it was “fair” to ban super-sized sodas in restaurants but not in convenience stores and wondered aloud whether the ban might someday be extended to “the size of a hamburger or jumbo fries.”

Dr. Sixto Caro, meanwhile, worried that the ban was “targeting the low-income and small business rather than the big company.”

The New York Restaurant Association’s Andrew Moesel expressed concern about the board’s future plans, saying, “We don’t know if next it’ll be 16 fries on a plate or only one hot dog a day.” (The association is considering taking the city to court over the soda ban.)

One ban fan, however, did seem to understand the issue at the root of the controversy, though he dismissed it. Writes the *Journal*:

Earlier this month, in an interview shortly after the mayor’s proposal became public, board member and president of the Staten Island Mental Health Society Dr. Kenneth Popler said he would vote for the mayor’s proposal. He said he understands how some may view the plan as an “infringement on their rights” but the “sole purpose” of the Department of Health is to improve the lives of New Yorkers.

“To that end,” he said, “I think it’s a good idea.”

In other words, the end (better health for New Yorkers) justifies the means (infringing on their rights). Undoubtedly that sentiment is shared by most backers of the soda ban, who think they have very good reasons for wanting to restrict individuals’ Coke consumption under the threat of force.

“Yes, the advocates of such violations of freedom always have ‘good reasons,’” columnist [Sheldon Richman](#) observed. “People who would never put up with such intrusions in the name of morality will readily do so in the name of good health.”

“But,” he added, “when it comes to the use of aggressive force, good reasons don’t matter.... Force may only be used to meet aggressive force.” Downing a Dew hardly qualifies as aggressive force (except, perhaps, to one’s digestive tract).

The board will almost certainly approve Bloomberg’s proposal, with perhaps some minor modifications, in September. If so, don’t expect the soda czars to stop there. They’ve clearly indicated their desire to control everything that could possibly affect New Yorkers’ health — which is to say they want unlimited power.

Unfortunately, only about half of New Yorkers, according to polls, oppose the soda ban. The Pepsi generation, it seems, has given way to the wimpy generation.



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