

**Committee on Children**  
**Public Hearing – March 3, 2015**  
**House Bill 6898 An Act Concerning Food**  
**John Bailey, Government Relations Director**  
**American Heart Association**

I would like to thank Chairwoman Bartolomeo and Chairwoman Urban and the Committee for providing me with the opportunity to comment on House Bill 6898, An Act Concerning the Marketing of Unhealthy Foods in Schools, on behalf of the American Heart Association.

The American Heart Association supports House Bill 6898 and views the proposed legislation as the next step in a process begun nearly a decade ago. Connecticut and the General Assembly were national leaders in removing unhealthy beverages from our children's schools in 2006. This step, coupled with the State Department of Education's Healthy Food Certification program, are policies that have contributed to a healthy eating environment for school children. Unfortunately, the food industry continues to take advantage of a loophole in current policy by marketing the unhealthy products our schools have removed from the school environment. Connecticut schools should be nutritional safe zones where the food industry cannot market foods and beverages that cannot be sold in schools. House Bill 6898 addresses this last part of the policy equation by ensuring the food messaging students are subjected to at school does not undercut the success achieved in school nutrition policy.

The marketing of foods of poor nutritional value to our children contributes to the rise in obesity by affecting children's food preferences, choices, and diet.<sup>i</sup> Currently, almost one-third of children in the U.S. are obese or overweight.<sup>ii</sup> The obesity epidemic is of great concern, because obese children are at least twice as likely as non-obese children to become obese adults.<sup>iii</sup> The American Heart Association finds no justification for manipulative advertising and marketing practices to children. Schools should not be an environment where our students are receiving mixed messaging. With the explosion in marketing targeted towards youth, schools must serve as a sanctuary where healthy nutritional habits are reinforced by the messages kids receive.

In 2009, the food industry spent approximately \$1.8 billion marketing mainly foods of poor nutritional value to youth, including about \$695 million on television advertising and other forms of measured media (including radio and print).<sup>iv</sup> As parents and teachers are well aware, and research bears this out, children are highly susceptible to marketing. Young children, those under eight, do not possess the reasoning tools to distinguish the subtleties presented by food marketers and the biased points of view in targeted advertising.<sup>v</sup> Older children and teens develop an ability to understand the concept of marketing and the purpose of an advertisement, but they do not have the capacity to develop a counter opinion towards what is being marketed to them. This cognitive skill is not fully developed until the early 20s.<sup>vi</sup>

There is much to applaud in the efforts to improve the nutritional quality of the foods served and sold to students. These improvements are closely linked to the passage of Healthy, Hunger-Free Kids Act of 2010, where Congress instructed the U.S. Department of Agriculture to update federal guidelines to improve the nutritional standards for the meals served and purchased during the school day.<sup>vii</sup> These policy changes were built upon a 2006 federal initiative instructing school administrators to create wellness policies that included standards to address the nutritional value of foods available during the school day.<sup>viii</sup> The federal activity that surrounded this issue focused on stemming the rising rate of childhood obesity that was sweeping across the nation and addressing the long term health impact associated with an obese population.<sup>ix</sup>

But these federal efforts did not confront the unhealthy marketing practices that are taking place within the school environment. The Federal Trade Commission found that in 2009 food and beverage manufacturers spent nearly \$186 million on youth-directed in-school marketing, although it is believed that figure underestimates the actual amount of spending.<sup>x</sup> The marketing techniques are diverse and at times very subtle. A report published in 2010 by the National Education Policy Center, title *Effectively Embedded: Schools and the Machinery of Modern Marketing* attempted to pinpoint the many methods used by the food industry to create brand awareness with school children. The strategies used included branded food sales; direct advertising on school property and facilities (through television, radio, posters, and print advertising); exclusive agreements to sell only products from a particular manufacturer; sponsorship of school programs, incentive programs, and supplementary educational materials; fundraising programs; free samples and coupon giveaways; and digital marketing.<sup>xi</sup>

House Bill 6898 is the logical next step in creating that nutritional safe zone for our students. It makes little sense to invest so much time and effort to promote a healthier food environment and educate kids on the importance of a healthy diet and then undercut these lessons with the marketing of unhealthy foods. This legislation also supports the efforts of parents who are instilling good eating habits at home. The CDC published its 2012 School Health Policies and Practices study found some very unsettling marketing strategies by the food industry allowed by school districts. At least half of schools surveyed allowed the distribution of products, such as T-shirts, hats, or book covers, promoting junk food, fast food restaurants, or soft drinks to students; half allowed the use of food or food coupons for rewards for good behavior or academic performance.<sup>xii</sup>

