

FAST FOOD & SEAT BELTS

By William Nicoson

In his essay on liberty, George Bernard Shaw observed that "Liberty means responsibility."

At our own meals, we are free to eat in moderation or to overeat and grow obese. In our own car, we are free to buckle our seat belt to increase safety or to risk injury by failing to take time to buckle up.

But these seemingly obvious certitudes have come under challenge. Two New York girls have taken McDonald's to court, claiming damages for obesity-related health problems brought on by excessive consumption of food at McDonald's. In Richmond, Governor Mark R. Warner (D) has sought passage of a bill making it a primary criminal offense in Virginia to ride in a car without a buckled seat belt.

The New York court complaint suggests that liberty doesn't require responsibility. The Governor's seat belt bill suggests that liberty may be diminished to reinforce responsibility.

The trial lawyers representing the roly-poly girls came fresh from successful battles with tobacco companies and sought class-action status. They argued that McDonald's food, like tobacco, is addictive. Federal District Court Judge Robert Sweet, fortunately, was not impressed. He held that the charge of "liability based on overconsumption is doomed if the consequences of such overconsumption are common knowledge."

The judge dismissed the overconsumers' complaint but gave them 30 days to file an amended complaint based on deception by McDonald's. He observed that few customers knew that Chicken McNuggets contain twice as much fat as hamburgers. Watch for a new sign at every fast food emporium providing nutritional information for all food sold.

On the issue of mandatory seat belt buckling, at present Virginia law authorizes the police to ticket unbuckled auto riders only if another ticket for a "primary" offense is issued at the same time. The Governor's bill would make unbuckled riders guilty of a primary offense.

This is obviously not a partisan issue. The bill in the House of Delegates was sponsored by Joe T. May (R-Loudoun), and a similar bill was sponsored in the Senate by William C. Mims (R-Loudoun).

The House bill was considered last month by the House Transportation Committee which split evenly 10-10 on referral to the floor. Delegate Richard H. Black (R-Loudoun) led opposition to the bill: "While I totally advocate the use of seat belts, I'm not prepared to vote in favor of forcing people to use them."

Nine Republican committee members voted against the bill, including Chairman John A. Rollison III (R-Prince William), while six Republican members voted for the bill. The House bill is considered dead in this legislative session, but the Senate version was approved last week in committee.

Those supporting the Governor's position on seat belts must believe that Virginians are too irresponsible to be trusted to protect themselves and should not be free to disregard safety, even though only their own safety is jeopardized. Those supporting the position of the obese girls that McDonald's is to blame for their excessive consumption of food must believe that our freedom to choose our own food entails no responsibility for the adverse consequences of that choice.

So Shaw was wrong. Liberty does not mean responsibility, and lack of responsibility by some may mean less liberty for all.

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