



FOR IMMEDIATE RELEASE

June 26, 2014

Media Contact: Cory Andrews | 202-588-0302

N.Y. High Court, Siding With WLF, Invalidates Sugary Drink Ban

*(New York Statewide Coalition of Hispanic Chambers of Commerce v.
New York City Dep't of Health and Mental Hygiene)*

“The Court’s decision to strike down the soda ban vindicates fundamental constitutional values, protects consumer freedom, and encourages sound regulatory policies.”—Cory Andrews, WLF Senior Litigation Counsel

ALBANY, NY—The New York State Court of Appeals today struck down a controversial effort by the New York City Department of Health and Mental Hygiene’s Board of Health to ban all large sugary beverages—those containing more than 25 calories per 8 fluid ounces and that exceed 16 ounces in size.

The decision marks a victory for the Washington Legal Foundation (WLF), which filed an *amicus curiae* brief in the case, charging that the Board of Health, in enacting the soda ban, exceeded its administrative authority by improperly attempting to exercise *legislative* power, which is exclusively reserved to the New York City Council. The New York high court ultimately agreed, holding that “the New York City Board of Health exceeded the scope of its regulatory authority” and declaring the soda ban invalid.

WLF’s brief was filed on its own behalf and on behalf of its client, the Allied Educational Foundation. WLF’s brief was filed with the *pro bono* legal assistance of Roy Englert, Jr., Sarah Prins, and Alex Potapov of the law firm Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP.

Upon learning of the decision, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: “New York City’s misguided soda ban was arbitrary, paternalistic, and profoundly inconsistent with separation-of-powers principles. The Court’s decision to strike it down vindicates fundamental constitutional values, protects consumer freedom, and encourages sound regulatory policies.”

WLF is a national public interest law and policy center with supporters in all 50 States. WLF regularly litigates in cases raising separation-of-powers concerns and overreaching government regulation.

###