

# BIG SODA VS. PUBLIC HEALTH

*How the Industry Opens Its Checkbook  
to Defeat Health Measures*



Big Soda vs. Public Health was written by  
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contributed to the report.

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The Center for Science in the Public Interest (CSPI), founded in 1971, is a nonprofit health-advocacy organization. CSPI conducts innovative research and advocacy programs in the areas of nutrition, food safety, and alcoholic beverages and provides consumers with current information about their own health and well-being. CSPI is supported by the subscribers in the United States and Canada to its Nutrition Action Healthletter and by foundation grants. CSPI does not accept funding from government or industry.



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**B**ig Soda (American Beverage Association, Coca-Cola, PepsiCo, and Dr Pepper Snapple Group) has spent at least \$106 million between 2009 and 2015 to defeat public health initiatives at the local, state, and federal levels. To defeat ballot measures and legislation to levy taxes on sugar drinks and legislative proposals requiring warning labels, the industry has greatly outspent public health advocates. For instance, Big Soda spent more than \$9 million to oppose a soda-tax initiative in San Francisco, while advocates spent only \$255,000.<sup>1</sup> Even when public health is “competitive,” it has been at a disadvantage as in Berkeley where advocates eventually had \$900,000, but industry spent \$2.4 million.<sup>2</sup> Big Soda has enlisted armies of lobbyists at the local, state, and federal levels; blanketed communities with paid advertising; and waged astro-turf campaigns to beat ballot initiatives. The estimated \$106 million in industry spending is a highly conservative estimate since electoral and lobbying expenses are not available in 10 out of the 23 jurisdictions that have considered

<sup>1</sup> Knight, Heather. “Why Berkeley passed a soda tax and S.F. didn’t.” San Francisco Gate. November 4, 2014. <http://www.sfgate.com/bayarea/article/Why-Berkeley-passed-a-soda-tax-and-S-F-didn-t-5879757.php>

<sup>2</sup> Dinkelspiel, Frances. “Around \$3.4m spent on Berkeley soda tax campaign.” Berkeleyside. February 5, 2015. <http://www.berkeleyside.com/2015/02/05/around-3-4m-spent-on-berkeley-soda-tax-campaign/>

Advocates noted that influx of financial support in closing days of campaign make their resources appear higher than what was available in heat of campaign.

sugar-drink initiatives in the past seven years; also, because federal lobbying disclosures do not itemize expenditures by issue, we attributed a conservative amount of total industry lobbying dollars as being aimed at defeating public health initiatives in Congress. Moreover, this report does not include political contributions to candidates and PACs for which the industry has donated nearly \$10 million during this same time period, according to [opensecrets.org](http://www.opensecrets.org).

In reviewing lobbying expense reports and ballot initiative disclosures at the federal level and in 23 cities and states,<sup>3</sup> we found:

- Big Soda’s federal lobbying spending recently began a slow but steady rise after a decline from its peak in 2009 when industry spent heavily to fight a federal excise tax to help fund health-care reform. For instance, Big Soda’s lobbying expenditures increased to \$14 million in 2014 when a federal sugar-drink excise tax bill was introduced in the U.S. House of Representatives.
- The American Beverage Association (ABA) has spent a total of \$64.6 million since 2009 to fight sugar-drink initiatives; that represents nearly 61% of the total amount spent by the beverage industry to oppose public health initiatives.
- Coca-Cola led total spending at the federal level, outpacing PepsiCo

<sup>3</sup> All numbers in this report come from lobbying disclosure reports and ballot initiative disclosure reports.

and the ABA by more than \$15 million each over the last seven years.

- Goddard Gunster, a D.C.-based public affairs firms that boasts on its website about its anti-sugar-drink tax work in San Francisco; Telluride; Colorado; and California,<sup>4</sup> and GCW Media Services are key PR and media buying consultants for the industry, showing up in many of its campaigns.
- Big Soda is bipartisan: it uses consultants with both strong Democratic and Republican ties to elected leaders in cities and states where it is seeking to defeat soda-tax initiatives. These

consultants have included Public Opinion Strategies, a leading GOP polling firm; Democratic pollsters such as The Mellman Group and The Beneson Strategy Group; the Dewey Square Group, a consulting firm with deep ties to leading Democratic officeholders; and FieldWorks, a grass-roots organizing consultant often utilized by progressive organizations.

