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Appendix Table 1. Select Health and Safety Warning Requirements on Consumer Products

Product (government entity); litigation note	Rationale for warning	Warning language	Placement	Formatting requirements
Alcoholic beverages (Alcohol and Tobacco Tax and Trade Bureau) 27 U.S.C. § 215 (1988) 27 CFR §§16.20-16.22 Not challenged under the First Amendment.	“Congress finds that the American public should be informed about the health hazards that may result from the consumption or abuse of alcoholic beverages, and has determined that it would be beneficial to provide a clear, nonconfusing reminder of such hazards.” “Congress finds that requiring such reminders on all containers of alcoholic beverages is appropriate and necessary in view of the substantial role of the Federal Government in promoting the health and safety of the Nation’s population.” Anti-Drug Abuse Act of 1988, 102 Stat. 4181; 100 P.L. 690 (November 18, 1988).	GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.	Containers	Conspicuous and prominent location on container using a contrasting background; separate and apart from all other information; “ GOVERNMENT WARNING, ” shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type. Size of type. (1) Containers ≤237 milliliters (8 fl. oz.). The mandatory statement shall be in script, type, or printing not smaller than 1

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				mm and no more than 40 characters per inch (2) Containers 237 milliliters (8 fl. oz.) to 3 liters (101 fl. oz.). The mandatory statement shall be in script, type, or printing not smaller than 2 mms and no more than 25 characters per inch (3) Containers of >3 liters (101 fl. oz.). The mandatory statement shall be in script, type, or printing not smaller than 3 mms and no more than 12 characters per inch
Chemicals known to cause cancer or birth defects or other reproductive harm	“The people of California find that hazardous chemicals pose a serious potential threat to their health and well-being, that state government agencies have failed to provide them with adequate protection, and that these failures have been serious enough to lead	Mandatory for consumer products:  WARNING May be written using other methods but the following is a	Labels, signs, shelf signs or tags, websites where products are sold on the internet	“clear and reasonable” warning A symbol consisting of a black exclamation

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<p>(California OEHHA)</p> <p>Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 CA Health & Safety Code §§ 25249.5-25249.14 (approved November 4, 1986, effective January 1, 1987)</p> <p>27 CCR §§ 25601-25603</p> <p>Prop 65 is the subject of many lawsuits; Nat'l Ass'n of Wheat Growers v. Zeise, 309 F. Supp. 3d 842 (E.D. Cal., 2018) found it</p>	<p>to investigations by federal agencies of the administration of California's toxic protection programs. The people therefore declare their rights:</p> <p>...</p> <p>(b) To be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.”</p> <p>Cal Health & Saf Code Div. 20, Ch. 6.6 Note (Proposition 65 language).</p>	<p>“safe harbor” from enforcement actions for consumer products</p> <p>“This product can expose you to [name of chemical/chemicals including name of one or more chemicals], which is [are] known to the State of California to cause [cancer/ birth defects or other reproductive harm]. For more information go to www.P65Warnings.ca.gov.”</p>	<p>point in a yellow equilateral triangle with a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word “WARNING”.</p> <p>The word “WARNING:” in all capital letters and bold print.</p> <p>A short-form warning may be provided on the product label using all the following elements: The</p>
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violated the First Amendment with respect to the herbicide glyphosate.

symbol and the word “WARNING:” in all capital letters, in bold print.

Mandatory for short form: the entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type.

Chemicals known to cause cancer or birth defects or other reproductive harm (California OEHHA)

“The people of California find that hazardous chemicals pose a serious potential threat to their health and well-being, that state government agencies have failed to provide them with adequate protection, and that these failures have been serious enough to lead to investigations by federal agencies of the administration of California’s toxic protection programs. The people therefore declare their rights:
 ...

