

Healthy Retail Education Packet

January 2022

Table of Contents

<u>Richmond Checkout Fact Sheet</u>	p1
The results of advocates' two-year community assessment of Richmond's food landscape.	
<u>Rethinking Retail in California</u>	p2
Background about Healthy Retail efforts throughout the state.	
<u>Frequently Asked Questions</u>	p4
FAQ about the Richmond initiative and the HOPS advocate team.	
<u>Berkeley Healthy Checkout Article</u>	p5
An article covering the City of Berkeley's passage of Healthy Checkout in 2020 from the Berkeley High Jacket.	
<u>Qualifying Products Sample List</u>	p8
A non-exhaustive list of example products that could be sold at checkout under Healthy Retail.	
<u>NANA Model Nutrition Standards</u>	p15
The nutrition standards that informed the ordinance suggestions, focused on snacks sold in convenient to-go settings.	
<u>Ordinance Template</u>	p17
A template ordinance for the City of Richmond, written by public health lawyers at Center for Science in the Public Interest.	

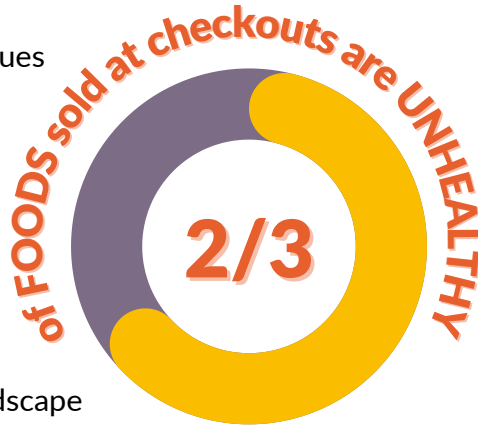


Bringing Healthy Checkout to Richmond

Healthy Options at Point of Sale (HOPS)

In Richmond, a city facing food apartheid with only 3 full service grocers, unhealthy food and beverages are promoted repeatedly throughout stores. Snacks high in salt, saturated fat, and added sugars dominate checkout aisles, which are designed to prompt impulse purchases. Such curated food environments in largely low income communities of color have been shown to contribute to health issues such as dental cavities, heart disease, and type 2 diabetes. This especially impacts families; 1 in 2 children of color in the US will be diagnosed with type 2 diabetes in their lifetime.

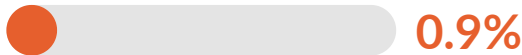
Over the past two years, HOPS youth advocates assessed the food retail landscape and heard from residents. When it came to the checkout experience, many shoppers describe overwhelming feelings of stress.



We want to bring the community together and change these numbers by including more healthy foods such as fruits and nuts. The City of Richmond can implement Healthy Checkout to promote and support the health of all residents!



Candy accounts for 40 percent of all food at checkout.



Fresh fruit and vegetables make up less than one percent of products sold at checkout.



A majority of beverages available at grocery checkouts are unhealthy.

“ I think that it’s often an impulse buy for people for themselves. Especially if they’re shopping while hungry and then if they have kids with them or other people who might influence them in any way. It’s just an easy thing to grab and if there are healthy options I think it would be better overall.”

- Richmond Resident

Desire to purchase from local farmers

Exposure to greater healthy variety

Social responsibility to youth

Few stores stock fresh fruits and veggies

100% support from interviewees

Questions? Contact Ingrid De Santiago at idesantiago@bacr.org



Rethinking Retail in California: The Healthy Checkout, Healthy Families Act

California Is Facing a Public Health Crisis

With high rates of diabetes and tooth decay, California is facing a public health crisis which disproportionately impacts youth and communities of color.

- 55% of California adults have prediabetes or diabetes. Rates are particularly high among Latinos, Pacific Islanders, American Indians, and African-Americans.¹
- 71% of California children ages 6-9 have had tooth decay. Latino children are more likely than white children to experience tooth decay.²

Sugary drinks exacerbate diet-related diseases. Daily consumption increases the risk of type 2 diabetes and doubles the risk of tooth decay in children.^{3,4,5}

Public health experts are calling on policymakers to support necessary next steps to decrease sugary drink marketing and consumption, particularly among youth.⁶

Grocery Stores are a Prime Place for Policy Change

Grocery stores are Americans' top source for food and beverages, providing more than 60% of calories.⁷ Though grocery stores sell a wide range of healthy products, they are also the largest contributor of unhealthy food and beverages to the diet. **Seventy percent of the sugary beverages children consume come from food retail.**⁸

