Ohio Restaurant Association Testimony on Proposed Cleveland Ordinance 524-2020 pertaining to beverages offered with kids’ meals at Cleveland restaurants

July 27, 2020

Good morning, my name is Tod Bowen and I serve as Managing Director of External Affairs and Government Relations at the Ohio Restaurant Association. I am here today at Chairman Griffin’s invitation to offer perspective and support from our work on proposed Cleveland Ordinance 524-2020 pertaining to beverages offered with kids’ meals.

Our Members

The Ohio Restaurant Association represents Ohio’s 23,000 restaurant and foodservice locations and Ohio’s 585,000 restaurant and foodservice employees. Ohio’s restaurants are essential to Ohio’s economy, generating over $25 billion in annual sales in Ohio and are also essential to feeding Ohioans, accounting for 51% of food sales in our state.

We are exceedingly proud of our members’ commitment to the health and safety of our employees and our guests. Our members have a long-standing commitment to strong, healthier communities and a proven track record of working on real, tangible solutions to tough problems. Ohio restaurants have doubled down on this commitment during the coronavirus pandemic, operating safely under the parameters of the Ohio Restaurant Promise, which we developed in partnership with local health officials from throughout the state of Ohio. Ohio’s restaurants are struggling mightily during this public health and economic crisis but remain more committed than ever to being cornerstones of our communities and neighborhoods and to every aspect of health and safety.

Specifically as it relates to kids’ meals, we are proud of our national Kids Live Well initiative and the many Ohio restaurants who have been committed to offering healthier kids’ meals for many years.

Cleveland Ordinance Collaboration

I am here today because we were given an opportunity to work collaboratively with our restaurants’ beverage providers, your committee leadership and local public health on default beverages in kids’ meals policy. Many of my colleagues around the country have also participated in such discussions and our national partners at the National Restaurant Association worked with both industry and health partners to create the Kids Live Well model policy referenced above.

These collaborative efforts have produced the draft ordinance you are discussing today. Before COVID-19 turned everything upside down, there were many hours devoted to honest conversation and very intentional work on this ordinance.

Results and Requested Next Steps

The result is a draft I believe is a good reflection of those efforts and with one change and a tweak of legal language on compliance, it will be something that will achieve your wellness goals, reflect market realities and ensure that Cleveland restaurants can demonstrate compliance with the ordinance.
The changes we respectfully request include:

1. Amend Section 241.43 (b)(3) to **EIGHT FLUID OUNCES**. This change uses the proper measure “fluid ounces” rather than just using “ounces”. And in changing six to eight, Cleveland would help restaurants find good juice products in the marketplace. Other jurisdictions which allow an eight-fluid ounce serving include such cities as Philadelphia, New York City, Wilmington Delaware (and the state of Delaware), Louisville, Kentucky, and the state of Hawaii. And finally, the national model policy developed by the American Beverage Association and the National Restaurant Association allows for eight fluid ounces of 100% juices.

2. Amend Section 241.43(e)(3) to clarify how restaurants could show compliance with the ordinance. “The offering, by a food service operation on its written or posted menu, of a children’s meal with the primary or suggested beverage meeting the limitation set forth in division (b) is prima facie evidence of compliance with this chapter.”

**Bottom Line**

We appreciate Chairman Griffin’s leadership and sincere desire to find common ground on this ordinance. I respectfully ask for the committee’s favorable consideration of these changes which will help Cleveland’s restaurants offer (or in most instances continue to offer) healthy kids’ meal options that reflect well the healthier beverage offerings in our established supply chains. Thank you for the opportunity to share our perspective with you today.

Tod Bowen, Managing Director of External Affairs and Government Relations
Ohio Restaurant Association