



## HOUSE BILL 561

### ***Prohibition on Issuing Licenses to Fast Food Style Restaurants in Locations with a High Index of Health Disparities*** **(PG 415-10)**

**February 16, 2010**

**POSITION: Oppose**

Mr. Chairman and Members of the Health and Government Operations Committee:

On behalf of the members of the *Restaurant Association of Maryland*, we strongly oppose House Bill 561, which would prohibit licenses from being granted to fast food-style restaurants in a location that has a 60 percent or greater health disparity (diabetes, cardiovascular disease, obesity, etc.). Such areas in the county would be mapped using a process developed by the Maryland Office of Minority Health and Health Disparities.

We hope you will agree that this legislation is the wrong approach to encourage healthier eating habits. To help support our arguments, we have attached a medical news report on a recent study that found that a similar fast food ban in South Los Angeles was unlikely to improve the diet of residents or reduce obesity there. The article also mentions the “misconception that sit-down restaurants provide healthier foods and are less likely to lead to obesity.” In fact, researchers found that “an average lunch sandwich in a sit-down restaurant had more than the combined calories of three Big Mac hamburgers.”

The South Los Angeles study was conducted by the RAND Corporation, which is a highly respected nonprofit organization that specializes in health-related and health care research. In fact, the Prince George’s County Council solicited the help of the RAND Corporation in 2009 to prepare a report assessing health and health care in Prince George’s County.

I have also attached a recent article from *Men’s Health* online magazine that highlights the 10 worst sandwiches in America. It is interesting to note that none of the sandwiches on this list come from the top three fast food chains that are often cited by proponents of such bans. Even more important to note, however, is that this article lists the worst and also healthier menu options at each of the restaurants identified. This proves that our industry provides many healthy menu options to accommodate individual choice.

Before you vote on House Bill 561 (PG 415-10), we hope that you will consider the following:

- According to *National Restaurant Association* research, 76 percent of meals are prepared at home. The notion that we can control obesity and diet by banning fast food is ill-conceived.
- The restaurant industry has responded to consumer demand by offering healthy menu options like salads, fresh fruit, yogurt, and hot and cold cereals. We are also working with our suppliers to reduce sodium. We respond to customer demand because our customers are who we serve.
- With 1 in 10 Americans out of work right now, the last thing we should be doing is discouraging new restaurants from locating in Prince George's County. The county has about 1,000 restaurants employing 20,000 people with about \$1 billion in annual sales. The focus should be on expanding this employment and tax base.
- Banning new fast food restaurants will not solve the obesity problem. Obesity is caused by many factors. Major factors today include a lack of adequate physical activity and over-consumption of energy-dense foods (more calories per ounce). Energy-dense foods are sold in all types of retail food establishments, including sit-down restaurants, and grocery and convenience stores. It is unfair and ineffective to target fast food restaurants.
- Policymakers should help promote balanced diets and physical activity. Consumers need education to know how to balance their diets and those of their families. They need convenient, free opportunities for physical activity, like public parks and bike paths. Children should have healthful food choices, including fresh fruits and vegetables, in school and after-school and summer meal programs. They should also have regular in-school opportunities for physical activity. In fact, we support legislation to expand physical education programs in schools to help combat childhood obesity. These are all areas where government can act to address the obesity problem without limiting consumer choice or unfairly targeting any type of business.

For these reasons, we oppose House Bill 561 and request an unfavorable report.

Sincerely,



Melvin R. Thompson  
Senior Vice President  
Government Affairs & Public Policy

attachments: 2

## Los Angeles Fast-Food Restaurant Ban Unlikely To Cut Obesity, Study Finds

08 Oct 2009

Restrictions on fast-food chain restaurants in South Los Angeles are not addressing the main differences between neighborhood food environments and are unlikely to improve the diet of residents or reduce obesity, according to a new RAND Corporation study.

Researchers from RAND Health found that the South Los Angeles region has no more fast-food chain establishments on a per capita basis than other parts of the city, but rather many more small food stores and other food outlets.

Those outlets are more likely to be the source of high-calorie snacks and soda consumed substantially more often by residents of South Los Angeles as compared to other parts of the city, according to the study published online by the journal *Health Affairs*.

"The Los Angeles ordinance may have been an important first by being concerned with health outcomes, but it is not the most promising approach to lowering the high rate of obesity in South Los Angeles," said Roland Sturm, the study's lead author and a senior economist at RAND, a nonprofit research organization. "It does not address the main differences we see in the food environment between Los Angeles neighborhoods nor in the diet of residents."

The Los Angeles City Council in August 2008 approved a ban on opening or expanding fast-food restaurants in an area of the city known as South Los Angeles. The ordinance focused on fast food restaurants characterized by "excessive signage, little or no landscaping, large expanses of surface parking, drive-through windows, multiple driveways, parking lots fronting the street" and argued that the low-income region had a higher concentration of fast-food establishments than more-affluent sections of the city.