The remainder of this report details how Big Soda is pouring money into opposing federal, local, and state public health initiatives across the country.

<sup>4</sup> Accessed August 6, 2015

<b>Total Federal Lobbying Expenditures**</b>				
<b>Year</b>	<b>Coca-Cola</b>	<b>PepsiCo</b>	<b>American Beverage Association</b>	<b>Total Spending</b>
<b>2009</b>	\$12,270,000	\$9,373,000	\$18,850,000	<b>\$40,493,000</b>
<b>2010</b>	\$7,206,795	\$6,874,800	\$9,910,000	<b>\$23,991,595</b>
<b>2011</b>	\$5,890,000	\$3,260,000	\$950,000	<b>\$10,100,000</b>
<b>2012</b>	\$5,180,020	\$3,330,000	\$1,080,000	<b>\$9,590,020</b>
<b>2013</b>	\$5,981,527	\$3,720,000	\$1,240,000	<b>\$10,941,527</b>
<b>2014</b>	\$9,320,000	\$3,510,000	\$1,180,000	<b>\$14,010,000</b>
<b>1st Quarter 2015*</b>	\$3,040,000	\$1,630,000	\$410,000	<b>\$5,080,000</b>
<b>TOTALS</b>	<b>\$48,888,342</b>	<b>\$31,697,800</b>	<b>\$33,620,000</b>	<b>\$114,206,142</b>

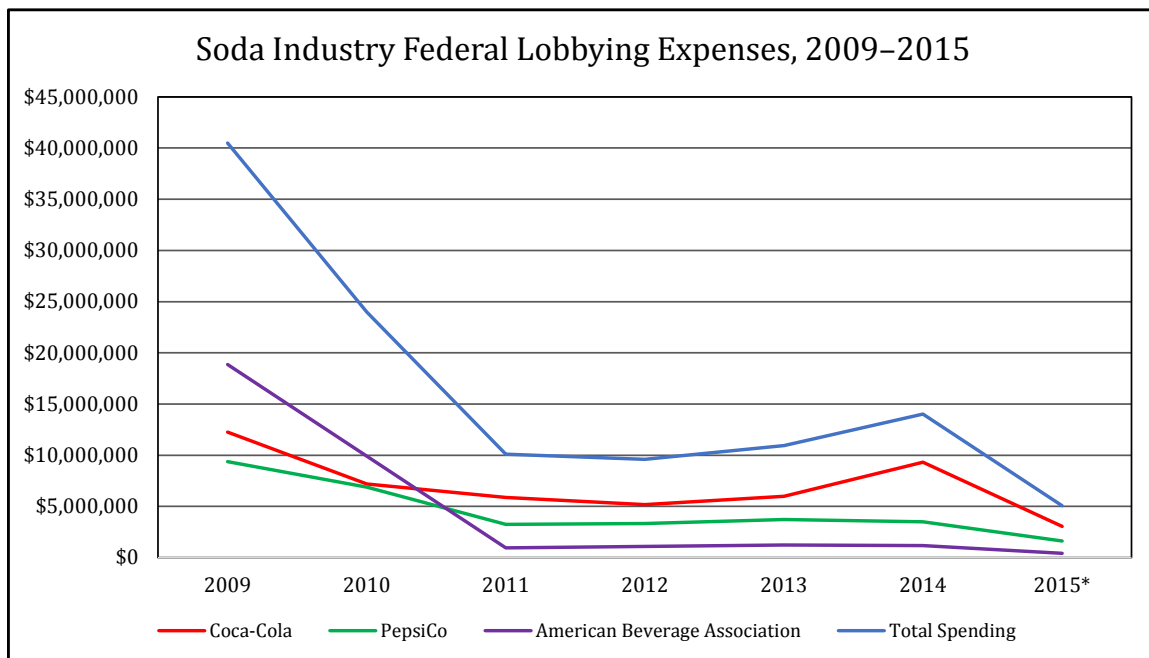
\* \*This only represents lobbying expenses through first quarter of 2015.

