

# The Birmingham News

## BATTLE OF THE BULGE:

*America is fat and getting fatter. And everyone is weighing in with solutions. Even lawyers. But can we sue our way to better health?*

By ALAN BLUM    May 23, 2010

"I figured it out," a heavysset patient once joked, "I'm 329 pounds, and at my weight I should be 8 feet 7 inches tall. So I'm not fat, I'm short."

But obesity is no laughing matter. It's a major risk factor for heart disease and diabetes, and it is even linked to cancer of the breast and colon. Alabama has the nation's second highest prevalence of adult obesity (31.2 percent, after Mississippi's 32.5 percent) and ranks sixth in the percentage of overweight and obese children (36.1 percent).

Nationally, the prevalence of obesity -- Americans who are 30 or more pounds above a healthy weight -- has doubled in the past 20 years. The

percentage of overweight adolescents has tripled since 1980. Men now weigh on average 17 pounds more than they did 30 years ago, and women weigh 19 pounds more. And it costs us all dearly: \$150 billion a year, or almost 10 percent of all medical spending, up from 6.5 percent a decade ago.

As America's children get fatter, everyone from first lady Michelle Obama to the food industry is weighing in with solutions. Earlier this month, the first lady's Childhood Obesity Task Force, aiming to reduce the obesity rate to 5 percent by 2030, issued several recommendations, including more farmers' markets, cash incentives to convenience stores in low-income areas to stock more fresh produce and healthier food, better quality school lunches, and an end to the target marketing of children by snack food and soda companies.

In response, and no doubt to fend off regulation, 16 food makers last week agreed to introduce lower-calorie alternatives to sodas, snacks, cereals and other products.

Meanwhile, legislators across the country have proposed taxes on sodas and snacks. Several cities, most notably Los Angeles, have sought to apply zoning laws to restrict the number of fast-food outlets in neighborhoods. New York City now requires that restaurants list the calories of all items on the menu.

Virtually all health professionals, teachers and fitness experts agree that better school-based dietary education and the return of daily physical education are essential to reversing the obesity trend. (I believe a swimming pool at every school and health care facility would do wonders.) Diabetes educators at Cooper Green are already setting a standard for enhancing the nutrition of patients and their families.

Sadly, too many approaches to the problem of obesity are deceptive or impractical. Quick-weight-loss centers promise you'll drop 30 pounds in 30 days. (They forget to add that you'll gain it back even quicker.) Drug companies raise false hopes with pills that will melt away pounds. Cigarette makers deceive with brands like Virginia Slims and Superslims. Some

surgical groups propose expanding the numbers of obesity bypass operations, even in teenagers.

But the group that takes the cake is plaintiffs attorneys, fresh from suing tobacco companies, who now aim to drag the fast-food chains and junk-food makers into court, alleging corporate manipulation of our kids.

Fat chance. The comparison between Big Tobacco and Big Food simply doesn't apply, because the problem of obesity has infinitely more causes than tobacco addiction. I don't doubt that the fast-food chains have contributed to the decline in American eating habits. But wouldn't we also have to hold liable every local mom-and-pop hamburger joint, doughnut drive-in and ice cream shop, as well as the snack food, candy and soda makers, not to mention the farmers and agribusinessmen who give us high-fructose corn syrup?

Even the various taxes on soda that are gaining momentum in some states are fraught with hypocrisy. The states won't use this tax money to fight obesity any more than they have used cigarette taxes to fight smoking.

And what were the states doing about rising obesity rates for all these decades? The American Academy of Pediatrics now blames obesity in part on soda sales in schools. (The American Academy of Family Physicians won't be such a naysayer: It just signed a deal with Coca-Cola to help family doctors educate their patients about nutrition.) But few seem to want to ask when and how the soda machines ever made their way into schools to begin with.

I was training in family medicine in Miami in 1977 when that city's school board held hearings on whether to permit soda sales in the schools, and I was one of the few who testified against these contracts.

A soda spokesman actually testified that a bottle of ketchup contained more sugar than a can of his company's cola. The lone physician on the school board, a pediatrician, said that since schoolkids no longer drank milk anyway, they'd simply leave the school to get their sodas at the corner store -- and get killed crossing the street. He voted to install the soda machines,

as did most of the other school board members. The soda companies also offered to place scoreboards on the football fields that would provide advertising revenue to the schools. In short, nobody broke anybody's arm convincing school systems they'd benefit from soda.

We went through this again nationally in the 1980s with the proliferation in school classrooms of Channel One, a TV network with bits of news in between junk-food commercials that the kids were required to watch as a condition of the schools getting free TV sets. Some deal. What 15 extra minutes of physical education daily could have done instead!

So the attorneys ought to be sure to include Channel One in their lawsuits. And why not add ABC, NBC, CBS, ESPN and the other TV networks that play those same commercials and keep us sitting on our sofas hooked on soap operas and sports? Then there's the NFL, NASCAR, the NCAA, Major League Baseball and other spectator sports leagues, not to mention the manufacturers of cars, computers, cellphones and videogames that have contributed to making America's youth the fattest and most sedentary in the world.

But the lawyers don't dare suggest parents ought to take any responsibility for maintaining the centuries-old tradition of the sit-down family meal, or for choosing fresh produce over processed food, or for getting in our cars to go two blocks to get more soda and snacks.

Maybe they can just sue the schools for failing to educate our kids. Or the surgeons for not doing obesity bypass operations fast enough.

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