The intent of House Bill 6898 is to prohibit the marketing of specific brands of foods or beverages that may not be sold on school grounds during the school day. Schools can still allow food and beverage marketing if they swap out unhealthy products for healthier ones. In terms of the revenue schools derive from marketing agreements, there are many alternatives to unhealthy food marketing. School districts have had success with non-food fundraisers that are easy to implement and profitable, including selling fruit, jewelry, holiday items, and toys, walk-a-thons, discount cards, and recycling printer cartridges.<sup>xiii</sup>

Children are constantly exposed to advertising and marketing through television, the internet, magazines, schools, product placements, video games, cell phones, and other means. These advertisements are designed to boost brand recognition and sales, more often for unhealthy, high-calorie foods. We need to give our children some breathing room during the school day to

have a chance to focus on their studies and not be the targets of the food industry in their efforts to create a generation of potential customers who are loyal to unhealthy food brands.

We ask the committee members to support House Bill 6898 and we look forward to working with the chairs of the committee to successfully advance this important piece through the legislative process.

Thank you.

John Bailey  
State Government Relations Director  
American Heart Association  
[John.bailey@heart.org](mailto:John.bailey@heart.org)

---

<sup>i</sup> Institute of Medicine, Committee on Food Marketing and the Diets of Children and Youth. 2006. *Food Marketing to Children and Youth: Threat or Opportunity?* Washington, DC: National Academies Press, <http://www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx>

<sup>ii</sup> Data Resource Center for Child and Adolescent Health. National Survey of Children's Health. 2013. <http://www.childhealthdata.org/learn/NSCH>

<sup>iii</sup> Serdula MK, Ivery D, Coates RJ, et al. 1993. "Do Obese Children Become Obese Adults? A Review of the Literature." *Preventive Medicine* 2: 167–177.

<sup>iv</sup> Review of Food Marketing to Children and Adolescents: Follow-up Report, Federal Trade Commission, 2012. P. 5, 12. [www.ftc.gov/os/2012/12/121221foodmarketingreport.pdf](http://www.ftc.gov/os/2012/12/121221foodmarketingreport.pdf)

<sup>v</sup> Harris JL, Graff SK. "Protecting children from harmful food marketing: options for local government to make a difference." *Prev. Chronic Dis* 2011;8(5):A92. [www.cdc.gov/pccd/issues/2011/sep/10\\_0272.htm](http://www.cdc.gov/pccd/issues/2011/sep/10_0272.htm)

<sup>vi</sup> Pechmann C, Levine L, Loughlin S, Leslie F. Impulsive and self-conscious: adolescents' vulnerability to advertising and promotion. *Journal of Public Policy and Marketing* 2005;24(2):202-21.

[http://www.researchgate.net/publication/240042734\\_Impulsive\\_and\\_Self-Conscious\\_Adolescents'\\_Vulnerability\\_to\\_Advertising\\_and\\_Promotion](http://www.researchgate.net/publication/240042734_Impulsive_and_Self-Conscious_Adolescents'_Vulnerability_to_Advertising_and_Promotion)

<sup>vii</sup> 42 U.S.C. 1779(b). <http://www.law.cornell.edu/uscode/text/42/1779>

<sup>viii</sup> Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (P.L.108-265), 42 U.S.C. 1758b. <http://www.fns.usda.gov/sites/default/files/108-265.pdf>

<sup>ix</sup> Trust for America's Health, *F as in Fat: How Obesity Threatens America's Future*, p. 55, 2012, at: <http://healthyamericans.org/assets/files/TFAH2012FasInFatFnlRv.pdf>

<sup>x</sup> Federal Trade Commission, *supra* note 8 at 23-24.

<http://www.ftc.gov/sites/default/files/documents/reports/marketing-food-children-and-adolescents-review-industry-expenditures-activities-and-self-regulation/p064504foodmktngreport.pdf>

<sup>xi</sup> Molnar A, Boninger F, Wilkinson G, Fogarty J, and Geary S. Effectively Embedded: Schools and the Machinery of Modern Marketing – The Thirteenth Annual Report on Schoolhouse Commercializing Trends: 2009-2010. Commercialism in Education Research Unit, National Education Policy Center, 2010. P. 2–6. Available at:

<http://nepc.colorado.edu/publication/Schoolhouse-commercialism-2010>

<sup>xii</sup> U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, *Results from the School Health Policies and Practices Study 2012*. P. 87–88. [www.cdc.gov/HealthyYouth/shpps/index.htm](http://www.cdc.gov/HealthyYouth/shpps/index.htm)

<sup>xiii</sup> Johnson J and Wootan M. *Sweet Deals: School Fundraising Can Be Healthy and Profitable*. Washington, DC: Center for Science in the Public Interest, 2007. <http://www.cspinet.org/schoolfundraising.pdf>