\*\*A note on all tables: figures have been rounded down to the nearest whole dollar and are therefore conservative estimates.

## FEDERAL 2009 THROUGH FIRST QUARTER, 2015

After spending a total of less than \$5 million a year cumulatively to lobby at the federal level in the early 2000s, Coca-Cola, PepsiCo, and the ABA opened their checkbooks widely in 2008 and 2009. At stake was a federal excise tax on sugar drinks. After the Congressional Budget Office calculated how much money an excise tax on sugar drinks could generate to help pay for the Affordable Care Act, the industry went to work. The industry mounted a huge lobbying campaign in 2009, with total lobbying expenditures soaring to more than \$40 million. Federal lobbying reports don't break down the issues on which money is spent, so precise figures to fight the excise tax are not available. However, the spike in spending in 2008 and 2009 and then a drop-off in 2010 are clearly indicative of a focus on the tax issue.

Between 2009 and the first quarter of 2015, the three major industry players spent more than \$114 million on congressional lobbying. Again, the breakdown of spending by issue is not available, but issues of interest according to the reports filed include a number of public health and nutrition initiatives in addition to the excise tax, such as menu labeling, school nutrition policies, and the Supplemental Nutrition Assistance Act (food stamps). Given the industry's baseline for spending on lobbying before 2009, it is reasonable to assume that any lobbying above \$10 million a year has been directed against public health initiatives – or around \$52 million between 2009 and the first quarter of 2015.



\*Only through first quarter of 2015.

# STATE AND LOCAL CAMPAIGNS AND LOBBYING

## CALIFORNIA 2013 to 2015

Public health advocates have waged campaigns in the California legislature to fight the harmful health impacts of excessive sugar-drink consumption, from taxes in 2013, to warning labels in 2014, to taxes *and* warning labels in 2015. In 2013, Coca-Cola, PepsiCo, and the ABA spent almost \$1 million lobbying the California legislature when it was considering a sugar-drink tax. In 2014, those three spent more than \$860,000 on their lobbying efforts when a warning-label bill was being considered. The warning-label legislation passed the California Senate in 2014, only to fail in a House committee. Big Soda spent around \$327,000 that year on lobbying firms—up from around

\$139,000 in 2013. For the first quarter of 2015 when the California legislature was considering both a warning label bill and a sugar-drink tax bill, Big Soda Spent slightly more than \$100,000 on lobbying in the legislative halls of Sacramento.

<b>California: Funding Sources 2013–2015</b>	
American Beverage Association	\$1,321,120
PepsiCo	\$341,221
Coca-Cola	\$284,901
<b>Total Funding</b>	<b>\$1,947,242</b>

<b>California: Spending by Category</b>					
<b>Year</b>	<b>In-House Lobbying</b>	<b>Lobbying Firms</b>	<b>Activity Expenses</b>	<b>Other Payments to Influence*</b>	<b>Total</b>
2013	\$0	\$139,400	\$1,152	\$827,785	\$968,338
2014	\$0	\$327,137	\$10,018	\$531,091	\$868,247
2015†	\$0	\$105,252	\$55	\$5,349	\$110,657
<b>Total</b>	<b>\$0</b>	<b>\$571,789</b>	<b>\$11,225</b>	<b>\$1,364,225</b>	<b>\$1,947,239</b>

\*Includes campaign contributions.

†Through first quarter.