Sugary drinks are promoted repeatedly throughout stores; appearing in as many as 25 different places in groceries.⁹ **At checkout, these drinks make up 60% of beverage offerings.**¹⁰

Checkout lanes stocked high with sugary drinks can be especially frustrating for parents, who must resist nagging children.¹¹ **This is especially true for low-income parents, where saying "yes" to inexpensive candy at checkout may be one of few opportunities to oblige children's requests.**¹² Getting high-calorie, low-nutrient, sugar-sweetened beverages out of checkout "makes it easy for parents to say 'Yes' to something healthy, rather than forcing them to say 'No' to something unhealthy."¹³

Parents aren't the only ones who want changes at checkout. A 2016 poll found that:

- 76% of shoppers who purchased a food or beverage at checkout regretted doing so;
- 79% felt supermarkets should make it easier for people to eat healthfully; and
- 79% said stores should stock soda in the soda aisle, rather than sell it at checkout.¹⁴



Sugary drinks at a Berkeley store checkout

Californians Want Healthier Checkout Options

Californians are leading the charge, demanding checkout changes. In 2018, a Berkeley-based youth group assessed grocery store checkouts across the city and found that 67% of the beverages sold in these lanes contained added sugar. In focus groups, adults and adolescents unanimously supported removing high-calorie, low-nutrient food and beverages from grocery store checkout lanes and requiring stores to have healthy checkout aisles. Participants suggested retailers stock checkout with water, 100% fruit juice, and unsweetened coffee and tea.

Retailers Across the State Are Already Taking Steps to Support Health

California retailers are starting to stock healthier items at checkout. In 2016, Raley's eliminated sugar-sweetened soda from checkout in its Bel Air Market, Nob Hill Foods, Food Source, Market 5-ONE-5, and Raley's stores. In 2018, they removed 25% of candy from checkout.¹⁵



"I care for the health of my people, my community. As a manager at a local grocery store, I believe healthy checkout is good for both the clients and our business"
-Javier, Mi Tierra Foods

Southern California chain Northgate Gonzalez has healthy checkout lanes in 10 stores and plans to expand to all 41 stores.¹⁶ And smaller stores like Berkeley's Mi Terra Foods also support the changes at checkout.

California retailers want to do more to support shoppers' health, and many would welcome a level playing field where all retailers are required to do the same.

The Healthy Checkout, Healthy Families Act (AB 765) is good for California retailers and residents, providing consumers the opportunity to make better choices for themselves and their families.

¹ Babey SH, Wolstein J, Diamant AL, Goldstein H. *Prediabetes in California: Nearly Half of California Adults on Path to Diabetes*. Los Angeles, CA: UCLA Center for Health Policy Research; 2016.

² Gadgil M, Jackson R, Rosenblatt N, Aleemuddin A, Peck C, Bates J. *Status of Oral Health in California: Oral Disease Burden and Prevention*. Sacramento, CA: California Department of Public Health; 2017.

³ Sohn W, Burt BA, Sowers MR. Carbonated soft drinks and dental caries in the primary dentition. *J Dent Res*. 2006;85(3): 262-266.

⁴ Morenga LT, Mallard S, Mann J. Dietary sugars and body weight: systematic review and meta-analyses of randomised controlled trials and cohort studies. *BMJ*. 2012;346: e7492.

⁵ Malik VS, Popkin BM, Bray GA, Després JP, Willett WC, Hu FB. Sugar-sweetened beverages and risk of metabolic syndrome and type 2 diabetes: a meta-analysis. *Diabetes Care*. 2010;33(11): 2477-2483.

⁶ Muth ND, Dietz WH, Magge SN, Johnson RK. *Public Policies to Reduce Sugary Drink Consumption in Children and Adolescents*. Itasca, IL: American Academy of Pediatrics; 2019.

⁷ Mancino L, Guthrie J. *Supermarkets, Schools, and Social Gatherings: Where Supplemental Nutrition Assistance Program and other U.S. Households Acquire their Foods Correlates with Nutritional Quality*. Washington, DC: U.S. Department of Agriculture Economic Research Center; 2018.

⁸ Farley TA, Baker ET, Futrell L, Rice JC. The ubiquity of energy-dense snack foods: a national multicity study. *Am J Public Health*. 2009;100:306-311.

