"Dining On Politics ...With No Cigar."

by Sam Kazman

SCENE: A fictitious establishment in a fictitious town, three years in the future. The political events that are described for the years 2010 and earlier, on the other hand, are *not* fictitious. While the main character has the same name as the liberating hero of *The Matrix* movie series, he isn't that person—though sometimes he wishes he were.

❑ Tom Anderson stands outside the Empire Lounge in Meddlin, Wisconsin, at night, trying to light his cigar in the rain. Five minutes earlier, after an unexpectedly lousy dinner, Anderson had attempted to light up inside the restaurant, and was asked to leave.

❑ Ten minutes before that, when there was no escaping the fact that the dinner had been a total disaster, he figured that at least he'd enjoy a cigar and a drink.

❑ Thirty minutes before that, when he'd started ordering his meal and found out why certain dishes were no longer being offered, he felt his acid reflux kicking up.

❑ Twenty minutes earlier, when he opened the newly redesigned menu and saw the garishly printed nutritional info hogging the pages, he'd wondered if he was in the right place.

❑ Two hours before that, when he'd phoned to see if he could get a table at his favorite cigar bar on short notice, dinner out *seemed* to be a great idea.

❑ And now, as Anderson stands in the rain with the cigar finally lit, he notices a police car pull up. An officer gets out and approaches him—and it's not to wish him a good evening.

It's 2013 and, so far, the new millennium hasn't been kind to Anderson, especially not from the standpoint of food, drink, and cigars. True, there were more fancy food stores, wine shops, and microbreweries than ever but, for someone who kept his eye on politics as Anderson did, there was something else: a steady drumbeat of calls for new laws to regulate food. If there was one thing that foreshadowed this, it was the surprising popularity of *Super Size Me*, that 2004 documentary in which the daring Morgan Spurlock spends a full month of his life gobbling up everything at McDonalds—three meals a day, extra-large portions, twice as many calories as he needs, and zero exercise to boot. *And then* he has the chutzpah to complain that he's gained weight and feels lousy.

It was a stupid, whiny movie, and the fact that it became a critical hit made it all the worse. But what really bugged Anderson was that the movie had turned into yet another political bandwagon: fast food—unhealthy, addictive, bad for people, bad for society, and bad for the planet… which meant three likely outcomes—legislation, regulation, litigation.

That was the problem. In a normal world, critiques like this, crazy or sound, would sway some people and not others. Restaurants might or might not respond; the more enterprising ones might even try to grab the lead with new menu items that would put them into the vanguard of "healthful" offerings.

A steady drumbeat of calls for new laws to regulate food...

But *Super Size Me* and its ilk went far beyond this private world of consumers and companies. It was aimed at politicians and their cheerleaders, the big-government activist groups, and columnists and reporters. Before you knew it, agencies launched investigations, Congress held hearings, and laws were being ceremonially signed in the Rose Garden signing.

Act I: Scene I
❑ What Happened to the Menu?

The menu was the ugliest thing Anderson had ever seen in an eating establishment. He'd followed congressional proposals to regulate menu labels in recent years. He even recalled the nauseating acronym for one of those bills—MEAL, the "Menu Education and Labeling Act" (politicians have such a way with words). But he thought those bills were aimed at big restaurant chains. How did a small, stand-alone place like this get socked with these rules?

The answer, he'd later find out, was twofold. First, some large chains realized that they could tighten the screws on their smaller competitors if the laws were expanded. After all, if you have to test each one of your menu items for nutritional contents, it's much easier and cheaper if you can spread out those testing costs over thousands of servings instead of dozens. In fact, for a small eatery, those costs could force less popular dishes off the menu entirely.

And then his ever-vigilant Meddlin City Council got into the game as well. Why should the patrons of *any* eatery be deprived of such essential information? Aren't we're all entitled to be healthy? In fact, isn't it a denial of equal protection to regulate some restaurants and not others? To the wise councilmen of Meddlin, menu-labeling mandates became a constitutional issue—exactly what the Framers had in mind back in 1789.