Mandatory for food:
WARNING

May be written using other methods but the following is a “safe harbor” from enforcement actions for food:

“Consuming this product can expose you to [chemicals including/name of one or more chemicals], which is [are] known

Labels, signs, shelf signs or tags, websites where products are sold on the internet

“clear and reasonable” warning

Where the warning is provided on the food product label, it must be set off from other surrounding

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<p>Water and Toxic Enforcement Act of 1986 CA Health & Safety Code §§ 25249.5-25249.14 (approved November 4, 1986, effective January 1, 1987)</p>	<p>(b) To be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” Cal Health & Saf Code Div. 20, Ch. 6.6 Note (Proposition 65 language).</p>	<p>to the State of California to cause [cancer/cause birth defects or other reproductive harm]. For more information go to www.P65Warnings.ca.gov/food. ”</p>	<p>information, enclosed in a box. The word “WARNING:” in all capital letters and bold print.</p>
<p>27 CCR §§ 25607.1-25607.2</p>			
<p>Prop 65 is the subject of many lawsuits; Nat’l Ass’n of Wheat Growers v. Zeise, 309 F. Supp. 3d 842 (E.D. Cal., 2018) found it violated the First Amendment with respect to</p>			

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<p>the herbicide glyphosate</p>				
<p>Cigarettes (Food and Drug Administration ; Federal Trade Commission)</p>	<p>“The warning on a cigarette package can provide a clear, visible vehicle to communicate risk at the most crucial time for smokers and potential smokers. ... When utilized effectively, cigarette packages and advertisements can serve as an important channel for communicating health information to broad national audiences that include both smokers and nonsmokers.</p>	<p>WARNING: Cigarettes are addictive. WARNING: Tobacco smoke can harm your children. WARNING: Cigarettes cause fatal lung disease. WARNING: Cigarettes cause cancer.</p>	<p>Labels, advertisements</p>	<p>Each label statement shall comprise the top 50% of the front and rear panels of the package. The word</p>
<p>15 U.S.C. §1333 (2009)^a</p>	<p>broad national audiences that include both smokers and nonsmokers.</p>	<p>WARNING: Cigarettes cause strokes and heart disease.</p>		<p>“WARNING” shall appear in capital letters and text shall be in conspicuous and legible 17-point type. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package.</p>
<p>Upheld in Discount Tobacco City & Lottery, Inc. v. U.S., 674 F.3d 509 (6th Cir. 2012).</p>	<p>The inclusion of strong health warnings on packages and in advertisements can thus provide a critical opportunity to educate consumers about the health risks of cigarettes, support intentions among current smokers who want to quit or decrease cigarette consumption, and discourage nonsmokers, particularly youth, from initiating cigarette use. Prominent displays of warnings increase their effectiveness; larger warnings, with pictures, are more likely to be noticed by consumers, communicate information about health risks to consumers, and reinforce intentions among tobacco users who want to quit.”</p>	<p>WARNING: Smoking during pregnancy can harm your baby. WARNING: Smoking can kill you. WARNING: Tobacco smoke causes fatal lung disease in nonsmokers. WARNING: Quitting smoking now greatly reduces serious risks to your health.</p>		
	<p>Federal Register; 75(No. 218, Part II):69524-69565 (November 12, 2010).</p>			<p>For press and poster advertisements (“ad”), the</p>

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warning shall
comprise at least
20% of the area
of the
advertisement and
shall appear in a
conspicuous and
prominent format
and location at the
top of each ad.
For all warnings,
the word
“WARNING”
shall appear in
capital letters, and
each label
statement shall
appear in
conspicuous and
legible type. The
text of the label
statement shall be
black if the
background is
white and white if
the background is
black. The label
statements shall
be enclosed by a
rectangular border
that is the same
color as the letters
of the statements

and that is the width of the first downstroke of the capital “W” of the word “WARNING” in the label statements.

The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper ad; 39-point type for a half-page broadsheet newspaper ad; 39-point type for a whole-page tabloid newspaper ad; 27-point type for a half-page tabloid newspaper ad; 31.5-point type for a double page spread magazine or

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				whole-page magazine ad; 22.5-point type for a 28 cm by 3 column ad; and 15-point type for a 20 cm by 2 column ad.
				The label statements shall be in English, except in the case of an ad that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication.
Dietary supplements containing iron or iron salts (Food and Drug	“FDA proposed these regulations because of the acute iron poisonings, including deaths, in children less than 6 years of age attributable to accidental overdoses of iron-containing products. The intent of these proposed regulations	WARNING: Accidental overdose of iron-containing products is a leading cause of fatal poisoning in children under 6. Keep this product out of reach of children. In case of accidental	Labels, labeling	Shall appear prominently and conspicuously on the information panel of the immediate container label.

