Course Description and Purpose: Proper nutrition is one of the many contributor’s to overall health and could be one of the most cost-effective approaches to address many of societal, environmental and economic challenges facing the world today. Increasingly, law and policy has been recognized as a high-impact and robust approach for accelerating progress toward reducing and managing nutrition-related chronic diseases such as obesity, cardiovascular disease, type 2 diabetes mellitus and certain types of cancer. In various jurisdictions, policymakers enact courses of action, regulatory measures, laws and policies, and set funding priorities designed to address food insecurity, hunger, obesity prevention, chronic diseases, among other health and well-being concerns. This course focuses on policies, programs and practices across the globe—at the national, tribal, state and local levels—that improve or hinder healthy eating. Students will examine the evidence informing these courses of action, along with the historical and contemporary legislative, regulatory and judicial aspects. Topics and themes include dietary guidance, food and nutrition assistance programs, food and nutrition labeling, and other environmental and policy strategies to improve access to healthier foods and beverages.

Student Learning Goals:

- Identify key law and policy approaches used across the globe that have been used or have the potential to improve or hinder healthy eating;
- Discuss and debate the historical and contemporary legislative, regulatory and judicial aspects of the key nutrition law and policy approaches during collaborative in-class exercises; and
- Execute analytical and strategic planning during in-class exercises and the final project for developing, implementing, evaluating, and sustaining a nutrition law and policy approach.

Course Number: LAWG/J-2099-09, CRNs 29382/30570

Class Time: Mondays 7:55 pm – 9:55 pm

Class Location: Georgetown University Law Center - Hotung 6005

Course Requirement: Special Requirement Total Credits: 2 credit hours

Professor: Sheila Fleischhacker, PhD, JD
Office hours via appointment

Online Course Site System Course materials including all reading materials in the course packet are available on the Canvas site. Powerpoint presentations will be posted after each class. Monitor Canvas for course announcements. To learn how to use Canvas, click on the Help button in the right hand corner on the Canvas website or go directly to the Canvas Student Guide.

Evaluation Criteria and Assessment Plan: Your final grade will be based on a final project, in-class exercises and class participation. Grade distribution will aim to follow the Historical
Grade Distribution for Seminars. Students in the JD section can elect the Pass/Fail option. LLM students cannot take the course on a Pass/Fail basis. With an advisor’s approval, a student may withdraw up to and including the last day of classes for the semester, April 29, 2017. Any academic misconduct or violation of lawyer ethics will be reported pursuant to Georgetown Law Student Handbook of Academic Policies.

<table>
<thead>
<tr>
<th>Course Component</th>
<th>Point Value</th>
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<tbody>
<tr>
<td><strong>Final Project – Due May 1 by midnight</strong></td>
<td></td>
</tr>
<tr>
<td>Town Hall Sugar</td>
<td>40</td>
</tr>
<tr>
<td>Sweetened Beverage Tax – Oral and Written Components</td>
<td></td>
</tr>
<tr>
<td>Nutrition Law and Policy Elective Topic and Format Assignment</td>
<td>20</td>
</tr>
<tr>
<td>In-Class Exercises</td>
<td>30</td>
</tr>
<tr>
<td>Class Participation</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
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</tbody>
</table>

**Final Project:** In lieu of an in-class exam, each student will work on a final project. The first part of the final project focuses on sugar sweetened beverage taxes and includes an oral and written component. For the oral component, each student will participate in a town hall style oral presentation during the last day of class, **April 24, 2017**. Each student can support or oppose a penny-per-ounce tax on sugar-sweetened beverages in the City of Hoyas in the United States. Students will have the opportunity during a town hall style format to present their arguments for or against the proposed tax. In other words, the students will be presenting to a panel of elected City Council members while other commenters and citizens are welcome to attend the meeting. Student oral comments should be no longer than 3 minutes. The City Council members then have 2 minutes per commenter for questions or comments. Students can utilize their time to respond to or build on arguments put forth by other commenters. After all commenters have presented, each commenter will have a final minute to voice any remaining concerns or comments. For the written component, each student must submit a written testimony addressed to the City Council and/or the Mayor of Hoyas that is no longer than 5 pages, written in no smaller than size 12 font and can include maps, images, tables, icons or symbols, if appropriate. The testimony could be single or double-spaced – the key is concision. The final copy of the written testimony is due on **May 1, 2017 by midnight**.

This town hall tax assignment is worth 40 points or 40% of the student’s grade. The following components make up the student’s grade on the first part of the final project:
**Oral Testimony:** Students will be evaluated on the clarity of their oral comments and responses to City Council members. Oral testimony should address key introductory material, as well as key arguments and justifications put forth in the written testimony.

**Introductory Material:** Your oral and written testimony should provide key descriptive material about who you are or represent and what your (or your organization’s or company’s) interest is in this issue.