⁹ Cohen DA, Bogart L, Castro G, Rossi AD, Williamson S, Han B. Beverage marketing in retail outlets and The Balance Calories Initiative. *Prev Med*. 2018;115:1-7.

¹⁰ Fielding-Singh P, Almy J, Wootan MG. *Sugar Overload: Retail Checkout Promotes Obesity*. Washington, DC: Center for Science in the Public Interest, 2014.

¹¹ *The Nagging Question: How Checkout Undermines Parental Choice*. Washington, DC: Center for Science in the Public Interest, 2018.

¹² Fielding-Singh P. Why do poor Americans eat so unhealthfully? Because junk food is the only indulgence they can afford. *Los Angeles Times*. February 7, 2018.

¹³ *Lidl Grocery Store. Lidl Healthy Checkouts—Q & A Document*. London, UK: Bell Pottinger, 2014.

¹⁴ Checkout Polling: Online Survey of 1,024 adults. Princeton, NJ: Caravan ORC International, December 1-4, 2016.

¹⁵ Raley's reimagine check stands by reducing candy and offering "better for you" options [press release]. West Sacramento, CA: Raley's Supermarkets; September 10, 2018.

¹⁶ One healthy checkout lane leads to 10 [press release]. San Antonio, TX: Salud America!; March 2, 2017.



Frequently Asked Questions

Healthy Options at Point of Sale (HOPS)

How does HOPS define healthy?

For the assessments phase HOPS referenced the National Alliance for Nutrition and Activity (NANA) standards in which healthy beverages are 100% juice, plain low-fat milks, and water, and healthy snacks are composed predominantly of fruits, nuts and vegetables. In order to streamline implementation and enforcement, HOPS will focus on limiting added sugars to 5g and sodium to 200mg on products sold at checkout.

Do stores currently get money or discounts for product placement?

Yes, some stores receive payments, or slotting fees, from food manufacturers to place and promote particular products throughout the store, including in the checkout aisle.

What will the impact be on small stores and/or small local businesses?

HOPS is advocating to phase this ordinance in first with retail stores with over 4,000 square feet. Additionally, we are gathering retailer input throughout the process will support small businesses with implementation.

Why a healthy checkout ordinance instead of “junk food” tax?

Currently, we don't think our friends and neighbors are ready for a “junk food” tax, though some countries, including Mexico and Chile, have enacted taxes on “non essential” foods and beverages including calorie dense candy bars and sugar sweetened beverages.

HOPS believes a policy approach that increases the availability of healthy food at checkout will help provide a more level playing field by reducing the promotion and marketing of less healthy foods and helping all Richmond residents have a more positive experience in the checkout aisle. HOPS is not trying to prohibit or restrict the sale of candy, chips, or sodas throughout other parts of the store.

How to ensure the new, healthy options will be affordable?

Retailers count on customers making impulse purchases at checkout and are skilled at offering low-dollar products to increase last-minute consumer purchases. In order to continue profiting from last minute consumer purchases, merchants will price items at a price point that consumers will purchase.

Once the ordinance is passed, how will it be implemented and enforced?

HOPS plans to provide outreach to store managers and Richmond residents to ensure that both stores and the community understand what products fit into healthy checkout. The Contra Costa Environmental Health Department is well positioned to enforce the ordinance as they already conduct annual inspections of retail stores.

For more **information** contact Ingrid De Santiago at idesantiago@bacr.org.



NEWS

New Berkeley Ordinance Bans “Junk Food” At Store Registers

The “Healthy Checkout Ordinance” will not allow large stores like Berkeley Bowl and Safeway to sell sugary snacks in the checkout aisle.



This Safeway on Shattuck Avenue will have to remove candy and other sugary foods from its checkout aisles, according to a new Berkeley ordinance.

NICOLE LYONS

By [Shyel Meisels](#)

October 19, 2020



On Tuesday, September 22, Berkeley unanimously passed a new ordinance restricting the kinds of food that can be sold in checkout aisles citywide. The “Healthy Checkout Ordinance” states that stores with more than 2,500 square feet may no longer contain sugary snacks in the checkout aisle. This will mostly affect large stores such as Berkeley Bowl and Safeway.