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Administration)	was to reduce the risk of accidental iron poisonings of young children.”	overdose, call a doctor or poison control center immediately.	
21 CFR 101.17(e) (1997)	Federal Register; 62(No. 10, Part II):2218-2250 (January 15, 1997).		
FDA Guidance Document.			
Not challenged under the First Amendment.			<ul style="list-style-type: none">• The warning statement shall appear prominently and conspicuously on the information panel of the immediate container label.• If a product is packaged in unit-dose packaging, and if the immediate container bears labeling but not a label, the warning statement shall appear prominently and conspicuously on the immediate container labeling in a way that

maximizes the likelihood that the warning is intact until all of the dosage units to which it applies are used.

- Where the immediate container is not the retail package, the warning statement shall also appear prominently and conspicuously on the information panel of the retail package label.

Guidance: For information panel labeling, use a print or type size that is prominent, conspicuous and easy to read. Use

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				letters that are at least one-sixteenth (1/16) inch in height based on the lower case letter “o”. The letters must not be more than three times as high as they are wide, and the lettering must contrast sufficiently with the background to be easy to read.
Protein products: food product in liquid, powdered, tablet, capsule, or similar forms that derives more than 50 percent of its total caloric value from either whole protein, protein hydrolysates, amino acid	“The Food and Drug Administration is proposing these requirements on the basis of evidence that, without proper medical supervision, very low calorie diets consisting primarily of protein may cause serious medical problems, including death. The purposes of this proposal are to ensure that consumers are alerted to the potential health hazards association with consumption of protein supplements for purposes of weight control and to inform consumers that the advice of a physician should be sought before using these products for weight control.”	Warning: Very low calorie protein diets (below 400 Calories per day) may cause serious illness or death. Do Not Use for Weight Reduction in Such Diets Without Medical Supervision. Not for use by infants, children, or pregnant or nursing women. NOTICE: For weight reduction, use only as directed in the accompanying diet plan (the name and specific location in labeling of the diet plan may be included in this statement in place of “accompanying diet	Labels, labeling	The warning and notice statements required shall appear prominently and conspicuously on the principal display panel of the package label and any other labeling.

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<p>mixtures, or a combination of these, and that is represented for use in reducing weight (FDA)</p>	<p>Federal Register; 42(232):61285-61287 (December 2, 1977).</p>	<p>plan”). Do not use in diets supplying less than 400 Calories per day without medical supervision.</p>	<p>NOTICE: Use this product as a food supplement only. Do not use for weight reduction.</p>	<p>21 CFR 101.17(d) (1984)</p>	<p>Upheld in National Nutritional Foods Asso. v. Young, 598 F. Supp. 1107 (S.D.N.Y 1984). Based on the rational judgment of the FDA; no First Amendment claim</p>
<p>Smokeless tobacco products</p>	<p>To “inform the public of any dangers to human health resulting from the use of smokeless tobacco products.”</p>	<p>WARNING: This product can cause mouth cancer. WARNING: This product can cause gum disease and tooth loss. WARNING: This product is not a safe alternative to cigarettes.</p>	<p>Labels, advertisements</p>	<p>Each label statement shall be (A) located on the 2 principal display panels of the package, and each label</p>	
<p>15 U.S.C. § 4402 (2009) which updated</p>	<p>Comprehensive Smokeless Tobacco Health Education Act of 1986, Public</p>				

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the Comprehensive Smokeless Tobacco Health Education Act of 1986, Public Law 99-252; 100 Stat. 30 (1986).	Law 99-252; 100 Stat. 30 (February 27, 1986).	WARNING: Smokeless tobacco is addictive.	statement shall comprise at least 30% of each such display panel; and (B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion, except that if the text of a label statement would occupy more than 70% of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such
Upheld in Discount Tobacco City & Lottery, Inc. v. U.S., 674 F.3d 509 (6th Cir. 2012).			

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warning area is occupied by the label statement.

