

1 [Joint Stipulation - American Beverage Association, California State Outdoor Advertising
2 Association, and California Retailers Association - \$0]

3 **Ordinance authorizing the entry of a joint stipulation in the lawsuit filed by the**
4 **American Beverage Association, California State Outdoor Advertising Association, and**
5 **California Retailers Association against the City and County of San Francisco; the**
6 **lawsuit was filed on July 24, 2015, in U.S. District Court for the Northern District of**
7 **California, Case No. No. 3:15-cv-03415 EMC; entitled American Beverage Association et**
8 **al. v. City and County of San Francisco; the lawsuit claims that the City's sugar-**
9 **sweetened beverage warning law, codified in Article 42 of the San Francisco Health**
10 **Code, violates the United States Constitution; the joint stipulation provides for**
11 **dismissal of the lawsuit if the City repeals Article 42 of the San Francisco Health Code**
12 **and conditionally extends Plaintiffs' time to file a motion for attorneys' fees and costs**
13 **by four years.**

14
15 Be it ordained by the People of the City and County of San Francisco:

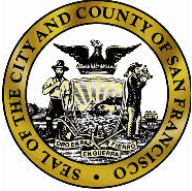
16 Section 1. The Board of Supervisors hereby approves the parties' entry of a joint
17 stipulation in the action entitled American Beverage Association et al. v. City and County of
18 San Francisco, U.S. District Court for the Northern District of California, Case
19 No. 3:15-cv-03415 EMC, available in Board of Supervisors File No.210490. Under the terms
20 of the stipulation, if the City repeals Article 42 of the San Francisco Health Code, Plaintiffs
21 agree to dismiss the lawsuit and the City agrees to extend by four years Plaintiffs' time to file a
22 motion for costs and attorneys' fees, except Plaintiffs shall file no such motion unless, within
23 that time, the City enacts a new law requiring warning labels on advertisements for sugar-
24 sweetened beverages. The lawsuit claims that Article 42 of the San Francisco Health Code
25 violates the United States Constitution.

1 Section 2. The above-named action was filed in U.S. District Court for the Northern
2 District of California on July 24, 2015, and the following parties were named in the lawsuit:
3 Plaintiffs American Beverage Association, California State Outdoor Advertising Association,
4 and California Retailers Association; Defendant City and County of San Francisco.

5 APPROVED AS TO FORM AND RECOMMENDED:

6 DENNIS J. HERRERA
7 City Attorney

8 /s/ Wayne Snodgrass
9 WAYNE SNODGRASS
10 Deputy City Attorney



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210490

Date Passed: July 27, 2021

Ordinance authorizing the entry of a joint stipulation in the lawsuit filed by the American Beverage Association, California State Outdoor Advertising Association, and California Retailers Association against the City and County of San Francisco; the lawsuit was filed on July 24, 2015, in U.S. District Court for the Northern District of California, Case No. 3:15-cv-03415 EMC; entitled American Beverage Association et al. v. City and County of San Francisco; the lawsuit claims that the City's sugar-sweetened beverage warning law, codified in Article 42 of the San Francisco Health Code, violates the United States Constitution; the joint stipulation provides for dismissal of the lawsuit if the City repeals Article 42 of the San Francisco Health Code and conditionally extends Plaintiffs' time to file a motion for attorneys' fees and costs by four years.

July 15, 2021 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

July 20, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 27, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210490

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on **7/27/2021** by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

8/4/21

Date Approved