This new restriction stemmed from the growing concern for public health in Berkeley, which has been negatively impacted by the practice of putting unhealthy or sugary foods near the checkout lines. The Center for Science in the Public Interest (CSPI) states, “Placing foods in prominent places in retail stores increases their visibility, accessibility, and sales. Retailers can nudge customers to select healthier options or non-food items by placing them at checkout.” This new ordinance would restrict the items sold at the checkout counter to those with less than 5 grams of sugar.

Nefertiti Kelley-Farias, a health and policy coordinator at Bay Area Community Resources (BACR), is happy with this new development. “I think it’s great,” she said. “Having local policies like this [is] very important to reduce diet related diseases and health disparities. Sugary items are put [in checkout lines] because you are more inclined to buy something that you weren’t originally planning to in the checkout line than anywhere else.” In terms of damaging store revenue, Kelley-Farias does not think it will have any measurable effect.

When picking items in store checkout lines, some people reference something called, “Decision Fatigue,” where the quality of someone’s decisions goes down as they are required to make a lot of decisions in a short amount of time. This phenomenon is evident in instances such as a trip to the grocery store. By the time someone makes it to the checkout aisle, they aren’t as in control of their decision making, meaning that they are more likely to purchase unhealthy snacks.

Berkeley Target Manager Stacy Michelle thinks that this new ordinance will have a positive effect on Berkeley’s community. “I do think that people should make healthier decisions when it comes to what they eat, but at the end of the day it’s their choice,” she said. In terms of business revenue, Michelle doubts it will be affected at all. She explained, “We might get a little bit of [negative] feedback, but other than people just asking where the new location is, I don’t think [people will be upset].”

The ordinance will also affect stores such as Target, Walgreens, and CVS, as well as many others. The ordinance is not necessarily meant to stop people from buying sugary snacks, but rather keep people from making unhealthy impulse buys. It wasn’t the most controversial of decisions, with a unanimous vote in favor of the new ordinance. It is unlikely that these new rules will have a negative effect on business.

In response to this, stores may put candy as close to checkout as possible, without technically being in the actual checkout. However, the restricted location is likely to have positive effects on the health of Berkeley residents. After the implementation of the Berkeley soda tax, residents cut their soda consumption down by as much as 50 percent. There is a high likelihood that this ordinance will lead to a similar result. ♦

We provide the opportunity to comment in order to foster a healthy debating environment and reserve the right to reject comments that stray away from that objective. [Read our full policy](#) →

BERKELEY HIGH JACKET



The Voice of the Students

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Chewing Gum & Mints

Trident Spearmint Gum

Brand: Trident

Parent Company: Mondelez

Added Sugar: 0g

Sodium: 0 mg



Ice Breakers Duo Watermelon

Brand: Ice Breakers

Parent Company: Hershey Trust Company

Added Sugar: 0g

Sodium: 0 mg



Extra Classic Bubble

Brand: Extra

Parent Company: Wrigley Jr. Company

Added Sugar: 0g

Sodium: 0mg



Altoids Peppermint

Brand: Altoids

Parent Company: Wrigley Jr. Company

Added Sugar: 0g

Sodium: 35mg



Fruit and Vegetables

Whole Fruits and Vegetables

Brand: Varies

Parent Company: Varies

Added Sugar: 0g

Sodium: Varies



Dried Chili Mango

Brand: Peeled

Parent Company: Peel Snacks

Added Sugar: 0g

Sodium: 30mg



Terra Original Chips

Brand: Terra

Parent Company: Hain Celestial Group

Added Sugar: 0g

Sodium: 110mg



No Sugar Added Organic Applesauce

Brand: Mott's

Parent Company: Keurig Dr. Pepper

Added Sugar: 0g

Sodium: 5mg



Diced Yellow Cling Peaches in 100% Fruit Juice

Brand: Dole

Parent Company: Dole Food Company, Inc.

Added Sugar: 0g

Sodium: 5mg



Nuts, Seeds & Legumes

Snak Club Yogurt Trail Mix

Brand: Snak Club

Parent Company: Insignia Capital Group

Added Sugar: 3g

Sodium: 0mg



Dry Roasted Pistachios

Brand: Planters

Parent Company: Kraft-Heinz

Added Sugar: 0g

Sodium: 150mg



Mesquite Barbeque Crunchy Broad Beans

Brand: Bada Bean Bada Boom

Parent Company: Enlightened

Added Sugar: 1g

Sodium: 150 mg



Vegan White Cheddar Hippeas

Brand: Hippeas Organic Chickpea Snacks

Parent Company: Green Park Snacks Ltd.