**Arguments and Justifications:** Your oral and written testimony should communicate why you or your organization or company is for or against a penny-per-ounce tax on sugar sweetened beverages. The rationale including any scientific or economic justifications for why you or your organization or company has taken this position should be addressed. Attention should be given to acknowledging and, if possible, countering, opposing viewpoints.

**Written Testimony Format:** Style and grammar will be considered.

**Improvements Made Based on First Draft Feedback:** Students should email an outline or first draft of their oral and/or written testimony to before class on **April 17**. Students will be graded on the effort made to respond to first draft feedback in their oral and written testimonies.

**Suggested Readings and Resources:**
- Bridging the Gap – Beverage and Snack Taxes resources
- Healthy Eating Research – Pricing and Economics resources
- ChangeLab Solutions resources
- Healthy Food America resources

The second component of the final project the student can focus on any of the subjects covered in class and can choose between the following options:

- Memo (e.g., write a memo as an associate at a law firm for an industry client explaining the implications of the USDA allowing some grocery companies to accept SNAP payments online)
• Testimony (e.g., write oral or written Codex testimony as a country representative on whether front-of-package labeling should be mandatory or voluntary)
• Congressional Correspondence (e.g., write a letter to a Congressional Committee or member advocating for or opposing proposed actions in the Child Nutrition Reauthorization or Farm Bill. Students could also write a letter to constituents, Committees, executive agencies, etc. about a piece of legislation on behalf of a Congressional member.).
• Public Comment (e.g., write a public comment on the 2015-2020 Dietary Guidelines for Americans as a member of a health advocacy group).

The final copy of the second component of the final project is due on May 1, 2017 by midnight and should be submitted via email to in a word document with the student’s name noted somewhere in the text (e.g., in the introductory statements or in the signage line). This assignment is worth 20 points. The following components make up the student’s grade on the second part of the final project:

<table>
<thead>
<tr>
<th>Graded Component</th>
<th>Point Value</th>
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</thead>
<tbody>
<tr>
<td>Issue(s) Selected and Rationale Provided</td>
<td>6</td>
</tr>
<tr>
<td>Recommended Action(s)</td>
<td>5</td>
</tr>
<tr>
<td>Formatting</td>
<td>3</td>
</tr>
<tr>
<td>Improvements Made Based on First Draft Feedback</td>
<td>3</td>
</tr>
<tr>
<td>In-class Overview</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
</tr>
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</table>

**Issue(s) Selected and Rationale Provided**: Your issue(s) selected should be relevant to nutrition law and policy and include adequate rationale for why it’s a timely and actionable topical area.

**Recommended Actions(s)**: Students will be evaluated on the clarity and feasibility of the recommended action(s).

**Formatting**: Style and grammar will be considered.

**Improvements Made Based on First Draft Feedback**: Students should email an outline or first draft of their second final project to before class on April 17. Students will be graded on the effort made to respond to first draft feedback.

**In-class Exercises**: These exercises are worth 30 points. Each exercise including its point value is detailed in the course syllabus on the date the exercise is due and/or will occur during class. Absent an excused attendance, any in-class exercise missed will result in 0 points for that exercise. Students with excused attendances will be permitted to submit an alternative written exercise in lieu of class participation. These make-up options should be no longer than 2 pages. Students will be evaluated on the clarity of contributions, responses to questions by the professor and fellow classmates, and questions to the professor and class classmates. These in-class
exercises are designed to encourage students to apply the assigned readings and course learnings in practical, real-world situations. Students should invest no more than 2 hours preparing for a class exercise.

**Class Participation and Attendance:** Regular, quality contributions to class discussions that build on or complement the teacher and students will help students receive higher class participation scores. On the other hand, infrequent contributions or reoccurring disruptive class occurrences such as non-class related Internet or mobile phone usage will result in lower class participation scores. Pursuant to the Georgetown Law Student Handbook of Academic Policies, “[r]egular and punctual attendance at all class sessions is required of each student…A student who, even though registered for a course, has not regularly attended, participated, or otherwise met class requirements may, at the professor’s option, be withdrawn, excluded from attending class sessions, excluded from sitting for a final examination or submitting a final paper (with the same consequences as a voluntary failure to appear for a final examination or submit a final paper), or receive a lowered grade in the course. Even if a student has passed all examinations, academic credit will not be awarded and no student will be advanced, nor will a degree be conferred, if attendance or participation is unsatisfactory.” Specifically, absent extraordinary circumstances, if you miss more than 3 classes, you may be withdrawn from this course. Except for an emergency situation, students must notify me in advance of a class absence. Students will be asked to use student name tents during initial class meetings. The course sessions will not be recorded, unless a specific request is made by a student with adequate time to arrange for a course to be recorded. In accordance with Georgetown University policy to ensure instructional continuity, even when the University is closed due to inclement weather and while rescheduling is an option, efforts will be made to use teleconferencing and web conferencing tools such as Zoom (https://zoom.us/download) to hold a virtual class meeting.