## BERKELEY 2013 to 2015

In 2014, Big Soda also gave blank checks to public affairs firms in their efforts against a sugar-drink tax in Berkeley, but industry still was buried by a landslide. The ABA's California PAC pumped \$2.4 million into its campaign in Berkeley, and most of that was spent on the campaign's all-out media offensive. PR firm Goddard Gunster raked in almost \$1 million, and strategic media firm GCW Media Services received more than \$760,000 for its consulting services and purchase of ad time and space. The industry spent heavily on advertising (more than \$642,000) and polling (more than \$220,000). In particular, advocates reported the use of "push polling," a tactic where the polling is actually aimed at persuading rather than questioning the respondent.<sup>5</sup> In 2012, Goddard Gunster and GCW Media Services

were also major consultants for the industry's successful efforts to defeat sugar-drink taxes in Richmond and El Monte, CA. The polling firm used in Berkeley—EMC Research—also did the industry's polling in Richmond and San Francisco.

### Berkeley: Funding Sources 2013-2015

American Beverage Association	\$2,434,440
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### Berkeley: Biggest Hired Guns

Goddard Gunster	\$991,384
GCW Media Services	\$762,373
Rodriguez Strategies	\$302,058
EMC Research	\$178,136

<sup>5</sup> Reich, Robert. "Berkeley vs. Big Soda." September 8, 2014. <http://robertreich.org/post/96977059465>

Berkeley: Spending by Category				
Total Expenditures*: \$2,451,031				
<b>Consulting</b> \$402,915	<b>Polling</b> \$221,650	<b>Legal &amp; Acct.</b> \$117,208	<b>Office</b> \$27,512	<b>Meetings</b> \$6,683
<b>Literature</b> \$475,068	<b>Travel</b> \$63,704	<b>Advertising</b> \$642,884	<b>Slate Mailer</b> \$1,000	<b>Postage</b> \$66,098

\*Expenditure categories are not exhaustive and therefore total expenditures exceed the sum of categorized costs presented in table.

# SAN FRANCISCO 2014

In San Francisco, the sugar-drink tax initiative received 55 percent of the votes, but failed to pass because the proposal required a two-thirds super-majority. The ABA's California PAC spent slightly more than \$9.2 million to fight the city's sugar-drink tax initiative. Again, the industry spent heavily on advertising with more than \$4 million spent to buy ad time and space through GCW Media Services, and Goddard Gunster received more than \$2.4 million for its PR and consulting services. The industry also made strategic political contributions across the political spectrum to gain the endorsement of community groups in San Francisco such as:

- \$45,000 to the Harvey Milk LGBT Democratic Club
- \$25,000 to the Affordable Housing Alliance PAC
- \$20,000 to the San Francisco Young Democrats
- \$10,000 to the San Francisco Republican Central Committee
- \$10,000 to the Chinese American Democratic Club
- \$8,500 to the San Francisco Black Leadership Forum

- \$7,500 to the Black Young Democrats of San Francisco
- \$5,000 to the Chinese Historical Society of America
- \$2,500 to the Asian Pacific Democratic Club

Finally, the industry spent more than \$600,000 on its "grass-roots organizing," using a D.C.-based firm, FieldWorks, which, according to its website, usually works for progressive causes around the country.

<b>San Francisco: Funding Sources 2014</b>	
American Beverage Association	\$9,236,218

<b>San Francisco: Biggest Hired Guns</b>	
GCW Media Services	\$4,091,710
Goddard Gunster	\$2,449,300
American Beverage Association	\$851,939
Fieldworks	\$623,695

<b>San Francisco: Spending by Category</b>			
<b>Total Expenditures*: \$9,244,797</b>			
<b>Consulting</b> \$1,079,224	<b>Polling</b> \$421,326	<b>Legal &amp; Acct.</b> \$88,765	<b>Office</b> \$97,136
<b>Literature</b> \$614,386	<b>Travel</b> \$27,344	<b>Advertising</b> \$4,516,586	<b>Contributions &amp; Civic Donations</b> \$30,000
<b>Phone Banks</b> \$157,140	<b>Slate Mailer</b> \$152,500	<b>Meetings</b> \$42,336	<b>Postage</b> \$530,690

\*Expenditure categories are not exhaustive and therefore total expenditures may exceed the sum of categorized costs presented in table.