Added Sugar: 1g

Sodium: 140mg



Blue Diamond Whole Natural Almonds

Brand: Blue Diamond

Parent Company: Co-op

Added Sugar: 0g

Sodium: 0 mg



Whole Grains

Apple Cinnamon Crunchy Rice Rollers

Brand: Crunchy Rollers

Parent Company: General Mills

Added Sugar: 3g*

Sodium: 0 mg

*Estimate (contains 3g total sugar)



Kracklin' Kamut Brand Ancient Grain – Sea Salt

Brand: Kracklin' Kamut

Parent Company: Big Sandy Organics

Added Sugar: 0g

Sodium: 180mg



Boom Chicka Pop Sea Salt Popcorn

Brand: Angie's Boom Chicka Pop

Parent Company: Conagra Brands

Added Sugar: 0g

Sodium: 130mg



Smart50 Sea Salt Popcorn

Brand: Smartfood

Parent Company: PepsiCo

Added Sugar: 0g

Sodium: 150mg



Kids Organic Whole Grain Bites

Brand: Quaker

Parent Company: PepsiCo

Added Sugar: 4g

Sodium: 55 mg



Yogurt & Cheese

Chobani Clingstone Peach Less Sugar Greek Yogurt

Brand: Chobani

Parent Company: Chobani Global Holdings, Inc.

Added Sugar: 5g

Sodium: 50mg



Siggi's Vanilla Skyr

Brand: Siggi's

Parent Company: Lactalis

Added Sugar: 5g

Sodium: 55mg



Tillamook Medium Cheddar

Brand: Tillamook

Parent Company: Tillamook County Creamery Association (TCCA)

Added Sugar: 0g

Sodium: 125mg



Sargento String Cheese

Brand: Sargento

Parent Company: Gentine family

Added Sugar: 0g

Sodium: 190mg



Multi-Category Foods

Mint Chip Brownie Lärabar

Brand: Lärabar

Parent Company: General Mills

Added Sugar: 4g

Sodium: 0 mg



Kashi Peanut Peanut Butter Granola Bar

Brand: Kashi

Parent Company: Kellogg's

Added Sugar: 5g

Sodium: 100mg



Toasted Coconut Almond Granola

Brand: Bear Naked

Parent Company: Kellogg's

Added Sugar: 5g

Sodium: 10mg



Tart Cherry and Apple Superfood Bites

Brand: Urban Foods

Parent Company: Urban Foods

Added Sugar: 3g

Sodium: 0 mg



Blueberry Vanilla Cashew Kind Bar

Brand: Kind

Parent Company: Mars

Added Sugar: 4g

Sodium: 20mg



Beverages

Spindrift, Blackberry

Brand: Spindrift

Parent Company: VMG Partners

Added Sugar: 0g

Sodium: 0mg



La Colombe Pure Black Cold-Pressed Coffee

Brand: La Colombe

Parent Company: La Colombe

Added Sugar: 0g

Sodium: 25mg



Aquafina

Brand: Aquafina

Parent Company: PepsiCo

Added Sugar: 0g

Sodium: 0mg



Minute Maid 100% Orange Juice

Brand: Minute Maid

Parent Company: Coca-Cola

Added Sugar: 0g

Sodium: 25 mg



Bubly, Strawberry

Brand: Bubly

Parent Company: PepsiCo

Added Sugar: 0g

Sodium: 0



National Alliance for Nutrition and Activity Model Nutrition Standards for “Grab-and-Go” Foods and Beverages¹

Often, there is a lack of healthy options when eating away from home, particularly selections from vending machines and checkout aisles. Applying nutrition standards for foods and beverages in these “grab-and-go” venues can improve access to healthier options and support people’s ability to eat well.

These guidelines are an update of the 2012 NANA standards for municipal, state, and federal government leased or operated vending machines or vending machines on public property. They can also be used in private worksites, checkout aisles, concession stands, and other convenience-oriented food venues. In 2020 they were revised to reflect updates to the *Dietary Guidelines for Americans* and the current food and beverage marketplace. They are similar, though not identical, to the United States Department of Agriculture’s Smart Snacks guidelines for schools.