<table>
<thead>
<tr>
<th>Date</th>
<th>Discussion Question(s)</th>
<th>Course Reading</th>
<th>In-Class Exercise</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduction</td>
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</table>
### 1/23

<table>
<thead>
<tr>
<th>Question</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students should come prepared to apply the nutrition law and policy operational terms (available on Canvas or in course packet) in a series of in-class discussions and hypotheticals. Students should also come prepared to share what they hope to gain from this course. This exercise is worth 3 points.</td>
<td></td>
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</table>

### Dietary Guidance

<table>
<thead>
<tr>
<th>Date</th>
<th>Question</th>
<th>References</th>
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<tbody>
<tr>
<td>1/30</td>
<td>What is national dietary guidance? What is national nutrition education and promotion? What are the similarities and differences between nutrition education and promotion and food marketing? By macro and micronutrient, what are historical and contemporary law and policy issues to setting dietary guidance?</td>
<td>Fischer CG &amp; Garnett T. <em>Plates, Pyramids, Planet: Developments in National Healthy and Sustainable Dietary Guidelines: A State of Play Assessment.</em> Published by the Food and Agriculture Organization of the United Nations of the United Nations and The Food Climate Research Network at The University of Oxford. 6</td>
</tr>
<tr>
<td>On 2/6, students should come prepared to select a country listed on the FAO site other than the United States. Efforts will be made to ensure each student has a unique country and we have regional representation. During class on 2/13, each student will provide a brief overview of the dietary guidelines of their selected country, emphasizing how this country compares and contrasts with the 2015-2020 <em>Dietary Guidelines for Americans</em>. This exercise is worth 6 points.</td>
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</table>

| 2/6 | In the United States, what are the key law and policy origins, issues and implications of the Dietary | - The National Nutrition Monitoring and Related Research Act of 1990 (P.L. 101-445, Title III, 7 |

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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Resources</th>
</tr>
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</table>
• The 2015-2020 Dietary Guidelines for Americans – Executive Summary.  
• ChooseMyPlate.gov (Browse for 15 minutes maximum – just get a feel for federal nutrition education and promotional messages) |
|      | What are key differences national governments take to dietary guidance, as well as nutrition education and promotion? | U.S.C. 5301 et seq.)                                                                                                                     |

**Legal and Policy Approaches to Food Security**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Resources</th>
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</thead>
</table>
| 2/23 | What is food insecurity, hunger and nutrient deficiencies?          | • Food Insecurity Operational Terms (available on Canvas or in course packet)  
• WHO Nutrition Global Targets 2025  
• FAO Trade Policy and Food and Nutrition Security |
<p>|      | What are historical and contemporary law and policy approaches national governments have taken to promote food security? | Students should come prepared on 2/23 to select a country. Efforts will be made to ensure each student has a unique country and we have regional representation. During class on 2/27, each student will discuss and debate approaches their country has taken to address food insecurity and hunger. This exercise is worth 5 points. |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Question</th>
<th>Answer(s)</th>
</tr>
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</table>
| 2/27  | What are the key food and nutrition assistance programs in the US?        | • Kentucky Fried Chicken of Cleveland v. United States (1971)¹³  
• Letter to Elizabeth Berlin, Executive Deputy Commissioner, New York State Office of Temporary Disability and Assistance from USDA FNS regarding SNAP Subsidy for SSB proposal (2011)¹⁴  
• USDA FNS Sales Tax Retailer Notice¹⁵  
• Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP): A Proposed Rule by the Food and Nutrition Service (2016)¹⁶ |
|       | What are historical and contemporary legal and policy issues of US food and nutrition assistance programs? |                                                                                                                                                                                                           |
| 3/6   | What are the key legal and policy levers for promoting healthy eating and weight | • National Conference of State Legislature Breastfeeding State  
Students will divided into small groups and tasked with drafting rights for breastfeeding employees and then applying those rights in |
<table>
<thead>
<tr>
<th>Date</th>
<th>Questions/Issues</th>
<th>Key Issues/Revisions</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>3/20</td>
<td>What are the key legal and policy levers for promoting healthy eating and weight status in school-aged children and adolescents?</td>
<td>- World Food Programme School Meals&lt;br&gt;- The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) &lt;br&gt;- Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010; Corrections</td>
<td>Prior to class, students will first select or, if needed, be assigned an issue relevant to Child Nutrition Reauthorization and then each student will provide an overview of the key issue(s) for opposing it or supporting it. This exercise is worth 5 points.</td>
</tr>
<tr>
<td>3/27</td>
<td>What are the historical and policy issues related to nutrition and menu labeling?</td>
<td>- Codex Alimentarius</td>
<td>On 3/27, each student will select a country to represent in a mock exercise.</td>
</tr>
</tbody>
</table>
### Contemporary Issues and Challenges with Regulatory Approaches to Nutrition and Menu Labeling?

