

In New York, Size Matters, as Does the Liberty to Choose It

By [PATRICK BASHAM](#)

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About Patrick Basham:

Patrick Basham directs the Democracy Institute and is an adjunct scholar at the Cato Institute. He co-authored Diet Nation: Exposing the Obesity Crusade.

New York Mayor Michael Bloomberg's proposed ban on super-sized sugary drinks is a solution in search of a problem.

Even the official statistics derived from the flawed Body Mass Index measurement show that obesity has leveled off in recent years. So far as it exists, the problem isn't getting worse.

As well as unnecessary, the ban is hugely impractical. Despite a ban, consumers would still procure the fluids and the sweetened calories they want, regardless of the regulatory obstacles placed before them.

Restaurant consumers would simply take advantage of complimentary refills of government-sized sodas to derive the same amount of pleasure and to achieve the same level of refreshment and hydration.

A ban that, as Bloomberg intended, actually changed consumption patterns would have the government redistribute consumer spending from officially stigmatized brands, products, and companies to government-approved brands, products, and companies. Such state-sanctioned economic discrimination would set a very dangerous precedent, indeed.

Even if the theory to alter consumer behavior was logical, the ban couldn't achieve its goal because this ban applies only to restaurants, cinemas, delicatessens, and ballpark concessions. The ban doesn't apply to grocery and convenience store purchases.

Bloomberg erroneously blames sugary drinks, especially soda, for obesity. However, the research evidence is clear: Obesity isn't a soda problem; in fact, obesity isn't a fast-food problem, either, or even a calorie problem.

Obesity is a condition that may be influenced by dozens of physiological, psychological, and socioeconomic risk factors. These risk factors run the gamut from

cultural habits, diet, education, and exercise, to genetics, income, parenting, sleep, smoking, and TV viewing.

Consequently, there's no scientifically agreed evidence justifying any particular course of treatment for obesity. Ignoring this reality, health paternalists believe they know what's literally good for all of us, fat and thin alike.

An instinctive interventionist, Bloomberg similarly doesn't appreciate that obesity isn't a societal problem. Therefore, it does not have a one-size-fits-all solution, such as a sugary drink ban.

Government has neither the constitutional nor the moral right to instruct manufacturers on the size of the legal products their consumers voluntarily purchase. Nor does government have the right to limit consumer choice in this manner.

In an enduring statement of liberal principle, the philosopher John Stuart Mill wrote, "Over himself, over his own body and mind, the individual is sovereign." Bloomberg's sugary drink ban is an impractical and an unprincipled alternative to Mill's sage counsel.