Beverage Standards:

- **100% of beverages must be one or a combination of the following:**
 - Water, including carbonated water (no added caloric sweeteners);
 - Coffee or tea with no added caloric sweeteners (if condiments are provided, sites may provide sugars and sugar substitutes and milk/creamer products that have less fat than cream, such as whole or 2% milk);
 - No more than 200 calories per container of fat-free dairy milk, 1% low-fat dairy milk, or calcium- and vitamin-D-fortified plant-based milks that contain at least 6 grams of protein per 8 oz;
 - 100% fruit/vegetable juice or juice combined with water or carbonated water (limited to a maximum of 12-ounce container; no added caloric sweeteners; and ≤ 200 milligrams of sodium per container); and
 - Low-calorie beverages that are ≤ 40 calories per container.

Food Standards:

Provide a variety of healthier foods with more fruits, vegetables, and whole grains and moderate amounts of saturated fat, added sugars, and sodium.

- **100% of snack foods and side dishes must meet all of the following criteria as offered (per package/container):**
 - No more than 200 calories;
 - Less than 10% calories from saturated fat (which would be no more than 2 grams of saturated fat for a 200 calorie snack, for example) with the exception of packages that contain 100% nuts or seeds; snack mixes that contain components

¹ Adapted from the NANA Model Beverage and Food Vending Machine Standards and the NANA Model Nutrition Standards for Checkout, with input from members of the NANA Steering Committee.

other than nuts and seeds must have no more than 10% of calories from saturated fat;

- No more than 10% of calories from added sugars and a maximum of 5 grams of added sugars, with the exception of yogurts that contain no more than 10 grams of added sugars per 5.3 oz container;
 - No more than 200 mg of sodium; and
 - One of the following must be listed as the first ingredient (or second ingredient after water):
 - Fruit or non-fried vegetable;
 - Fat-free/low-fat dairy or calcium- and vitamin D-fortified plant-based alternative;
 - Legumes, nuts, or seeds; or
 - Non-fried whole grain, with at least 50% of the grain ingredients being whole grain (indicated by the product having whole grain as the first ingredient, from the manufacturer, or if the product has a whole grain claim stating that at least 50% of the grains are whole grain).
 - Sugarless chewing gum can be sold without having to meet the above nutrition standards.
- **100% of entrée-type foods (e.g., sandwich, pizza, burger) must meet all of the following criteria per item as offered (per package/container):**
 - No more than 400 calories;
 - Less than 10% calories from saturated fat (which would be less than 4.5 grams saturated fat for a 400 calorie entrée-type item, for example);
 - No more than 10% of calories from added sugars and a maximum of 10 grams of added sugars;
 - No more than 480 mg of sodium; and
 - One of the following must be listed as the first ingredient (or second ingredient after water):
 - Fruit or non-fried vegetable;
 - Fat-free/low-fat dairy or calcium- and vitamin D-fortified plant-based alternative;
 - Lean protein food (e.g., fish, legumes, poultry); or
 - Non-fried whole grain, with at least 50% of the grain ingredients being whole grain (indicated by the product having whole grain as the first ingredient, from the manufacturer, or if the product has a whole grain claim stating that at least 50% of the grains are whole grain).

Healthy Retail Ordinance: Model Language

Healthy Retail Placement and Checkout Ordinance

Findings.

- A. Diets with an excess of added sugars and sodium are correlated with chronic health issues including hypertension, type 2 diabetes, tooth decay, and stroke.
- B. The safety of many low/reduced-calorie sweeteners is questionable, especially for children. Many have not been well tested, some appear to pose a risk of cancer, and some can cause gastrointestinal distress, especially when consumed in large amounts.
- C. Grocery and convenience stores are Americans' top source for foods and beverages. More than 70 percent of Americans' caloric intake comes from food items purchased at large grocery retailers.
- D. The environments in which food choices are made affect those choices. The placement of unhealthy snack foods and beverages near the checkout registers and on aisle endcaps and freestanding displays throughout retail stores increase the likelihood that consumers will make unplanned purchases of unhealthy foods. The placement of unhealthy snack foods and sugar-sweetened beverages at checkout, therefore, undermines public health initiatives and consumers' desire to make healthy choices.
- E. Providing customers with the choice to avoid undue pressure to purchase high-calorie, low-nutrient food when they shop is in the interest of the health, safety, and welfare of all who live, work, and do business in Richmond.

Purpose.

- A. The purpose of the ordinance is to encourage healthy purchases and improve the health of Richmond by providing healthy alternatives to consumers in checkout areas and limiting consumer exposure to sugar-sweetened beverages and unhealthy foods at Small Retail Stores and Large Retail Stores in Richmond.

