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**Seattle School Board Targeted for Soda Pact**

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Trial lawyers plan to target school board members in Seattle who voted to extend a soda-machine contract with Coca-Cola Co. in elections this fall.

The board voted 4-3 Thursday night to approve a five-year, exclusive contract with the world's largest nonalcoholic beverage company.

However, it made changes to the deal that somewhat mollified the trial lawyers, who had threatened to sue for contributing to child obesity if the contract were extended.

While lawyers assess the likelihood of lucrative settlements in Seattle, others are researching suits and election campaigns against school boards using similar soft-drink contracts in Dallas, Houston and Boston, said George Washington University law professor John Banzhaf III, who is leading the obesity-litigation efforts similar to ones against tobacco companies.

The changes in the Seattle contract were a starting victory for trial lawyers, Mr. Banzhaf said.

"It's obvious we had a significant impact on the current contract, and it has now become a major issue for school board elections later this fall," said Mr. Banzhaf, who sent a legal notice earlier this month warning members of litigation.

Seattle lawyer Dwight Van Winkle said he may take up the case if he can find appropriate plaintiffs.

"The threat of lawsuits seems to have some effect on the board, and if that's what it takes to change this health threat, then so be it," Mr. Van Winkle said.

Mr. Banzhaf said several lawyers and health advocates plan to push the soda-contract issue in this fall's school board elections. Several members who voted for the contract are up for re-election.

The board delayed its vote by a week and included in the contract provisions to turn off soda machines during the day and designate three slots of each machine for water and fruit juices. Seattle elementary schools do not have soda machines.

The changes reduce the expected revenue by \$50,000 to \$350,000 annually for extracurricular activities at schools that have the vending machines, said school board President Nancy Waldman.

The final version also has a more flexible modification and cancellation policy. Seattle schools may stop selling sodas at any time without facing a penalty other than the loss of soda revenue.

"We wanted the flexibility to later add other alternatives, like milk," Ms. Waldman said.

The soft-drink changes were not initiated by warnings of lawsuits, Ms. Waldman said, adding that the school board is not worried about obesity-related litigation.

"I honestly don't think [the lawyers] have a very good case now that we've made so many changes to what they were hoping to use as a bad test case," she said.

But Mr. Banzhaf countered that lawyers still have a credible lawsuit involving children, who often carry more legal weight as plaintiffs than adults.

"Certainly, the suit was stronger when they were looking to renew this exclusive contract, but we would still have a reasonably good suit with this watered-down contract because schools are still doing something that is harmful to students' health," he said.

About 13 percent of U.S. children are overweight, putting them at a higher risk for diseases such as coronary heart disease, diabetes, hypertension and certain cancers, according to the U.S. surgeon general.

Mr. Banzhaf said he hopes the legal pressure will encourage more school systems to phase out carbonated beverages as New York, Los Angeles and San Francisco have done.

Short of banning soda entirely from schools, Ms. Waldman said the board has reached its compromise for the contract.

"I think the contract is at a point where it's as good as it's going to get," she said.

