

## Today's Lead: Court Blocks Sugary Drink Ban

Posted on Jul 31, Posted by [Mike Muller](#) Category [The Eye-Opener](#)

Yesterday a state appeals court [unanimously upheld](#) a lower court decision from last year blocking the Bloomberg Administration's ban on large sugary drinks. The First Department of the Appellate Division of State Supreme Court ruled the Board of Health overstepped their authority and that a ban should be left to lawmakers. The four-judge panel said since sugary drinks aren't harmful [in moderation](#), they don't fall under the category of "inherently harmful" foods the board can ban. They also found the rule "manipulates choices to try to change consumer norms" through various exceptions and carve-outs and so went beyond the board's core mission to improve public health. The administration plans an appeal to the state's highest court.

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