



MARCH 16, 2007

TO MEMBERS OF THE JUDICIARY COMMITTEE:

Thank you for the opportunity to testify on proposed H.B. No. 7327, An Act Concerning Civil Actions Related To The Long-term Consumption Of Food Products. As academic researchers and residents of Connecticut, we are here to testify in strong opposition of this proposed bill.

The proposed legislation aims to protect food manufacturers and sellers from liability for injury to individuals who file suit after consuming foods that contribute to weight gain and obesity, with the premise that individuals have only themselves to blame for the consequences of choosing to consume unhealthy foods in restaurants. This bill is based upon the inaccurate assumption that obesity is caused by a lack of personal responsibility. This premise is not supported by existing scientific evidence, it ignores the established complex causes of obesity, and it serves to perpetuate unfair bias and prejudice towards individuals who are overweight. The epidemic rise in obesity has occurred largely within the past 30 years. Research evidence during this time has established complex genetic and environmental causes of obesity, and indicates that individuals have instead demonstrated improved personal responsibility for health behaviors, rather than less responsibility.

Here are findings from some key research studies:

- Science has established that one strong determining factor for weight is genetics. For example, research studies comparing identical and fraternal twins, and comparing adopted and biological children to their parents, have concluded that approximately 40% of the variance in body weight is due to genetic factors.¹ To suggest that personal responsibility is the primary driving force of our obesity epidemic ignores an established field of science suggesting that biology and genetics play a substantial contributing role in this problem.
- The rapid rise in the prevalence of obesity raises the question of whether people have become inherently less responsible over the last thirty years in general, and whether the rise in obesity is just one symptom of this larger problem. If this were the case, one would expect people to be less responsible in other domains; for example, people would be less likely to take responsibility for their health by quitting smoking, putting on a seatbelt, putting their children in car seats, getting preventive screenings, locking up their guns, and drinking and driving.

The evidence supports the position that people have become more, not less, responsible in recent years. An examination of the surveillance data collected by the Centers for Disease Control on the health risk behaviors of American adolescents suggests that between 1991 - 2005 irresponsible health behaviors went down, rather than up.²

For adults, the CDC's Behavioral Risk Factor Surveillance System reports that there has been a similar trend from 1990 - 2002 of improved personal responsibility for health.³ For example, there have been increases in the percentage of adults having pap smears, mammograms, breast exams, checking cholesterol, and checking blood pressure.

These findings demonstrate that in many domains, Americans are taking greater personal responsibility for their health behaviors. This clearly challenges the argument that our citizens have become less responsible and instead suggests that despite the increase in Americans' efforts to take greater personal responsibility for their health, that strong external forces – such as our unhealthy food environment -- are undermining their efforts.

Of important note, is that health behaviors that have demonstrated the most improvement in levels of personal responsibility over the past several decades are the ones that have been *supported by changes in the environment*. Taxes, stricter laws on blood alcohol levels, restricting smoking in public places, and mandating seat belt and helmet use, are all environmental forces that help to reinforce the desired behaviors. But with food, the exact opposite environmental changes have occurred, and fast food companies have instead continued to heavily promote unhealthy foods to our citizens.

- Blaming individuals for obesity also reinforces societal stigma and prejudice. Research shows that people with stigmatizing conditions that are rated high on personal responsibility, such as obesity, are disliked, attributed negative personality characteristics, evoke little pity and high anger, and are less likely to be helped by others.⁴ Weight bias is pervasive in our society, and overweight individuals experience prejudice in employment settings, educational institutions, and medical facilities.⁵ Scientific studies also show that emphasizing personal responsibility for obesity worsens negative stereotypes and stigma toward obese persons, whereas information that highlights the complex causes of obesity, including biological and genetic contributors to weight, improves negative attitudes and reduces stigma.⁶
- Polling data since 2001 illustrates that public opinion is increasingly in favor of social actions to address obesity, which emphasize modifications to the environment. Specifically, growing public support has been documented for taxing foods, restricting children's food advertising, banning soft drinks and snack foods in schools, and requiring calorie labeling in restaurants.⁷ Thus, there is increasing public recognition that the food environment is encouraging behaviors that contribute to obesity, and that this should be a target for governmental intervention.

As public health professionals, we believe the available science suggests that the current obesity epidemic is not simply due to lack of personal responsibility, and that despite increased efforts to engage in personally responsible health behaviors, our current food environment creates significant obstacles in helping our citizens become healthier. Thus, removing liability from fast food manufacturers, distributors, and marketers as proposed in this bill ignores important driving forces of this problem, contributes further to poor nutrition and obesity in Connecticut, and worsens pervasive social stigma toward obese persons. Thank you for considering this matter,

Sincerely,



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