
Companies Curbing Fat Food Ads to Kids: EC Pressure Hits Two, Others to Follow

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Under pressure from the European Commission about the epidemic of obesity among children, a second major food company has begun restricting its advertising directed towards children-- especially with regard to fattening foods. The European Commission has threatened to outlaw advertising of food and drink to children if the industry does not change its behavior, and the UK government is considering red warning labels on fattening products. Food companies are also under the threat of fat law suits, at least in the U.S., where six have already been successful, says public interest law professor John Banzhaf.

PepsiCo, the largest manufacturer of snack foods, just reluctantly conceded that it had introduced voluntary restrictions on its advertising to children, in response it says to rising levels of obesity in the U.S. and western Europe. The company, responsible for brands such as Pepsi-Cola and Doritos chips, has also placed limits on the portion sizes of products sold in U.S. schools.

<http://news.ft.com/cms/s/331c95b6-88ec-11d9-b7ed-00000e2511c8.html>

The company says it is no longer advertising its flagship cola to children under 12, or its Cheetos chips brand to under-eights. It also replaced its fried Cheetos with a lower-fat baked alternative in elementary schools, and limited serving sizes for all snacks to 150 calories, rising to 300 calories in middle schools.

Earlier Pepsico eliminated trans fat from its products, and is working with Dr. Kenneth Cooper of Aerobics fame to make healthier foods and to provide more informative labels. It has also begin to warn people -- at least indirectly -- about the dangers of eating too much fattening foods, by admitting the fattening snack foods should be eaten only occasionally.

Prof. Banzhaf, who has helped lead the battle to pressure companies to keep making changes such as this, says that other food companies are expected to make similar announcements shortly. He notes that only one other has warned people about eating its fattening offerings.

McDonald's in France has warned parents not to take their children to McDonald's more than once at week.

The pressure for change is coming from many sources, including even the comics pages. In a recent Doonesbury strip, a female customer is told she should spare her child "the same heartbreak of obesity you yourself have known" after she tries to order "two McHefties, a giant fries and a tub of Coke" for her overweight child. The child agrees, saying: "He's right. Gimme the baby field greens."

<http://doonesbury.msn.com/strip/dailydose/index.html?sg>

In a second strip, an obese male customer trying to order "a millennium burger" is asked whether he has "any idea what we put in those bad boys." The customer is then told that many people are not aware.

http://www.doonesbury.com/strip/dailydose/index.html?uc_full_date=20050214

Recently, the fast food giant was forced to pay \$8.5 million to settle a law suit over trans fat in its french fries and other offerings. This was the sixth successful fat law suit, and the second against McDonald's, which was forced to pay \$12.5 million to settle the first one which Banzhaf helped originate.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/02/12/MNG8ABA7RO1.DTL&type=health>

Also, the U.S. Court of Appeals for the 2nd Circuit unanimously reinstated a class action law suit seeking to hold McDonald's liable for contributing to the obesity of minors. This decision affirms that such law suits and the legal theories which underlie them are meritorious, opens the door for similar law suits in at least the three states covered by the ruling, and permits plaintiffs to pursue discovery of company documents -- the same process which led to the death of Joe Camel.

<http://washingtontimes.com/business/20050126-094210-4294r.htm>

"Companies do react to pressure, and the pressure is now coming from all sides: law suits, proposed legislation, medical and popular articles, and even in the comic strips," says Banzhaf. He says that he and his colleagues at the bar would much prefer legislation or voluntary action to law suits. But, he says, until legislators legislate, or food companies become part of the solution rather than part of the problem, he and his colleagues will continue to litigate.

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