And then the city council really got going. Since restaurants are often dimly lit, let's require at least 16-point fonts for the menus; you shouldn't have to squint to be nutritionally well informed. And let's go beyond the federal requirements that dealt only with calories and regular dishes; let's require information on seven other nutritional items, and let's do that for every dish on the menu, including specials.

Act I: Scene II
❑ Where's My Foie Gras?

Once Anderson's eyes got used to the fat, ugly data boxes next to each dish, he started searching for something to order. And searching. *And searching*. The selection of appetizers was smaller than he remembered, and no foie gras. He'd have to ask the waiter—maybe it was on special. The seafood section was sparser: no Chilean sea bass, no Canadian snow crab. He remembered liking the veal chops, but couldn't find them.

Veal was beef, right? So where was it?

The waiter came over and when Anderson started asking about the menu, he smiled sympathetically. Everything had an explanation, and it was an explanation that the waiter knew well, as he'd been giving it frequently.

Foie gras? Banned. True, Chicago's ban in 2006 had lasted less than a year. Restaurants were barred from selling it, so instead some offered it "free" with other dishes whose prices were raised to cover it. Other restaurants engaged in outright civil disobedience. Given Chicago's renowned corruption, the notion of its politicians obsessing over duck liver became a topic for comedians everywhere. Finally, tired of being a national laughingstock, the city ditched the ban.

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But when early attempts at food bans fail, they often just serve as practice for more effective ones later. For foie gras, the focus shifted from banning its sale, Chicago-style, to banning its production as well. By 2010, over a dozen countries in Europe and elsewhere had done so. California did the same, with its ban set to take effect in 2012. Meddlin's leaders took this as a sign that foie gras was toast, and proceeded to prohibit both production *and* sale. Not that there were any foie gras producers within a hundred miles of the city, but you can't be too cautious when your aim is national leadership.

Canadian snow crab? A target of the Canadian seafood boycott launched by animal protection groups in 2004 to pressure Canada into banning seal hunting. The campaign covered dozens of fish, ranging from North Atlantic salmon and flounder to Pacific cod and halibut. The campaign seemed to go into high gear when it signed up dozens of restaurants, but then it stalled. No matter—Meddlin leaders figured the best way to jump-start a voluntary effort was to make it involuntary. Hence, another law.

And finally there was veal, a product that had at least two strikes against it, as it came from allegedly cruel factory farms and it involved the slaughter of innocent baby calves, all for the purpose of feeding diners who ought to be consuming adult beef or, better yet, tofu. By the end of 2009, seven states had mandated by that calves used for veal be raised in "group housing," rather than confined in crates. Anderson had lived in group housing in his college days, and wasn't sure about the advantages. On the other hand, he wasn't a calf bound for slaughter, so perhaps he shouldn't be so cynical.

But to what extent were these rules just a prelude to getting meat off the menu altogether? Meat came from butchered animals, and that was true even on our beloved family farms. Most of *that* butchering was a lot kinder than what happened to animals in the natural world of predators and prey and disease and starvation.

A few Meddlin councilmen had once toyed, in private, with the idea of outlawing meat altogether, but they decided that society hadn't advanced quite that far yet. So, for the time being, the city imposed severe penalties if restaurants couldn't prove the humane origins of the veal they served. The Empire Lounge decided it wasn't worth the hassle.

With no foie gras and no veal, and his spirits dampened by the waiter's explanations, Anderson lowered his dinner expectations by several notches. He ordered a burger, fries, and a Coke. And it was at that point, just when he thought that his civics tutorial with the waiter was over, that the subject of the Coke tax came up.

Act I: Scene III
❑ There's a Sugared Beverage Surcharge, Sir.

"The new menus haven't come in," the waiter said, "but the soda's going to cost you an extra 50 cents, unless you want a Diet Coke. Can you guess why?"

"I'm all ears," said Anderson with resignation.

"It's the latest and greatest from our tireless leaders."