Smokeless tobacco advertising shall comply with the following standards:

- For press and poster advertisements (“ad”), each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20% of the area of the ad.
- The word “WARNING” shall appear in capital letters,

and each label statement shall appear in conspicuous and legible type.

- The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted.
- The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first


downstroke of the capital “W” of the word “WARNING” in the label statements.

- The text of label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper ad; 39-point type for a half-page broadsheet newspaper ad; 39-point type for a whole-page tabloid newspaper ad; 27-point type for a half-page tabloid newspaper ad;

31.5-point type for a double page spread magazine or whole-page magazine ad; 22.5-point type for a 28 cm by 3 column ad; and 15-point type for a 20 cm by 2 column ad.

- The label statements shall be in English, except that in the case of an ad that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the

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				predominant language of the publication.
<p>Sodium warning for food item or combination meal containing 2,300 mg or more of salt</p> <p>NYC Health Code §81.49 (2015)</p> <p>upheld by National Rest. Assn. v New York City Dept. of Health & Mental Hygiene, 148 A.D.3d 169 (2nd Cir. 2017).</p>	<p>Findings: explains the link between sodium and cardiovascular disease; sodium consumption in NYC; restaurant food primary source of sodium; New Yorkers need to be warned because they are generally unaware of recommendations and sources of sodium.</p> <p>Rationale: Allow consumers to be able readily “identify menu items containing the recommended daily limit of 2,300 mg or more of sodium, because these items are clearly incompatible with recommendations regarding sodium consumption. The proposed consumer warning label will provide consumers with information about food items that contain exceedingly high sodium levels and will empower them to make well-informed decisions when making choices for themselves and their family members in the food retail environment.”</p> <p>NYC Rules. Article 81. Statement of Basis and Purpose. Available: https://rules.cityofnewyork.us/tags/article-81.</p>	<p> the sodium (salt) content of this item is higher than the total daily recommended limit (2300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke</p>	<p>Menus of New York City chain restaurants (i.e., food service establishments that are part of a chain operating 15 or more locations and offer substantially the same menu items at each location)</p>	<p>The icon must be a black and white equilateral triangle as wide as it is tall and equal in height to the largest letter in the food item’s name, as displayed on the menu, menu board, or tag next to any food on display; and the statement must be posted conspicuously at the point of purchase.</p>

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<p>Unpasteurized juice (FDA)</p> <p>21 CFR 101.17(g) (1998)</p> <p>FDA Guidance Document</p> <p>Not challenged under the First Amendment.</p>	<p>“to inform consumers of the health risks associated with the consumption of juice products not processed to prevent, reduce, or eliminate pathogens that may be present.”</p> <p>Federal Register; 63(No. 130, Part VI):37030-37056 (July 8, 1998).</p>	<p>WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.</p>	<p>Labels, labeling</p>	<p>The warning statement shall appear prominently and conspicuously on the information panel or on the principal display panel of the label of the container. The word “WARNING” shall be capitalized and shall appear in bold type. When on a label, the warning statement shall be set off in a box by use of hairlines.</p> <p>On the principal display panel of the label of the container, in no case may the letters and/or numbers be less than one-sixteenth inch in height. The word “WARNING”</p>
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shall be capitalized and shall appear in bold type. The warning statement shall be set off in a box by use of hairlines.

Guidance: For information panel labeling, use a print or type size that is prominent, conspicuous and easy to read. Use letters that are at least one-sixteenth (1/16) inch in height based on the lower case letter “o”. The letters must not be more than three times as high as they are wide, and the lettering must contrast sufficiently with the background to be easy to read.

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^aNote: the first cigarette warnings were enacted in 1970 and required the following: “Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.” The stated rationale was so “the public may be adequately informed that cigarette smoking may be hazardous to health.” (Public Health Cigarette Smoking Act of 1969, 84 Stat. 87, 91 P.L. 222 (April 1, 1970)).

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Appendix Table 2. SSB Warning Bills and Laws Proposed and Passed in the U.S.

