



Legislation Text

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Int. No. 1064-B

By Council Members Kallos, Levine, Espinal, Ayala, Rose, Reynoso, Rosenthal, Richards, Rivera, Cohen, Powers, Barron, Treyger, Levin, Miller and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to selections for beverages included in children's meals

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.11 to read as follows:

§ 17-199.11 Food service establishment beverage options for children's meals. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children's meal. The term "children's meal" means a food or combination of food items listed on a menu or menu board and intended for consumption by children to which the presumption described in subdivision e attaches.

Food. The term "food" has the same meaning as in article 71 of the New York city health code.

Food service establishment. The term "food service establishment" means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code.

Menu or menu board. The term "menu or menu board" has the same meaning as in section 81.49 of the New York city health code.

b. The selection of beverages listed as part of the children's meal shall be limited to the following:

1. Water, sparkling water or flavored water, with no added natural or artificial sweeteners;

2. Flavored or unflavored nonfat or one percent fat dairy milk, or flavored or unflavored non-dairy beverage that is nutritionally equivalent to fluid milk, in a serving size of eight ounces or less; or

3. One hundred percent fruit or vegetable juice, or any combination thereof, with no added natural or artificial sweeteners, in a serving size of eight ounces or less. Such juice may contain water or carbonated water.

c. Nothing in this section prohibits a food service establishment from providing upon request by a customer a substitute beverage other than the beverage required under subdivision b of this section.

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated by the department shall be liable for a civil penalty not to exceed \$200. Where a person is found to have violated this section or any rule promulgated by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

e. It shall be a rebuttable presumption that a food item or combination of food items on a menu or menu board is intended for consumption by children if the item or items are shown on the menu or menu board in any one of the following ways:

1. Alongside any of the following words: “child,” “children,” “kids,” “junior,” “little,” “kiddie,” “kiddo,” “tyke,” any synonym or abbreviation of such words, or any word the department determines would similarly identify a children’s meal;

2. Alongside a cartoon illustration, puzzle or game;

3. Accompanied or being offered with a toy or kid’s game; or

4. With a limitation on the maximum age of a person who can select the item or items.

§ 2. This local law takes effect 1 year after it becomes law, provided that the commissioner of health and mental hygiene may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

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