



## Healthier Toy Giveaway Meals

### Questions and Answers about NPLAN's Model Ordinance

*This fact sheet answers common questions about NPLAN's Model Ordinance for Healthier Toy Giveaway Meals, which breaks the link between unhealthy meals and toys and gives the food industry an incentive to market healthy meals to kids.*

Almost one-third of children and adolescents in the United States are overweight or obese,<sup>1</sup> and experts warn that today's young people may be the first in history to live sicker and die younger than their parents' generation.<sup>2</sup> Meanwhile, the fast-food industry is spending hundreds of millions of dollars per year using toys to market unhealthy meals to children. NPLAN's *Model Ordinance for Healthier Toy Giveaway Meals* addresses one of the industry's primary tactics for marketing to children and supports parents who want their children to eat healthy meals.

**Q: Childhood obesity has many causes. Why single out restaurants?**

**A:** Restaurant foods are often high in calories, fat, salt, and sugar, served in large portions and priced to make the most sizable servings more attractive.<sup>3</sup> Not surprisingly, numerous studies have shown that eating out is associated with overeating, overweight, and obesity.<sup>4, 5,6,7, 8,9,10,11</sup>

In a recent study, 93 percent of children's meals at 25 of the nation's largest chain restaurants failed to meet nutrition guidelines based on the USDA's Dietary Guidelines for Americans.<sup>12</sup> Restaurants often market unhealthy meals with toys to entice children, and NPLAN's *Model Ordinance for Healthier Toy Giveaway Meals* sets nutritional standards for meals with toy giveaways to help break the link between eating unhealthy restaurant meals and getting a prize.

This model ordinance represents just one strategy to prevent childhood obesity. Because the obesity crisis has numerous causes, multiple strategies are needed. NPLAN has developed a variety of model laws, policies, and contracts to promote healthier eating (e.g., land use policies to support community gardens, farmers' markets, and produce sales in underserved neighborhoods) and to increase physical activity (e.g., "joint use" agreements to open school recreational facilities to community use after hours, and model physical activity standards for child care providers). These and other tools are available at [www.nplan.org](http://www.nplan.org).

**Q: Does this ordinance ban toy giveaways?**

A: No. This model ordinance ensures restaurants will provide a toy only with a meal that is healthier for children to eat, one that is not excessively high in calories, fat, salt, or sugars.

**Q: Is it realistic to expect restaurants to meet these nutrition standards?**

A: Absolutely. Some restaurants already have meal combos that do. For example, a McDonald's Happy Meal with four pieces of chicken nuggets, apple dippers with low-fat caramel dip, and eight ounces of low-fat milk meets the model's nutrition requirements and could be offered with a toy.<sup>13</sup> When it comes to designing healthy meals for children, restaurants are limited only by their own creativity.

**Q: Why focus on toy giveaways?**

A: Fast-food marketing to children plays a major role in the childhood obesity epidemic, according to the Institute of Medicine, an independent agency that serves as a national advisor on health policy. The restaurant industry spends more than \$5 million every day marketing unhealthy foods to children. In 2006, fast food restaurants alone spent \$520 million marketing fast food to children—including \$360 million on toys—and sold 1.2 billion meals with toys to children.<sup>14</sup>

The restaurant industry knows that toys are a very effective way to market food to children. By limiting these aggressive marketing practices and ensuring that only healthier kids' meals come with a toy, this ordinance can be one important component of a community effort to address the childhood obesity crisis.

**Q: Do local governments have the authority to enact such an ordinance?**

A: Many cities have the authority to enact basic business regulations. To protect the health, safety and welfare of residents, cities have required restaurants to post calories on their menus, prohibited restaurants from serving food with trans fat, and prohibited smoking in restaurants.<sup>15</sup> Similarly, many cities have the authority to prohibit restaurants from using toys to entice children to eat unhealthy meals. Whether a local government has the power to implement this model ordinance is dictated by state law.

NPLAN's *Model Ordinance for Healthier Toy Giveaway Meals* provides local policymakers with an opportunity to help break the link between unhealthy meals and toys. By giving the food industry an incentive to market healthy meals to kids, the ordinance supports parents who want their children to eat healthy food no matter the setting.

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<sup>1</sup> Ogden CL, Carroll MD and Flegal KM. "High Body Mass Index for Age Among US Children and Adolescents, 2003-2006." *Journal of the American Medical Association*, 299(20): 2401-2405, 2008.

<sup>2</sup> US Department of Health and Human Services, National Institutes of Health. *Obesity Threatens to Cut U.S. Life Expectancy, New Analysis Suggests*, 2005. Available at: [www.nih.gov/news/pr/mar2005/nia-16.htm](http://www.nih.gov/news/pr/mar2005/nia-16.htm).

<sup>3</sup> Bowman S and Vinyard B. "Fast Food Consumption of U.S. Adults: Impact on Energy and Nutrient Intakes and Overweight Status." *Journal of the American College of Nutrition*, 23(2): 163-168, 2004; Dilberti N, Bordi P, Conklin M, et al. "Increased Portion Size Leads to Increased Energy Intake in a Restaurant Meal." *Obesity Research*, 12(3): 562-568, 2004; Center for Science in the Public Interest. *Anyone's Guess: The Need for Nutrition Labeling at Fast-Food and Other Chain Restaurants*. 2003. Available at: [www.cspinet.org/resturantreport](http://www.cspinet.org/resturantreport).

<sup>4</sup> Binkley JK, Eales J and Jekanowski M. "The Relation Between Dietary Change and Rising US Obesity." *International Journal of Obesity*, 24(8): 1032-1039, 2000.

<sup>5</sup> Jeffery RW and French SA. "Epidemic Obesity in the United States: Are Fast Food and Television Viewing Contributing?" *American Journal of Public Health*, 88(2): 277-280, 1998.

<sup>6</sup> Ma Y, Bertone ER, Stanek EJ, et al. "Association Between Eating Patterns and Obesity in a Free-living US Adult Population." *American Journal of Epidemiology*, 158(1): 85-92, 2003.

<sup>7</sup> McCrory MA, