

New Challenges in the Court Room: First Amendment Defenses

Prop 65 Clearinghouse

Sept. 24, 2018

American Beverage Association

SF ordinance requiring certain advertisements of sugar-sweetened beverages to display warning over at least 20% of the area of the advertisement

Coca-Cola

#openhappiness

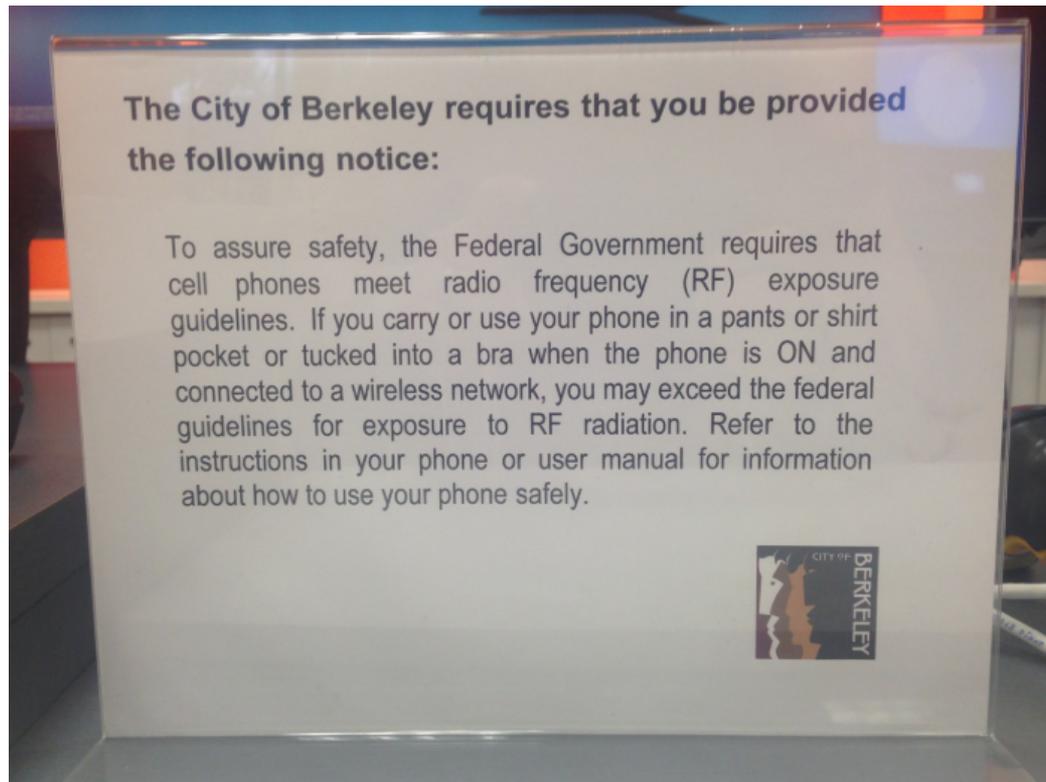
**happiness.
coca-cola.**

WARNING

Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco.