In the last 15 years, food and drink taxes to curb the so-

called obesity epidemic had moved from academic speculation to political reality. In 2003, the World Health Organization proposed that countries start taxing junk food. In 2009, a national tax on sweetened beverages seemed a clear possibility, both to get people to lose weight and, conveniently, to fatten tax revenues as well. It and its progeny would be baby sin taxes—small at first, but with the potential to grow into the full-fledged equivalent of alcohol and tobacco taxes. They would cut consumption while yielding a lovely bounty of new cash. And since most current beverage taxes produced only a small drop in consumption, the answer, according to a 2009 Yale School of Public Health study, was to simply raise them.

Was this the right thing to do? Of course, their advocates answered; obesity doesn't just hurt the obese, it hurts us all by imposing costs on Medicare, Medicaid, disability insurance, school systems, and the military. And sweetened sodas were totally unnecessary calories that people don't need to consume.

"Unnecessary." The notion of consuming something for sheer pleasure had vanished from political discourse. The cigar in Anderson's pocket was an "unnecessary" item that he didn't need to light up after dinner.

If he lived through dinner, that is.

"So this soda surcharge crap is aimed at making me slim down, right? Okay. In that case, forget the Coke; I'll have a milkshake instead."

Act I: Scene IV
❑ Put What Out? This *Is* a Cigar Bar, Right?

There's no law against having a cigar after a milkshake, but Anderson had never done it—until now, when he just had to get the taste of politics out of his mouth. And yet, no sooner had he flicked on his lighter than his waiter rushed back to inform him of the new no-smoking policy. As of a month ago, the Empire Lounge was no longer a cigar bar.

Two years earlier, the city council debated extending its restaurant smoking ban to cigar bars. Some of its members decided that allowing any smoking at all in public places sent the wrong message, especially to kids. One of them made three different news shows in one day with his statement, "We've got to denormalize smoking, no matter what's being smoked, no matter where it's being smoked."

Anderson thought the proposal had been defeated, but it turned out that the council had later adopted a less obvious way to phase out cigar bars by monkeying with the definition—at least 8 percent of a cigar bar's revenues had to come from tobacco sales in 2012, and that figure would rise to 15 percent in 2014. For a place that served food, meeting that requirement could be tricky, so the owners of the Empire Lounge reluctantly decided to turn it into a totally smokefree establishment in 2013.

Anderson wished he'd known that before he walked through the door. If there were a word for how he felt, it was "denormalized."

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Act I: Scene V
❑ No-Smoking Perimeter? Is That a Joke?

Anderson stood with his cigar under the awning of the lounge, watching the policeman approach in the pouring rain. He had a hunch that, as bad as this evening had been so far, it was about to get worse.

The policeman came right up to him under the awning so that he too was out of the rain. "You're inside the no-smoking perimeter, sir. You do know that, right?"

Anderson was so dumbfounded he could hardly answer. "Perimeter?"

"You can read, can't you?" The officer pointed to a small sign next to the lounge door: "No Smoking Within 25 Feet

of Entrance."

"But this is a cigar bar," Anderson lamely replied, hoping the policeman wouldn't know about its change in status.

"If this was a cigar bar, would you be out here in the rain sucking on that thing?" And that's how Anderson got a $100 ticket to top off his dinner.

Act II: Scene I
❑ A Meditative Stroll Home

On the way back to his condo, Anderson was alternately angry and depressed, but he was also puzzled. Until the perimeter thing, he'd almost grown accustomed to tobacco restrictions, but what could explain this constantly expanding government intrusion into every aspect of food and drink?

He recalled a 2009 essay by Mary Eberstadt, intriguingly titled *Is Food the New Sex?* Her theory was that, between the 1950s and now, food and sex had switched social statuses with each other. Back then, you could eat what you wanted without controversy, while sex was highly restricted by social norms. Now it was just the opposite. One nice piece of evidence was the rise of something called "gastroporn," incredibly artistic photos of lusciously arranged cuisine in foodie magazines, almost like *Playboy*-style centerfolds.

Anderson knew his share of gourmets and gastronomes—friends who talked endlessly about artisan breads made with organic spelt, and dry-cured bacon hand-rubbed with exotic spices. That type of talk was often interesting and, at worst, it was harmless. The trouble started when food got wrapped up with trendy ideologies. Was it local? Was it raised sustainably? Was it produced by people who recycled faithfully? Did it have a low-carbon footprint?