Jurisdiction bill/statute	Rationale for warning	Warning language^a	Placement	Formatting requirements
Baltimore Bill 16-0617 (2016).	<ul style="list-style-type: none"> • Health risks SSB consumption • Informed choice 	<p>WARNING: DRINKING BEVERAGES WITH ADDED SUGAR CONTRIBUTES TO TOOTH DECAY, OBESITY, AND DIABETES. THIS MESSAGE IS FROM THE BALTIMORE CITY HEALTH DEPARTMENT.</p>	<p>Sugar-sweetened beverage</p> <ul style="list-style-type: none"> • Advertisements • Menus 	<ul style="list-style-type: none"> • Conspicuous and legible • All caps or small caps • Size and manner so as to be clearly legible to the advertisements, menus, intended audience; for menus must be additionally be at least 12 point font. • Enclosed by a rectangular border
California S.B. 347 (2019)	<ul style="list-style-type: none"> • Diet-related disease • Focus on harms from SSB consumption • Increase knowledge • Reduce consumption 	<p>STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) may contribute to obesity, type 2 diabetes, and tooth decay.</p> <p>And a safety warning icon to the left of the text specified in subdivision (a), and the icon shall be comprised of an exclamation point (!) contained within a triangle.</p>	<p>Sugar-sweetened beverage</p> <ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) • Self-service machine (exterior) • Point-of-purchase 	<ul style="list-style-type: none"> • Prominently displayed, readily legible under ordinary conditions • “STATE OF CALIFORNIA SAFETY WARNING” shall appear in capital letters. The entire safety warning shall appear in bold type. • The icon shall appear in a type size no smaller than the height of the aggregate lines of the text and shall be black on a contrasting yellow background.

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				<ul style="list-style-type: none"> • Front of the sealed beverage container, separate and apart from all other information, on a contrasting background; size: • ≤8oz: safety warning not smaller than 1 millimeter/no more than 40 characters per linear inch. • >8 oz and <1 liter, the safety warning not smaller than 2 millimeters/ no more than 25 characters per linear inch. • ≥1 liter or more, the safety warning not smaller than 3 millimeters/ no more than 12 characters per linear inch.
<p>California A.B. 1335 (2017)</p>	<ul style="list-style-type: none"> • Diet-related disease • Focus on harms from SSB consumption • Increase knowledge • Reduce consumption 	<p>STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay.</p>	<p>Sugar-sweetened beverage</p> <ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) 	<ul style="list-style-type: none"> • Prominently displayed, readily legible under ordinary conditions • “STATE OF CALIFORNIA SAFETY WARNING” shall appear in capital letters. The entire safety warning shall appear in bold type.

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			<ul style="list-style-type: none"> • Self-service machine (exterior) • Point-of-purchase 	<ul style="list-style-type: none"> • Front of the sealed beverage container, separate and apart from all other information, on a contrasting background; size: <ul style="list-style-type: none"> • ≤8oz: safety warning not smaller than 1 millimeter/no more than 40 characters per linear inch. • >8 oz and <1 liter, the safety warning not smaller than 2 millimeters/ no more than 25 characters per linear inch. • ≥1 liter or more, the safety warning not smaller than 3 millimeters/no more than 12 characters per linear inch.
California S.B. 300 (2017) S.B. 203 (2015) S.B. 1000 (2013/2014)	<ul style="list-style-type: none"> • Diet-related disease • Focus on harms from SSB consumption • Increase knowledge • Reduce consumption 	STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.	Sugar-sweetened beverage <ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) 	<ul style="list-style-type: none"> • Prominently displayed, readily legible under ordinary conditions • “STATE OF CALIFORNIA SAFETY WARNING” shall appear in capital letters. The entire safety warning shall appear in bold type.

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			<ul style="list-style-type: none"> • Self-service machine (exterior) • Point-of-purchase 	<ul style="list-style-type: none"> • Front of the sealed beverage container, separate and apart from all other information, on a contrasting background; size: <ul style="list-style-type: none"> • ≤8oz: safety warning not smaller than 1 millimeter/no more than 40 characters per linear inch. • >8 oz and <1 liter, the safety warning not smaller than 2 millimeters/ no more than 25 characters per linear inch. • ≥1 liter or more, the safety warning not smaller than 3 millimeters/no more than 12 characters per linear inch. 	
Hawaii	2017 bills:	<u>WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.</u>	Sugar-sweetened beverage	<ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) 	
H.B. 1209 (2017)	<ul style="list-style-type: none"> • Health risks SSB consumption 				<ul style="list-style-type: none"> • Warning label in bold typeface; “WARNING” shall appear in capital letters; warning label shall be enclosed in a rectangular border. • Prominently displayed, readily legible under normal conditions, separate and apart from
S.B. 307 (2017)	<ul style="list-style-type: none"> • Informed choice 				
S.B. 1270 (2015)	2015 bills: no preamble				
H.B. 1438 (2015)					

