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**CanWest News Service, Canada**

**Aurora Boy Forces Cola Deals Into Open**

**November 12, 2003**

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A 15-year-old student has won a two-year legal battle to get Pepsi and Coke to reveal details of their exclusive soft drink contracts with Ontario public schools.

After a legal fight that began when Nicholas Dodds was in Grade 8, the Information and Privacy Commissioner of Ontario has ordered the York Region and Peel District school boards, two of the largest in the province, to fully divulge their cola deals.

The school boards have until Dec. 1 to make the deals public or seek a judicial review. The York board said yesterday it will not appeal. Janet McDougald, chairwoman of the Peel board, said its legal counsel recommends dropping the fight.

An official at Coke said the company is reviewing the decision. Pepsi did not respond to a request for comment.

Only a handful of contracts in Canada between public schools and cola giants have ever been made public in their entirety, usually after long legal battles.

For Nicholas Dodds, the issue is straightforward. "I thought that's not right," he said of the secret Pepsi deal with his school board. "Students are not in schools so that they can be used as a captive audience for Pepsi. They're not there to be marketed to.

"I go to a public school. I'm affected by this deal between the board and the company, but somehow I'm denied the right to know what's fully happening in the school," said Nicholas, now a Grade 10 student at Aurora High School.

Amid concerns about childhood obesity and ads in schools, his case is the latest to put school administrators and their cola partners on the defensive.

Last week, it was revealed that Pepsi offered bonuses for schools in Vancouver to encourage students to drink more pop. One of the confidential contracts, obtained by a local union under provincial freedom of information legislation, states: "Increased consumption = increased purchases = increased school revenue."

In the Ontario case, the information and privacy commissioner accepted Nicholas's briefs and soundly rejected the legal arguments made on behalf of the school boards and the cola companies. They had argued that releasing the terms of the deals would put them at a competitive disadvantage in the marketplace.

The York school board's brief said "branding agreements have become important sources of revenue for school boards, and the board and others must be able to enter into the 'best possible deals.' This is not possible if valuable confidential commercial information and financial information is disclosed."

The ruling noted that Pepsi warned "it would be forced to reconsider its negotiating approach with public institutions" if the details of the deal with the York board were released.

The commissioner found these arguments speculative and unconvincing. "I see no evidence of 'methods,' 'programs' and/or 'innovative solutions' that are unique to the affected party or qualitatively different from those that might be offered by the competition."

Jack Dodds, who helped his son prepare the briefs, lauded the decision.

"I have some sympathy for the school board. They're desperate for money, and I know from attending school council meetings that this money is being used to buy things that aren't frills," he said, citing library books and computer equipment required to comply with new provincial curricular guidelines.

"You have potential damage for the future of the students against the certainty that you won't have the resources that you need. But the bottom line is this really is wrong. It's not just the health issues. As a parent, I just don't think schools should be the place where corporations fight it out for the dollars of the kids."

The Canadian Pediatric Society has said health care professionals should argue for the elimination of soft drinks sales and high-fat or sugar snacks in schools. Medical professionals are warning that cases of child obesity are rising so rapidly that some of today's children could be grappling with heart disease by the time they reach their teens.

Dalton McGuinty, the new Ontario Premier, and Christy Clark, B.C.'s Education Minister, both of them Liberals, are among those who have called for a ban on selling pop and other junk food in school. Boards across the country maintain they need the revenue from these deals to pay for basic programs.

"The funds that are raised by the machines stay right in the school, and they support student-based needs that are not funded by the provincial funding formulae, things like arts, athletics and, in some cases, buses and lunchroom supervisors," said the Peel board's Ms. McDougald.