## VERMONT 2010 to 2015

Vermont advocates have been seeking a sugar-drink tax since 2010, and the industry has spent more than \$1.8 million in the small state. In 2013 alone, it spent \$734,000 when a tax bill actually made it through a first House committee, only to fail in a second. When advocates renewed their efforts in 2015, the industry came close to matching its 2013 totals in just the first quarter of 2015,

spending more than \$550,000 on lobbying, advertising, telemarketing, and other expenses.

<b>Vermont: Funding Sources 2010-2015</b>	
American Beverage Association	\$1,462,543
Beverage Association of Vermont	\$399,880
<b>Total Funding</b>	<b>\$1,862,423</b>

<b>Vermont: Spending by Category</b>			
<b>Total Expenditures: \$1,862,422</b>			
<b>Employer Compensation</b>	<b>Advertising</b>	<b>Telemarketing</b>	<b>Other Expenses</b>
\$669,523	\$969,586	\$64,481	\$158,832

# CHRONOLOGICAL LIST OF OTHER STATE AND LOCAL SODA TAXES

*Arranged in reverse chronological order*

## HAWAII 2011 to 2015

Soda Tax 2011 and 2013, Warning Label 2014–2015

<b>Hawaii: Industry Spending</b>	
American Beverage Association	\$447,489

<b>Hawaii: Spending by Category</b>		
<b>Total Expenditures: \$447,487</b>		
<b>Lobbying Materials</b> \$119,488	<b>Media Advertising</b> \$54,837	<b>Telephone</b> \$1,174
<b>Compensation to Lobbyists</b> \$66,899	<b>Fees (other than to Lobbyists)</b> \$185,112	<b>Other Disbursements</b> \$19,977

## NEW YORK 2010 to 2015

Soda Tax 2010, Portion Size Control 2012–2013, Soda Warning Label 2014–2015

<b>New York: Funding Sources 2010–2015</b>	
American Beverage Association	\$15,276,406

<b>New York: Spending by Category</b>			
<b>Total Expenditures*: \$15,276,406</b>			
<b>Strategic Advocacy &amp; Media</b> \$13,288,483	<b>Survey</b> \$166,349	<b>Focus Groups</b> \$47,000	<b>Research and Statistical Analysis</b> \$231,117
<b>Economic/Budget Analysis</b> \$112,100	<b>Printing</b> \$25,278	<b>Communications</b> \$129,643	<b>Artwork</b> \$2,312
<b>Supplies</b> \$2,245	<b>Public Relations</b> \$279,256	<b>Grassroots</b> \$892,066	<b>Consulting</b> \$10,000

\*Expenditure categories are not exhaustive and therefore total expenditures exceed the sum of categorized costs presented in table.

<b>New York: Biggest Hired Guns</b>	
Goddard Claussen	\$14,029,023

# RICHMOND, CA 2012 to 2013

Soda Tax

<b>Richmond, CA: Funding Sources 2012-2013</b>	
American Beverage Association	\$2,656,827
Cinemark USA	\$106,996
California Teamsters	\$5,000
Black American PAC of Contra Costa County	\$4,578
Pepsi-Cola North America	\$2,500
Coca-Cola Refreshments USA	\$702
Dr Pepper Snapple Group	\$425
West Contra Costa County United Demographic Campaign	\$200
<b>Total Funding</b>	<b>\$2,777,228</b>

<b>Richmond, CA: Spending by Category</b>				
<b>Total Expenditures*: \$2,685,619</b>				
<b>Consulting</b> \$462,399	<b>Polling</b> \$240,055	<b>Legal &amp; Acct.</b> \$417,432	<b>Office</b> \$16,514	<b>Meetings</b> \$11,206
<b>Literature</b> \$227,892	<b>Travel</b> \$41,055	<b>Advertising</b> \$555,216	<b>Campaign Materials</b> \$6,672	<b>Postage</b> \$64,019
<b>Contributions &amp; Civic Donations</b> \$31,500	<b>Phone Banks</b> \$25,572	<b>Slate Mailer</b> \$10,024	<b>Canvassing</b> \$102,532	

\*Expenditure categories are not exhaustive and therefore total expenditures exceed the sum of categorized costs presented in table.

