



Legislation Text

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Res. No. 977

Resolution calling on the United States Congress to re-introduce legislation that would protect children from foods that pose a significant choking hazard.

By Council Members Quinn, Martinez and Fidler, Reyna, Rivera, Palma, Liu, Barron, Boyland, Brewer, Clarke, Comrie, Foster, Gennaro, Gerson, Gonzalez, Jackson, James, Koppell, Nelson, Perkins, Seabrook, Weprin and Oddo

Whereas, According to the Consumer Federation of America (CFA), food is a significant cause of choking among children; and

Whereas, Children who are choking run the risk of death, permanent brain damage caused by lack of oxygen, or other complications associated with airway blockage; and

Whereas, According to the Centers for Disease Control (CDC), in 2001, an estimated 17,537 children were treated in U.S. emergency departments for choking episodes, 19% of which such episodes were associated with candy; and

Whereas, According to the *Daily News*, on Tuesday May 10, 2005, a five-year-old Bronx girl choked to death on a Jumbo Mint Ball; and

Whereas, According to the *Daily News*, two days later, on May 12, a four-year-old girl choked to death on an identical candy; and

Whereas, The Consumer Product Safety Commission states that a ball or component that is smaller than 1.75 inches in diameter and 0.25 inches in thickness may pose a choking hazard to young children; and

Whereas, According to the Food and Drug Administration (FDA), at this time, there are no regulations for warning labels on candy; and

Whereas, On November 14, 2002, Representative Mike Honda of California introduced H.R. 5739, known as the Food Choking Prevention Act of 2002; and

Whereas, H.R. 5739 would establish the Office of Choking Hazard Evaluation, which would have the authority to require warning labels on food products primarily consumed by children that pose a demonstrably high choking risk to children, as well as the authority to recall food products that the Office determines pose a significant and unacceptable choking hazard to the general public; and

Whereas, The legislation would also establish an interagency Choking Hazard Evaluation Task Force and require the FDA to institute a national database of unusual food choking incidents; and

Whereas, More than two years after its introduction, there has been no action taken on H.R. 5739; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to re-introduce legislation that would protect children from foods that pose a significant choking hazard.

JLA  
LS #3029  
5/20/05