

Commercial and Administrative Law Subcommittee of the House Judiciary Committee

June 19, 2003

Prepared Remarks of Christianne Ricchi, i Ricchi Ristorante

Thank you, Mr. Chairman. Chairman Cannon and members of the Committee, my name is Christianne Ricchi and I am the owner of i Ricchi Ristorante in Washington, D.C. I am testifying here today on behalf of the National Restaurant Association, which is the leading business association for the restaurant industry, to offer my support for H.R. 339 - the Personal Responsibility in Food Consumption Act. Together with the National Restaurant Association Educational Foundation, the Association's mission is to represent, educate, and promote a rapidly growing industry that is comprised of 870,000 restaurant and foodservice outlets employing 11.7 million people around the country. As a member of the Board of Directors of the Association, I am proud to say that our nation's restaurant industry is the cornerstone of the economy, careers and community involvement.

Mr. Chairman, I am living the American dream. I have over 30 years of experience in the restaurant industry and I am the owner of a successful restaurant in the nation's capital. I opened i Ricchi in 1989 after a trip to Italy several years before where I met a family who owned a trattoria in the hills outside of Florence. I began working in the kitchen, and subsequently the wine cellar and the dining room. From that experience I became familiar with all aspects of running a restaurant and a small business.

As a restaurateur and small business owner, there are many challenges that I - and the industry - face. One such issue that has surfaced, which could greatly impact the restaurant and foodservice industry is litigation that seeks to hold the industry responsible for some individuals' health conditions related to overweight and obesity. As absurd as this may sound to some, these suits are being filed. Let me be clear that I am not at all minimizing the issue of obesity, which is a very complex and serious issue for some Americans. However, what the trial bar is attempting to do - by capitalizing on this issue - could have a significant and detrimental impact on my small business and the entire industry.

This past year in New York, an attorney filed frivolous lawsuits on behalf of people who claimed the food industry was responsible for their obesity-related health problems. The first suit was never filed and was publicly ridiculed for its senseless, baseless and ridiculous claims. A federal judge recently dismissed a second lawsuit, but it was recently re-filed, and more "copycat" suits may be likely.

Coincidentally, members of the trial bar happen to be convening tomorrow in Boston for a three-day workshop entitled "Legal Approaches to the Obesity Epidemic". I'm told that some of the same individuals who were associated with the tobacco litigation will play a prominent role at the workshop.

This type of legal action, if permitted to go forward, leaves little doubt in my mind that the costs associated with such a lawsuit could put me out of business. My restaurant is a small business employing 60 people. Most of my employees have worked in the restaurant for more than ten years and some have been with me since the opening, 13 years ago. All of my employees are heads of their households.

Since September 11th, my business and many others in the urban/fine-dining category have seen a dramatic decline in business. At one point my sales were down 60%. Although business has come back somewhat, other factors ranging from orange-level terror alerts to the current downturn in the economy have presented challenges. While I am confident we will overcome all of these obstacles, the prospect of dealing with the legal fees alone from a potential lawsuit causes me grave concern for the future of my business, my employees and our industry as a whole.

I am honored when my customers choose to dine at i Ricchi. However, the thought that someone can file a lawsuit based in part on a choice they have made regarding where to dine and what to eat is disturbing. Perhaps no other industry offers a greater variety of choices to consumers than restaurants. One of the many strengths of the restaurant industry is the broad spectrum of cuisines and culinary options that customers are offered.

There are 870,000 restaurants in the United States - all of which provide individuals the opportunity, flexibility and freedom to choose among a variety of high quality, safe, healthy and enjoyable types of cuisine. And once a customer enters a restaurant, an individual is presented with an array of choices designed to accommodate his/her tastes and preferences. Customers are also capable of customizing their meals, whether it is food-preparation method or substitution of food items to meet individual needs.

From my own perspective, my employees and I strive to provide maximum value to our customers. This starts with offering a variety of choices. We also deliver value through high quality ingredients and a variety of portion sizes. I often provide a tasting menu for my guests to sample small portions of a variety of items on my menu. Ultimately it is our job to please our customers every way we can. As anyone who is in the product delivery and customer-service business can tell you, the goal is to have your customers walk away satisfied. Not only do the lawsuits we are discussing this morning fail to acknowledge the voluntary nature of the choices customers make, they also do not address the fundamental issue of personal responsibility.

I believe it is important to recognize that personal responsibility, moderation, and physical activity are all key ingredients to a healthy lifestyle. To solely target the restaurant industry is overly simplistic, and that is clearly underscored by the fact that 76 percent of meals are eaten at home. I'm not a dietician, but I do know that dietary experts agree that all foods can be part of a balanced diet. Therefore, it doesn't mean that one must give up certain foods, it means setting limits on how much and how often. Healthful eating patterns are not created or destroyed by one meal or one food. It is the overall pattern of food intake and choices over time that are important to a healthy lifestyle; especially when balance and moderation are complemented by physical activity and personal responsibility.

The good news is that personal responsibility remains a strong American value. A convincing majority - 89 percent - say that personal responsibility (e.g. individuals themselves, lack of exercise or watching television) is most responsible for why two out of three Americans are overweight according to a recent survey by the Grocery Manufacturers of America (GMA). Also, according to National Restaurant Association research, an overwhelming 95 percent of Americans feel they are qualified to make their own decisions on what to order when dining out.

The statistic from the GMA survey touches upon the lack of exercise. This issue has certainly raised the awareness of how important physical activity plays a role in attaining and maintaining a healthy lifestyle. The Centers for Disease Control and Prevention and numerous studies have shown that we have an incredibly sedentary society. According to the CDC, more than 40 percent of Americans are entirely sedentary. And, children are spending on average more than 4 hours a day watching TV or playing video games, instead of playing outdoors or getting some form of physical activity. These are just some of the many factors of the multi-faceted issue of obesity. And, there are numerous sensible and achievable solutions that can help address this issue much more effectively than filing frivolous lawsuits that only aim to help those who are filing them.

Mr. Chairman, with 11.7 million employees, the restaurant industry is our nation's largest employer outside of government. If these lawsuits are permitted to go forward, they could very simply jeopardize my livelihood, my employees and my customers - whose freedom of choice would be infringed upon. Additionally, I fear for the industry and the impact these lawsuits could have on the economy. Rep. Keller is to be commended for introducing H.R. 339 which would help prevent these misguided lawsuits in the future. But more importantly, this legislation focuses attention on personal responsibility and the voluntary menu choices we all make, rather than on more costly and unwarranted litigation.

Mr. Chairman and members of the Committee, thank you again for this opportunity to appear before you today. I would be happy to answer any questions.