Definitions.

- A. "Added Sugars" means sugars added during the processing of foods and beverages, or are packaged as such, and include sugars (free, mono and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, as defined in Section 101.9 of Title 21 of the Code of Federal Regulations.
- B. "Aisle Endcap" means product displays placed at the endpoints of aisles that contain products for sale.
- C. "Alcoholic Beverages" means beverages regulated as alcohol under **STATUTE**.
- D. "Artificial Sweeteners" means sweeteners with few to no calories that have a higher intensity of sweeteners per gram than sucrose.
- E. "Category List" means the list of foods and beverages which meet the standards of **RMC XXX**.
- F. "Checkout Area" means any area that is accessible to a customer of the Retail Store that is:
 - 1. Within 3 feet in any direction of any Register; or
 - 2. Designated primarily for or utilized primarily by customers to wait in line to make a purchase at a register; up to and including the Checkout Endcap.

- G. "Checkout Endcap" means product displays placed at endpoints of areas designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- H. "Freestanding Display" means a freestanding fixture, not attached to another structure that displays products for sale.
- I. "Health Checkout Areas Standards" means the standards for foods and beverages set forth in **[HEALTHY CHECKOUT AREAS (A)-(D)]**.
- J. "Healthy Retail Placement standards" means the standards for foods and beverages set forth in **[HEALTHY RETAIL PLACEMENT (A)-(C)]**.
- K. "Large Retail Store" means a commercial establishment selling goods to the public with a total floor area of 4001 square feet or more and selling 25 linear feet or more of food and beverage products.
- L. "Prepared Foods" refer to foods sold or served that are produced by the retailer for immediate consumption.
- M. "Refrigerated Beverages" means beverages that must be or should be refrigerated or frozen for freshness and are traditionally displayed for sale in refrigerators or freezers.
- N. "Register" means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- O. "Retail Store" means a commercial establishment selling goods to the public and selling 25 linear feet or more of food and beverage products.
- P. "Small Retail Store" means a commercial establishment selling goods to the public with a total floor area between 0 and 4000 square feet and selling 25 linear feet or more of food and beverage products.

Healthy Checkout Areas.

Each Retail Store shall at all hours during which the Retail Store is open to the public ensure that all foods and beverages displayed for sale in the Checkout Areas meet the following standards:

- A. Beverages with no Added Sugars and no Artificial Sweeteners.
- B. Beverages must be in the following categories: waters, milk and milk alternatives, 100% juice, coffee, and tea.
- C. Food items with no more than 5 grams of Added Sugars and 200 milligrams of sodium per labeled serving.
- D. Prepared foods are exempted from the above requirements.

The City of Richmond will conduct an annual review of qualifying beverage categories in the Healthy Checkout Areas Standards. There will be a 180-day phase-in period if changes to the Healthy Checkout Area Standards are made.

Healthy Retail Placement.

Each Retail Store shall at all hours during which the Retail Store is open to the public ensure that foods and beverages displayed for sale in the store meet the following standards:

- A. Beverages with Added Sugars and/or Artificial Sweeteners may only be displayed for sale in one aisle within the store and in the two Aisle Endcaps at each end of that aisle. Beverages with Added Sugars and/or Artificial Sweeteners may not be displayed in any other locations within the store.
- B. Beverages with Added Sugars and/or Artificial Sweeteners may not be displayed for sale in Freestanding Displays.

C. Refrigerated Beverages and Alcoholic Beverages are exempted from the above requirements.

There will be a 180-day phase-in period if changes to the Healthy Retail Placement Standards are made.

###. Enforcement.

- A. [The City] is authorized to issue all rules and regulations consistent with this ordinance.
- B. [HOW WILL COMPLIANCE BE ADMINISTERED, e.g. during regular inspections by Contra Costa Environmental Health of Retail Stores]
- C. [The City] may require information necessary to determine compliance with this Chapter.

###. Violations – Penalties.

- A. A Retail Store found to be in violation of this Chapter may be subject to [PENALTY]
- B. This section shall not limit [the City/Enforcement agency] from recovering costs from implementing this Chapter or investigating complaints.

###. Effective Date.

This ordinance and the legal requirements set forth herein shall take effect and be in force for Large Retail Stores as of [DATE] and Small Retail Stores as of [DATE (six months after large stores)].

For more information, please contact the Center for Science in the Public Interest at policy@cspinet.org.

Back to top