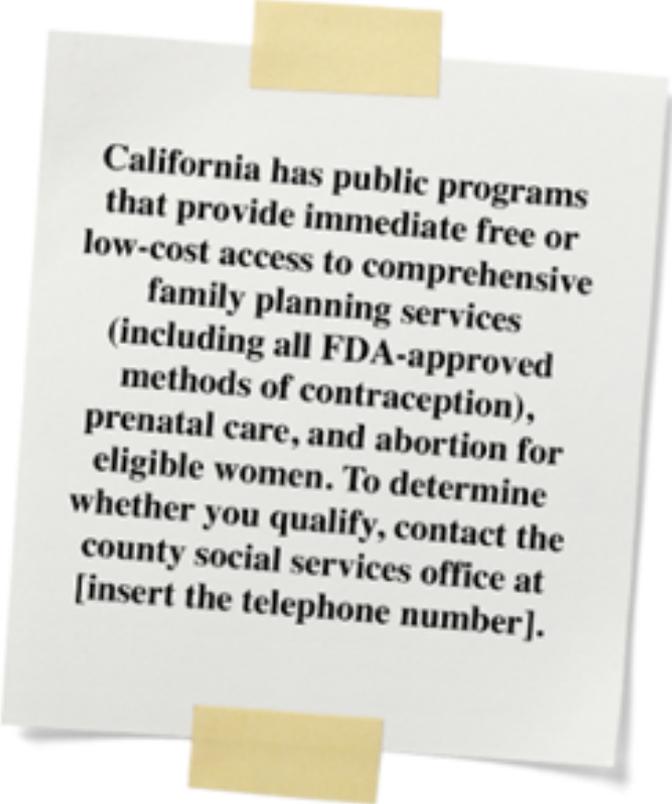
CTIA-The Wireless Association

- Prominently displayed poster no less than 8.5x11 inches with no smaller than 28-pt font, or handout no less than 5x8 inches with no smaller than 18-pt font
- Logo of the City of Berkeley must be placed on the poster and/or handout



NIFLA: Licensed Facilities

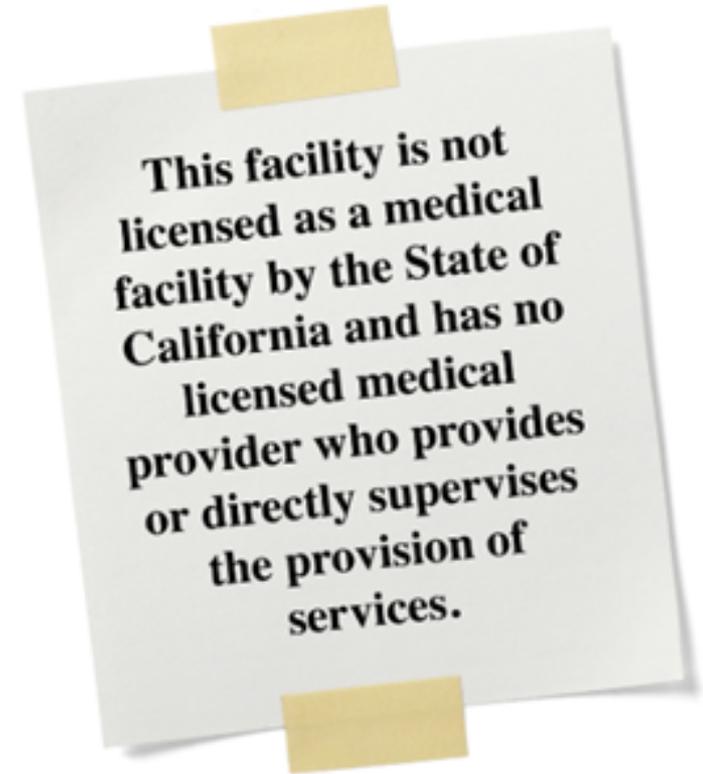
- Notice must be posted in the waiting room, printed and distributed to all clients, or provided digitally at check-in
- Notice must be posted in English and any additional languages identified by state law (in some cases, 13 different languages)



California has public programs that provide immediate free or low-cost access to comprehensive family planning services (including all FDA-approved methods of contraception), prenatal care, and abortion for eligible women. To determine whether you qualify, contact the county social services office at [insert the telephone number].

NIFLA: Unlicensed Facilities

- Notice must be provided on site and in all advertising materials
- Must be posted “conspicuously” at the entrance of the facility and in at least one waiting area
- Must be at least 8.5x11 inches and written in no less than 48-pt font
- In advertisements, must be in the same size or larger font than surrounding text, or otherwise set off in a way that draws attention to it



“Doubt is our product”

“Doubt is our product since it is the best means of competing with the ‘body of fact’ that exists in the mind of the general public.

It is also the means of establishing a controversy.”

--Legacy Tobacco Documents Library, UCSF