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			<ul style="list-style-type: none"> • Self-service machine (exterior) • Point-of-purchase 	<p>all other information, and on a contrasting background.</p> <ul style="list-style-type: none"> • Sealed containers: • ≤8oz, the safety warning shall be in a font not smaller than one millimeter and no more than forty characters per inch; • >8 oz and <2 liters, the safety warning shall be in a font not smaller than two millimeters and not more than twenty-five characters per inch; • ≥2 liters, the safety warning shall be in a font not smaller than three millimeters and not more than twelve characters per inch.
<p>Massachusetts H.B. 1947 (2019) S.B. 1291 (2019) S.B. 1220 (2017) H.B. 2858 (2017)</p>	<p>No preamble but title: An Act to protect youth from the health risks of sugary drinks.</p>	<p>WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.</p>	<p>Sugary drink</p> <ul style="list-style-type: none"> • Advertisements 	<ul style="list-style-type: none"> • The word “WARNING” shall appear in capital letters; warning enclosed in a rectangular border within the printed advertisement that is the same color as the letters of the Warning and that is the width of the first downstroke of the

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				capital “W” of the word “WARNING.”
				<ul style="list-style-type: none"> • Text shall be printed in a size and manner so as to be clearly legible to the viewer of advertisement; and in the same direction as the other information on the advertisement. • The Warning shall occupy at least 20% of the area of each sugary drink advertisement.
New York	No preamble	Safety Warning: Drinking beverages with added sugar contributes to obesity, diabetes and tooth decay.	Sugar-sweetened beverage <ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) • Self-service machine (exterior) • Point-of-purchase, including menus, menu boards, if store part of a network of subsidiaries, affiliates or other member stores under common control with 3 or 	<ul style="list-style-type: none"> • Clear and conspicuous manner; readily legible under ordinary conditions; separate and apart from all other information; and on a contrasting background. • The safety warning shall appear in bold type.
A.B. 2473 (2019)				
A.B. 473 (2019)				

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			more stores located in New York.	
New York	No preamble or	Safety Warning: Drinking beverages with added sugar contributes to obesity, diabetes and tooth decay.	Sugar-sweetened beverage	<ul style="list-style-type: none"> • Prominently displayed, readily legible under ordinary conditions • The warning shall be set against a contrasting background and separate and apart from all other information. • The safety warning shall appear in bold type. • Front of the sealed beverage container, separate and apart from all other information, on a contrasting background; size: <ul style="list-style-type: none"> • ≤8oz: safety warning not smaller than 1 millimeter/no more than 40 characters per linear inch. • >8 oz and <1 liter, the safety warning not smaller than 2 millimeters/ no more than 25 characters per linear inch. • ≥1 liter or more, the safety warning not smaller than 3 millimeters/ no more
A.B. 5239 (2017)	Preamble for A.B. 10172 and A.B. 2320:			
S. 162 (2017)	<ul style="list-style-type: none"> • Diet-related disease 			
A.B. 6435 (2016)	<ul style="list-style-type: none"> • Focus on harms from SSB consumption 			
A.B. 2320 (2015)	<ul style="list-style-type: none"> • Increase knowledge 			
A.B. 8400 (2015)	<ul style="list-style-type: none"> • Reduce consumption 			
A.B. 10172 (2014)				