But an analysis by Sturm and study co-author Dr. Deborah Cohen found that South Los Angeles actually has a lower concentration of fast-food chain restaurants than other parts of the city.

Researchers found there were about 19 fast-food chain restaurants per 100,000 residents in South Los Angeles, while there were 29 per 100,000 people in affluent West Los Angeles and 30 per 100,000 residents for all of Los Angeles County. There are significantly fewer restaurants of any type per person in South Los Angeles compared to Los Angeles County overall, according to the study.

In contrast, the density of small food stores was about double that of the county average and more than three times the number in West Los Angeles. This was partially offset by a lower density of large supermarkets in South Los Angeles.

Researchers also analyzed information from a survey of 1,480 adults from across Los Angeles County that asked residents about their food purchases and habits of eating out. The results showed that adults in South Los Angeles consumed significantly more "discretionary" calories from sugary or salty snacks and soft drinks compared with residents of wealthier neighborhoods.

Residents of South Los Angeles and residents of more-affluent areas reported eating similar amounts of fruits and vegetables each day and had fairly similar levels of physical activity, although residents of South Los Angeles did report watching more television.

Researchers say their work suggests that focusing on the sources of snack calories would address the differences between South Los Angeles and other parts of Los Angeles better than the current ban on new fast-food establishments.

"The ubiquitous availability of food can be overwhelming and stimulate hunger and cravings for food, regardless of whether an individual has a physiological need for nutrition," Cohen said. "Research has made it clear that frequency and saliency of food cues in the environment, the type of foods available, and the portion sizes served, are key issues that effective policies need to address."

One of the goals of the Los Angeles regulation is the creation of more sit-down restaurants, but in terms of diet, this is not necessarily an improvement, according to researchers.

"There is a misconception that sit-down restaurants provide 'healthier' food and are less likely to lead to obesity," Sturm says. "However, when we looked at some common offerings, an average lunch sandwich in a sit-down restaurant had more than the combined calories of three Big Mac hamburgers; many dinner choices have over 2,000 calories and cover the energy needs for a full day. And that does not even include possible appetizers or desserts."

The study also found that residents of South Los Angeles and those from wealthier areas reported eating out in restaurants at about the same frequency, although South Los Angeles residents are more likely to purchase items from a food cart or mobile vendor and less likely to eat in a sit-down restaurant.

While residents of South Los Angeles and those from more-affluent areas seem to shop at similar types of stores, there was one dramatic difference -- many South Los Angeles residents walk or take public transit to the market, something seldom done in higher-income areas.

*Support for the study was provided by the National Institutes of Health.*

Source:  
Warren Robak  
RAND Corporation

# 10 Worst Sandwiches in America

**Men'sHealth**

By [David Zinczenko, with Matt Goulding](#) - Posted on Tue, Feb 02, 2010, 5:59 pm PST

When it comes to sandwiches, remember this: With the power to create comes the power to inflate. Want proof? Check out this jaw-dropping list of the 10 Worst Sandwiches in America for a lineup of disastrous handheld mega-meals that'll bloat your belly and call for a loosening of belt buckles. It's not all disastrous, though—if you have a game plan. To arm you with one, we pulled a few of the best options from the pages of the best-selling weight-loss series *Eat This, Not That!*. Fact is, lunch can be delicious and filling without destroying your diet.

## #10: Cosi Steak TBM (Tomatoes, Basil, Mozzarella)

829 calories  
55 g fat (19 g saturated)  
453 mg sodium

It shouldn't come as any surprise that the combination of steak, basil and cheese might pack quite the caloric punch. The saving grace of this bloated hand-held is the fact that it's astonishingly low in sodium. Otherwise, there's very little redemption about this twist on the signature Cosi TBM. Choose another Cosi favorite, instead, and save nearly 400 calories and three-quarters of your daily saturated fat allotment. (The *Eat This, Not That!* effect: A simple swap like this a few times a week when you're on the go can help you lose 15 pounds in a year.)

### Eat This Instead!

Cosi Club  
497 calories  
10 g fat (4 g saturated)  
827 mg sodium

## #9: Arby's Ultimate BLT Market Fresh Sandwich

880 calories  
46 g fat (10 g saturated)  
1,740 mg sodium

The lesson from this massive sammie: Trust the ingredients, not the name. "Market Fresh" is little more than a marketing ploy to persuade consumers to indulge without guilt. Opt for the Super Roast Beef instead. Arby's roast beef sandwiches are all relatively safe, and unless you order double meat, not one of the Roastburgers exceeds 500 calories.



### Eat This Instead!

Super Roast Beef  
430 calories  
18 g fat (6 g saturated)  
1,070 mg sodium

### **#8: Jimmy John's Italian Night Club**

951 calories  
51 g fat (12 g saturated)  
2,165 mg sodium



Italian sandwiches are notoriously heavy—and the heavily processed Italian meats (think pastrami, salami, capicola...) all come with a massive over-sized serving of sodium. Case in point: This particular club packs in nearly an entire day's allotment of salt. The good news here is that Jimmy John's allows you to customize your order—so if you're hankering for an Italian sandwich, ask for a customized Slim 5 with Genoa Salami, Capicola, and Avocado Spread on 7-Grain, instead.