<b>Richmond, CA: Biggest Hired Guns</b>	
BMW & Partners	\$683,285
Goddard Gunster	\$480,002
GCW Media Services	\$332,856
Nielsen Merkshamer Parrinello Gross & Leoni	\$286,019
Fieldworks	\$186,579
EMC Research	\$137,832

# TELLURIDE, CO 2013

Soda Tax

<b>Telluride, CO: Funding Sources 2013</b>	
American Beverage Association	\$155,880
Colorado Beverage Association	\$20,000
<b>Total Funding</b>	<b>\$175,880</b>

<b>Telluride, CO: Spending by Category</b>				
<b>Total Expenditures: \$175,880</b>				
<b>Advertising</b>	<b>Polling</b>	<b>Legal &amp; Acct.</b>	<b>Campaign Events</b>	<b>Consulting</b>
\$113,844	\$6,647	\$6,969	\$10,920	\$37,500

<b>Telluride, CO: Biggest Hired Guns</b>	
Goddard Gunster	\$150,416

# EL MONTE, CA 2012

Soda Tax

<b>El Monte, CA: Funding Sources 2012</b>	
American Beverage Association	\$1,558,801
Regal Entertainment Group, El Monte 8	\$9,949
California Teamsters	\$5,000
<b>Total Funding</b>	<b>\$1,573,750</b>

<b>El Monte, CA: Spending by Category</b>				
<b>Total Expenditures*: \$1,268,102</b>				
<b>Consulting</b>	<b>Polling</b>	<b>Legal &amp; Acct.</b>	<b>Office</b>	<b>Mailing List</b>
\$326,638	\$73,000	\$105,929	\$8,670	\$3,120
<b>Literature</b>	<b>Travel</b>	<b>Advertising</b>	<b>Campaign Materials</b>	<b>Contributions &amp; Civic Donations</b>
\$107,612	\$21,074	\$507,437	\$2,050	\$500
<b>Phone Banks</b>	<b>Slate Mailer</b>	<b>Canvassing</b>	<b>Postage</b>	
\$50,479	\$2,874	\$29,358	\$29,361	

<b>El Monte, CA: Biggest Hired Guns</b>	
Goddard Gunster	\$775,467
GCW Media Services	\$321,028
Dewey Square Group	\$169,646

## ARIZONA 2011

Soda Tax

<b>Arizona: Industry Spending (Lobbying) 2011</b>		
<b>Year</b>	<b>Lobbyist</b>	<b>Money Spent</b>
2010	Arizona Beverage Association	\$964
2010	Coca-Cola Enterprises	\$5,500
2011	Coca-Cola Enterprises	\$1,624
2011	PepsiCo	\$143
<b>Total Spending</b>		<b>\$8,231</b>

## MISSISSIPPI 2011

Soda Tax

<b>Mississippi: Industry Spending (Lobbying) 2011</b>		
<b>Year</b>	<b>Lobbyist</b>	<b>Money Spent</b>
2010	Mississippi Beverage Association	\$14,388
2010	Mississippi Hospitality/Beverage Association	\$75,000
2011	Mississippi Beverage Association	\$ 7,061
<b>Total Spending</b>		<b>\$96,449</b>

## RHODE ISLAND 2011

Soda Tax

<b>Rhode Island: Industry Spending (Lobbying) 2011</b>	
American Beverage Association	\$1,470,026

## WASHINGTON 2010

Soda Tax

<b>Washington: Funding Sources* 2010</b>	
American Beverage Association	\$15,154,250
Washington Beverage Association	\$1,346,750
<b>Total Funding</b>	<b>\$16,736,650</b>

\*Only top funding sources listed, more organizations made contributions.