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New York	No preamble	Safety Warning: Consuming Food Items and Beverages with Added Sugar Contributes to Obesity, Diabetes and Tooth Decay.	Sugar-sweetened food item and sugar-sweetened beverage <ul style="list-style-type: none"> • Containers (front) • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) • Self-service machine (exterior) • Point-of-purchase, including menus, menu boards, if store part of a network of subsidiaries, affiliates or other member stores under common control with 3 or more stores located in New York. 	<p>than 12 characters per linear inch.</p> <ul style="list-style-type: none"> • Clear and conspicuous manner; readily legible under ordinary conditions; separate and apart from all other information; and on a contrasting background. • The safety warning shall appear in bold type.
A.B. 8359 (2015)				
Oregon	No preamble but emergency declaration provision states it is necessary for the immediate preservation of the public peace, health and safety	Overconsumption of sugary beverages is linked to obesity, diabetes and heart disease	High calorie beverage <ul style="list-style-type: none"> • Containers 	Not specified.
H.B. 3223 (2011)				
City and County of San Francisco	<ul style="list-style-type: none"> • Diet-related disease 	WARNING: Drinking beverages with added	Sugar-sweetened beverage	<ul style="list-style-type: none"> • All the letters in the warning shall appear in

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Ordinance No. 100-15 (2015)	<ul style="list-style-type: none"> • Focus on harms from SSB consumption • “The City’s purpose in requiring warnings for SSBs is to inform the public of the presence of added sugars and thus promote informed consumer choice that may result in reduced caloric intake and improved diet and health.” 	sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco.	<ul style="list-style-type: none"> • Advertisements 	<p>conspicuous and legible type in contrast by typography, layout, or color with all other printed material</p> <ul style="list-style-type: none"> • The word “WARNING” shall appear in capital letters. • Warning shall be enclosed in a rectangular border within the printed advertisement that is the same color as the letters of the Warning and that is the width of the first downstroke of the capital “W” of the word “WARNING.” • The Warning shall occupy at least 20% of the area of each SSB Ad • The text shall be printed in a size and manner so as to be clearly legible to the viewer of advertisement; and in the same direction as the other information on the advertisement.
Found unconstitutional (Am. Bev. Ass’n v. City & Cty. of San Francisco, 916 F.3d 749 (9th Cir. 2019)).				
Vermont H.B. 433 (2017)	<ul style="list-style-type: none"> • Diet-related disease • Focus on harms from SSB consumption 	HEALTH AND SAFETY WARNING: Drinking beverages with added sugar	<p>Sugar-sweetened beverage</p> <ul style="list-style-type: none"> • Containers (front) 	<ul style="list-style-type: none"> • Prominently displayed, readily legible under ordinary conditions

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H.B. 89 (2015)	<ul style="list-style-type: none"> • Increase knowledge • Reduce consumption 	contributes to obesity, diabetes, and tooth decay.	<ul style="list-style-type: none"> • Multi-packs (two sides) • Packaging of concentrate (front) • Vending machines (exterior) • Self-service machine (exterior) • Point-of-purchase 	<ul style="list-style-type: none"> • The warning shall be set against a contrasting background and separate and apart from all other information. • The safety warning shall appear in bold type. • Front of the sealed beverage container, separate and apart from all other information, on a contrasting background; size: <ul style="list-style-type: none"> • ≤8oz: safety warning not smaller than 1 millimeter/no more than 40 characters per linear inch. • >8 oz and <1 liter, the safety warning not smaller than 2 millimeters/ no more than 25 characters per linear inch. • ≥1 liter or more, the safety warning not smaller than 3 millimeters/ no more than 12 characters per linear inch.
Washington H.B. 2798 (2016)	<ul style="list-style-type: none"> • Diet-related disease 	STATE OF WASHINGTON SAFETY WARNING:	Sugar-sweetened beverage <ul style="list-style-type: none"> • Containers 	<ul style="list-style-type: none"> • The safety warning must be prominently displayed and readily

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<ul style="list-style-type: none"> • Focus on harms from SSB consumption • Increase knowledge • Reduce consumption 	<p>Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.</p>	<ul style="list-style-type: none"> • Multi-packs • Packaging of concentrate • Vending machines • Self-service machine • Point-of-sale 	<p>legible under normal conditions, separate and apart from all other information, and must be on a contrasting background.</p> <ul style="list-style-type: none"> • The department of health shall adopt rules to establish the size, font, colors, and placement of the safety warning.
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^aWarning language in the table, including bold and capitalization is exactly as in the proposed statute.