

Letter to the Editor

Sugar-sweetened beverage taxation in the USA, state preemption of local efforts

Madam

We read with interest the Commentary by Hageaars *et al.* on sugar-sweetened beverage (SSB) taxation in 2017⁽¹⁾ published in this journal. The authors provided an insightful perspective on reasons behind the quick spread of SSB taxes in the EU compared with the USA. While SSB tax efforts are moving forward at the state and local levels in the USA, the authors are correct that a direct threat to the progression of SSB taxes (among other public health policies) is the concurrent spread of state preemption⁽²⁾. Preemption eliminates the ability of community members to decide which public health measures are appropriate for their communities, despite the long and successful history of grassroots public health advocacy in the USA, as in the case of tobacco control. The authors noted that California preempted, or withdrew, the ability of locales within the state to enact new SSB taxes for the next 12 years⁽¹⁾. It is important to note that prior to California's action, Michigan and Arizona also preempted the ability of locales to enact SSB taxes in those states^(3,4). However, unlike California, where several locales previously enacted SSB taxes, Michigan and Arizona seemed to have preempted local action solely in response to the spread of SSB taxes nationally and not in response to any local efforts to pass such a tax within these states⁽⁵⁾. This highlights an additional reason why SSB tax efforts have been stalled in the USA. The food and beverage industries successfully lobby state legislatures for preemption and against public health regulations including taxes, and simultaneously engage in public campaigns using front groups that, among other actions, characterize SSB taxes as 'grocery taxes'⁽⁶⁾. Public health nutrition stakeholders in the USA are at a disadvantage compared with their European counterparts because they must simultaneously advocate for SSB taxes while working to counter industry tactics including the use of preemption, misleading advertising campaigns and well-funded opposition efforts.

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