As Ederstadt put it, "schismatic differences about food have taken the place of schismatic differences about faith."

Fine, but America has done a pretty good job keeping differences about faith private; why couldn't food differences be kept private as well, instead of becoming political? The old line used to be "do you wanna make a federal case out of it?" Now, it seemed, *not* making a federal case out of something was the exception—even when the subject was not nuclear proliferation, but *chow*.

A good chunk of the politics rested on "social costs," the idea that what you did in your private life imposed costs on society, and so it became society's business. The social-cost argument had been used ad nauseam by antitobacco activists in the 1990s, when they argued that, every time a smoker lit up, it imposed a financial burden on society. Their reasoning was wrong: given the risks of cigarette smoking, the shorter average lifespans of smokers actually meant they *saved* society money by drawing less out of Social Security. But the argument succeeded nonetheless, and now it had expanded well beyond tobacco. Sure, cigarette companies had their own agendas, but when it came to predicting how the antitobacco campaign would eventually expand to other targets, they were right on the mark.

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And there was a game plan for going after those targets, laid out in a book by former Food and Drug Administration chief David Kessler, *The End of Overeating*. Kessler had led the FDA when, in 1995, it attempted to regulate cigarettes by classifying them as "nicotine delivery systems." That would have meant that they were medical devices and thus under FDA jurisdiction. The Supreme Court overturned that Rube Goldberg approach in 2000 but by then, the antitobacco crowd had won.

In *The End of Overeating*, "Big Food" (Kessler's term) has replaced Big Tobacco as the new public enemy. Big Food has "cracked the code of conditioned hypereating," getting us hooked on "superstimulating" and "hyperpalatable" foods through the addition of sugar, fat, and salt. It diabolically

makes those foods even more irresistible through low prices and large portions.

Anderson thought that tasty, abundant, cheap food was a good deal, plain and simple. But to Kessler, it was the top health issue we face, solvable only by a concerted campaign of social pressure and government action. In comparison to what this effort would require, the tobacco campaign, he says, was "easy."

This solution would be imposed by people who were sickeningly certain they were right, despite their growing track record of being wrong.

So, for Anderson, the eventual outcome was clear: if tasty, abundant, and inexpensive food was a problem, then Kessler's solution would be lousy, scarce, high-priced food. Worse yet, this solution would be imposed by people who were sickeningly certain they were right, despite their growing track record of being wrong.

For example, wasn't there an unquestionable link between saturated fats and heart disease? Everyone thought so until a 2009 meta-analysis of studies involving nearly 350,000 people found just the opposite.

Wasn't too much salt in one's diet a proven cause of high blood pressure? *No.* As science writer Gary Taubes stated in an award-winning story, "If ever there were a controversy over the interpretation of scientific data, this is it." Yet there was no hint of uncertainty when, in January of 2010, New York City's mayor issued a much-ballyhooed kickoff for the National Salt Reduction Initiative. It was only a matter of time before Meddlin would try to grab the low-salt lead from the Big Apple.

Wasn't the trans fats ban a good thing? Once again, the answer was far from clear. The National Academy of Sciences, for example, viewed trans fats as being no worse than butter or lard. And, ironically, the widespread use of trans fats was largely the result of food activists pressuring McDonalds and other chains in the 1980s to switch ***to*** trans fats for cooking their french fries. A decade later, those same groups flipped 180 degrees without even blinking and began their anti-trans fats campaign.

Wasn't the industry research in defense of processed foods unreliable? Maybe not. According to a 2010 editorial in the *International Journal of Obesity*, when it came to nutrition, industry studies were often more likely to fairly report unfavorable results, while nonindustry research tended to skip over politically incorrect findings. There was even a term for this: "White Hat Bias."

Anderson walked into his condo building half expecting the concierge to jokingly remind him that, under Meddlin's new residential no-smoking law, he couldn't light up on his balcony anymore. But the concierge was out. Anderson knew exactly where the guy was—catching a smoke outside the back entrance, in full violation of the no-smoking perimeter. "Civil disobedience," Anderson thought. "Once I get upstairs, I'll drink to that." ***CM***

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