

Philip Schuh

Handwritten initials: LN, K-6

From: Leonard Nelson <Leonard.Nelson@ama-assn.org>
Sent: Wednesday, July 20, 2016 5:28 PM
To: pschuh@mssny.org
Cc: Donald R. Moy; Jon Ekdahl
Subject: National Restaurant Association v. NYC Department of Health

Phil:

This confirms our telephone call of this morning. Briefly, this case is pending in the Appellate Division of the New York Supreme Court. The AMA has agreed to join an *amicus* brief supporting the NYC Department of Health, and we invite MSSNY to join the brief as well. This will be without charge to MSSNY (or the AMA).

The legal question is whether an ordinance requiring chain restaurants to post warnings to customers when the sodium content of their meals exceeds 2300 milligrams is valid. The lower court upheld the ordinance as valid against claims that state and federal laws preempted it.

The brief will argue that excessive sodium consumption can be unhealthy, and so the law serves an important public health purpose. I have been told the *amicus* brief will be due in "roughly mid-August," and I am trying to learn a more exact date. Many other state and national public health organizations will be participating in the brief.

While the AMA is prepared to join the brief by itself, we believe the impact of our participation will be amplified if the Federation of Medicine shows unity. Accordingly, we invite MSSNY to join with us (through the Litigation Center).

Please let me know where MSSNY stands. Thank you.



Leonard A. Nelson
Senior Division Counsel
AMA Plaza
330 N. Wabash Ave., Suite 39300
Chicago, IL 60611-5885

P: (312) 464-5532
F: (312) 224-6924
leonard.nelson@ama-assn.org