

# Regulating Unhealthy Food and Beverage Marketing to Young Children

## A Guide for Policymakers

The marketing of unhealthy foods and beverages to young children is pervasive. And almost all of that marketing is for foods and beverages that have a negative effect on children's health and well-being. A large body of research demonstrates the impact of food marketing on the eating behaviors, preferences, and purchase requests of young children. **Policymakers can take action to address food marketing to children, and in doing so can help improve community health.** Here are a few principles to guide local governments in determining how to address the problem of food marketing to young children in a way that is (1) effective and (2) complies with the law.



- **Think broadly about marketing.** Marketing consists of much more than traditional advertising. Although the First Amendment may make it difficult to regulate junk food advertising such as TV ads, there's no constitutional obstacle to regulating non-speech marketing practices, such as where things are located in a store or how much they cost.



- **Land use is locally controlled.** Most local governments can use zoning to limit the density of restaurants or other retail outlets that sell and market unhealthy foods, particularly in areas frequented by children (e.g., near schools and parks).



- **It's possible to regulate certain forms of speech.** Consider implementing rules that limit advertising without referring to its content, such as by limiting all outdoor signage or billboards for safety or aesthetic reasons.



- **Voluntary approaches are almost always legal.** This can include implementing suggested guidelines or working with industry to self-regulate. However, voluntary efforts may be less effective than regulation.



- **The government is able to share information about unhealthy food.** Localities can issue public service announcements that promote healthy food or expose the harms caused by junk food and junk food marketing.



- **It's generally legal to regulate marketing in public schools and public childcare settings.** This is particularly true when regulating the marketing of products that can't be sold or served in those settings.



- **Government can use its power as a market participant.** Government officials can limit what foods are available on government property. For example, a city could implement nutrition standards for food sold in city buildings, and it could limit the marketing in city buildings of products that don't meet those standards.



- **There is more leeway to regulate speech in places that haven't traditionally been open to the public for speech purposes.** For example, local governments may be able to limit food and beverage advertising on public transit and in transit stations, though there may be practical difficulties in defining what advertising is and isn't permitted.

**Connecting with parents and community groups as well as with local stakeholders and advocates is a good way to start to address unhealthy food marketing to young children.** They are likely to be keenly aware of the types of marketing in local communities, and will be natural allies in developing and implementing policies.

**For example, the City of Baldwin Park adopted a citywide Healthy Corner Store Policy in 2014.** The policy aims to promote healthier eating and increase access to fresh produce and healthier foods by establishing an incentive program for corner stores that create healthy store environments and by outlining best practices for healthy marketing, signage, and floor plans. The following are steps policymakers can take to address unhealthy marketing in their communities, using the example of healthy corner stores.

- 1. Identify a policy target:** Baldwin Park focused on food offerings and marketing in corner stores after determining that those stores outnumbered grocery stores and produce vendors by a ratio of 6:1 in the local community.
- 2. Engage stakeholders:** Youth and community members were instrumental in the Baldwin Park effort. They surveyed the existing landscape and worked directly with corner stores to define the problem and develop a solution.
- 3. Involve decision makers:** City, school district, and health department staff members got involved early in the process.
- 4. Set goals and priorities:** The Baldwin Park policy defines specific goals, including the development of healthy market guidelines and the establishment of a task force.
- 5. Pass the policy:** After extensive ground work to improve the healthfulness of local corner stores, the city council formally adopted the policy in October 2014.
- 6. Implement:** The policy's success will require ongoing efforts to ensure that its goals are being met.

For **promising strategies** to consider in your community, see the list found in *Policy Options to Address Unhealthy Food Marketing*. For a **detailed legal analysis** of policies to address food marketing to young children, see the full report, *Marketing Matters: A White Paper on Strategies to Reduce Unhealthy Food and Beverage Marketing to Young Children*.