

## **Alert** | Food, Beverage & Agribusiness



February 2019

### **State of California Passes Law Limiting Sugary Drinks Offered in Children's Meals**

On Jan. 1, 2019, a new law aiming to limit children's intake of sugary beverages became effective. California Governor Gavin Newsom signed the "Children's Meals" law on Sept. 20, 2018, in an effort to combat the rising obesity rate in California, which increased 250 percent between 1990 and 2016. The **Children's Meals law** modifies the California Health and Safety Code to require that all California restaurants make the default beverages offered on a children's menu: (1) water, sparkling water, or flavored water, with no added natural or artificial sweeteners; or (2) unflavored milk or a non-dairy milk alternative with no more than 130 calories per container or serving. Restaurants in California may provide or sell alternative beverages to children, but only upon the customer's request.

Local California enforcement agencies tasked with public health and safety are responsible for enforcing the law. Violations may be cited during official inspection visits, with restaurants out of compliance first getting a warning or "notice of violation." The first notice of violation does not result in a monetary penalty; however, a second violation within five years of the first notice of violation may result in a \$250 fine, and a third violation may result in a \$500 fine.

The Children's Meals law is not the first of its kind. Cities in California, Baltimore, Maryland, and Colorado already have local ordinances that prohibit restaurants from offering sugary beverages as default drinks on children's menus. While some cities have mandated that only an adult can request an alternative beverage for a child, the new California law merely requires that the "purchaser" of the children's meal request an alternative beverage.

## Authors

This GT Alert was prepared by **Justin J. Prochnow** and **Michael R. Goodman**. Questions about this information can be directed to:

- **Justin J. Prochnow** | +1 303.572.6562 | [prochnowjj@gtlaw.com](mailto:prochnowjj@gtlaw.com)
- **Michael R. Goodman** | +1 303.572.6500 | [goodmanm@gtlaw.com](mailto:goodmanm@gtlaw.com)
- **Nancy E. Taylor** | +1 202.331.3133 | [taylorne@gtlaw.com](mailto:taylorne@gtlaw.com)
- Or your **Greenberg Traurig attorney**

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.~ Houston. Las Vegas. London.\* Los Angeles. Mexico City.+ Miami. Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul.∞ Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.^ Tokyo.\* Warsaw.~ Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ~Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. \*Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ¢Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2019 Greenberg Traurig, LLP. All rights reserved.*