#### Eat This Instead!

Customized Slim 5 with Genoa Salami, Capicola and Avocado Spread on 7-Grain Bread  
514 calories  
17.5 g fat (4 g saturated)  
1,239 mg sodium

### **#7: Panera Full Chipotle Chicken on Artisan French Bread**

990 calories  
56 g fat (15 g saturated, 1 g trans)  
2,370 mg sodium



Panera's Signature Sandwich menu houses some of the biggest gutbombs in the entire restaurant, so minimize the damage by sticking to the Cafe sandwiches. With the bulk of Panera's sandwiches floating in the 700- to 900- calorie range, the Chicken Bacon Dijon on French Bread emerges as the clear winner. Just be sure to watch your sodium intake for the rest of the day.

#### Eat This Instead!

Chicken Bacon Dijon on French Bread  
650 calories  
24 g fat (11 g saturated)  
1,140 mg sodium

### **#6. Red Robin Whiskey River BBQ Chicken Sandwich**

1,112 calories  
62 g fat  
2,531 mg sodium

Chicken sandwiches have an undeserved healthy reputation—that's because, while they're built with the leanest meat, they're often stuffed and flavored with enough high-calorie sauces and fillings to sink a ship. The culprit in this sandwich is two simple ingredients: The Spanish Tortilla, and the creamy Ranch dressing. Cutting those two from the meal eliminates over half the calories. We're betting that there's enough BBQ sauce on this dish that you won't even miss them.

#### Eat This Instead!

Whiskey River BBQ Chicken Sandwich, without Spinach Tortilla and Ranch Dressing  
522 calories

25 g fat  
1,336 mg sodium

#### **#5. Subway Meatball Marinara Footlong**

1,160 calories  
46 g fat (18 g saturated, 2 g trans)  
3,060 mg sodium



Subway does a funny thing with their nutrition menu: They only list nutrition information for 6-inch sandwiches, and low-fat footlongs. Luckily, the math here isn't exactly difficult. Skip footlongs altogether.

#### Eat This Instead!

Roast Beef 6-inch  
310 calories  
4.5 g fat (1.5 g saturated, 0 g trans)  
840 mg sodium

#### **#4. Blimpie Special Vegetarian 12"**

1,186 calories  
60 g fat (19 saturated fat)  
2,198 mg sodium



Just because it's vegetarian doesn't make it good for you. Yes, this sandwich might be full of vegetables, but it also boasts two foot-long pieces of bread, and a host of high-fat, high-calorie oils and dressings that weigh down this sub with more than half a day's worth of calories and nearly a full day's worth of sodium and saturated fat.

#### Eat This Instead!

VegiMax on Wheat 6"  
499 calories  
21 g fat (6 g saturated)  
909 mg sodium

#### **#3. Applebee's Grilled Cheese BLT**

1,310 calories  
(no other nutritional information available)

With this dish, Applebee's has taken a classic childhood comfort food and turned it into a dietary disaster. Cheese and bacon are certainly not the most healthful of sandwich stuffers, but we're looking at a case of serious portion distortion and fat overload when something as simple as a sammie contains as many calories as you'll find in four and a half servings of Kraft Mac 'n Cheese. Applebee's offers just one semi-reasonable sandwich on the entire menu. Stick with that, or choose something from the "Unbelievably Great-Tasting and Under 550 Calories" section. Otherwise, you're in a nutritional wasteland.

Eat This Instead!

Grilled Sirloin Sandwich

680 calories

(no other nutritional information available)

**#2. Quizno's Large Tuna Melt**

1,760 calories

25 g saturated fat

2,120 mg sodium



This tuna melt used to reign supreme with the disgraceful distinction of being the worst sandwich in America. But then Quizno's took note and reduced the calories by about 300. Unfortunately, that reduction in calories only dropped this dangerous melt to second place. Why is this melt so atrocious? While tuna is usually a healthy choice on its own, its being held together with gobs of fatty mayo. Slim down drastically with a Bistro Steak sammie.

Eat This Instead!

Bistro Steak Melt Sammie

390 calories

11.5 g saturated fat

1,050 mg sodium

**#1: The Worst Sandwich in America**

Cheesecake Factory Grilled Shrimp & Bacon Club

1930 calories

24 g saturated fat

2,965 mg sodium

It's no surprise really that an item from the Cheesecake Factory would make it to the "Worst" spot on any list. Since the Factory was forced to give up their nutrition information in California, we've learned that this irresponsible chain has a menu full of items that pack in well over 1,000 calories—and in some cases, well over 2,000. Their argument is usually that the dishes are meant to be split, or saved for later. But who splits a sandwich? Do the math for them, and order a half-sandwich when eating at Cheesecake.

Eat This Instead!

One-half Turkey Sandwich

448 calories

6 g saturated fat

817 mg sodium

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