What specific nutrition and menu labeling approaches have been used to target reductions in dietary fat, added sugars and sodium?

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### 4/3

**What are changes to the US Nutrition Facts Label?**

What are some of the historical and contemporary law and policy issues surrounding labeling in the US?

What are claims – i.e., nutrient content, health, qualified health, structure/function?

---

### Other Legal and Policy Approaches for Addressing Nutrition-Related Chronic Disease Prevention and Health Promotion

**4/10**

<table>
<thead>
<tr>
<th>What are historical and contemporary legal and policy approaches local, state, tribal and national</th>
<th>Gostin LO. Bloomberg’s Health Legacy: Urban Innovator or Meddling Nanny? The Hastings Center</th>
<th>In-class hypotheticals will be distributed during class for group exercise. This exercise will be worth 3 points.</th>
</tr>
</thead>
</table>

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**Codex meeting taking place on 4/3. Each student will provide oral testimony and participate in oral debates. The initial testimony should focus on your country’s current approach to front-of-package labeling. And, as the country’s leading regulatory advisor on labeling, if you will be advising proposing alternative or enhanced approaches to your country’s stance on front-of-package labeling. The proposed approaches can emphasize icons, symbols or nutrition criteria and should consider: the country’s dietary intake and nutrition-related chronic disease rates; scientific justifications for front-of-package labeling; the country’s regulatory authority; the country’s current approach to nutrition labelling; for example, if the country has mandatory or voluntary nutrition labelling, as well as, if and how the country regulates nutrition claims; and available input, if possible, from key stakeholders such as citizens, industry, advocacy organizations, and relevant trade and professional societies. This exercise is worth 5 points.**

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**Committee on Food Labelling (Browse for no more than 20 minutes)**

- Joint FAO/WHO Workshop on Front-of-Pack Nutrition Labelling in addition to related food labeling web-based resources
- European Food Information Council. 2016 *Global Update on Nutrition Labelling - Executive Summary*.

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**4/26**

- FDA Changes to the Nutrition Facts Label (Browse for at least 25 minutes)
- FDA Menu and Vending Machine Labeling Requirements (Focus on browsing through the final rules)
<table>
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<tr>
<th>Date</th>
<th>Assignment</th>
<th>Notes</th>
</tr>
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</table>
| 4/17 | What are the key law and policy strategies used to promote healthier foods and beverages for chronic disease prevention – particularly around dietary fats, added sugars, sodium and other nutrients of public health concern? | - FDA Cuts Trans Fat in Processed Foods\(^30\) (Browse web-based resources for at least 15 minutes with an emphasis on understanding what is GRAS)  
- WHO Population Sodium Reduction Strategies\(^31\)  
Before class today, email an outline or first draft of your oral and/or written testimony for the City of Hoyas Town Hall on Sugar Sweetened Beverages to. In addition, please come prepared to share with your fellow classmates a 2 to 3 minute overview of your topical area and approach for the second part of the final project. |
| 4/24 | City of Hoyas Town Hall on Sugar Sweetened Beverage Tax | Suggested readings and resources for the oral and written components of the City of Hoyas Town Hall on its proposed sugar sweetened beverage tax include:  
- Bridging the Gap – Beverage and Snack Taxes resources\(^32\)  
The final project oral component will occur tonight. |
| Healthy Eating Research – Pricing and Economics resources |  |
| ChangeLab Solutions resources |  |
| Healthy Food America |  |

**Final and Grading Deadlines**

- **5/1** Final Projects Due by midnight
- **5/19** Grading Deadlines for Graduating Students
- **6/2** Grading Deadlines for Non-Graduating Students

2. [http://healthyeatingresearch.org/database/#48,t=tax,p=1](http://healthyeatingresearch.org/database/#48,t=tax,p=1)
4. [http://www.healthyfoodamerica.org/resources](http://www.healthyfoodamerica.org/resources)
20. [https://www.wfp.org/school-meals](https://www.wfp.org/school-meals)
http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabellingNutrition/ucm385663.htm
27 http://www.fda.gov/Food/IngredientsPackagingLabeling/LabelingNutrition/ucm217762.htm
29 http://www.uconnruddcenter.org/weight-bias-stigma
30 http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm372915.htm
31 http://www.who.int/dietphysicalactivity/reducingsalt/en/
32 http://www.bridgingthegapresearch.org/research/sodasnack_taxes/
33 http://healthyeatingresearch.org/database/#48,t=tax,p=1
34 http://www.changelabsolutions.org/publications/ssb-model-tax-legislation
35 http://www.healthyfoodamerica.org/resources