# TOTAL INDUSTRY SPENDING BY LOCATION

*Arranged in alphabetical order by location*

<b>Location</b>	<b>Total Spent</b>	<b>Campaign Timeframe</b>	<b>Bill</b>
National*	Estimated \$52 million	Jan 2009–Mar 2015	SWEET Act (2014) and other measures
Arizona	\$8,232	2010–2011	Ariz. H.B. 2643, 2011 Sess.
Berkeley, CA	\$2,451,031	Jan 2014–Jan 2015	Ballot Measure D, 2014
California	\$1,947,242	Jan 2013–Dec 2015	S. A. 1210, 2009-2010 Reg. Sess. (Ca. 2010). A. B. 669, 2011-2012 Reg. Sess. (Ca. 2011). State Assemb. 669, 2011-2012 Leg., Reg. Sess. (Cal. 2011). SB 203, 2015 AB 1357, 2015
Connecticut		2010–2015	Soda Tax 2010 Senate S. 256, 2011 Leg., Jan. Sess. (Conn. 2011). Soda Tax 2014 H.B. 546, 2015
El Monte, CA	\$1,586,492	Jan 2012–Dec 2012	Ballot Measure H, November 2012
Hawaii	\$447,489	2011–2015	Hawaii H.B. 1188, 2011 Sess. Hawaii H.B. 1062, 2011 Sess. Hawaii H.B. 1216, 2011 Sess. Hawaii H.B. 1179, 2011 Sess. Hawaii S.B. 646, 2013 Sess. Hawaii H.B. 854 and S.B. 1085, 2013 Sess. Hawaii H.B. 1438 and S.B. 1270, 2015 Sess. Hawaii H.B. 1439 and S.B. 1256, 2015 Sess.
Illinois**		2011	S. 396, 97th Gen. Assemb., Reg. Sess. (Ill. 2011).
Mississippi	\$96,449	2011	Miss. S.B. 2678, 2011 Sess. Miss. H.B. 414, 2011 Sess.
Montana***		2011	Mont. H.B. ____, 62nd Sess. (2011). (discussed widely, never introduced)
New Mexico***		2011	N.M. S.B. 288, 2011 Sess.

New York	\$15,276,406	2009–2015	NY State Budget Proposal, 2010 NY A41001 (S67004), 2010 Amendment (§81.53) to Article 81 of the New York City Health Code, 2012 NY A10172, 2014 NY A2320, 2015
Oregon***		2011	H.R. 2644, 7th Leg., Reg. Sess. (Or. 2011).
Philadelphia, PA**		2011, 2012	City of Philadelphia FY11-15 Five Year Financial Plan
Rhode Island	\$1,470,026	April 2011–August 2011	H.R. 5432, 2011 Leg., Jan. Sess. (R.I. 2011).
Richmond, CA	\$2,685,619	Jan 2012–June 2013	Ballot Measure N, November 2012
San Francisco, CA	\$9,244,797	Jan 2014–Jan 2015	Proposition E, 2014
Telluride, CO	\$175,880	Sept 2013– November 2013	Ballot Measure 2A, 2013
Tennessee**		2011	H.R. 537, 107th Leg., 1st Reg. Sess. (Tenn. 2011).
Texas**		2011	H.R. 2214, 82d Leg., Reg. Sess. (Tex. 2011). S.B. 1004
Utah**		2011	Utah H.B. 426, 2011 Sess.
Vermont	\$1,862,424	July 2010–Dec 2015	Vt. H.151, 2011 Sess. Vt. H.234, 2013 Sess. Vt. H.481, 2015 Sess.
Washington	\$16,797,753	May 2010–October 2010	Initiative 1107, Apr. 2010 Sess.
Washington DC**		2009–2010	#B18-0564 (DC Healthy Schools Act)
<b>Total</b>	<b>\$106,049,840</b>		
<b>ABA Spending (subset of total)</b>	<b>\$64,622,004</b>		

\*We estimate that, on average, industry lobbying above \$10 million a year has been directed to fight SSB-related legislation.

\*\*Data not available.

\*\*\*No relevant disclosures filed.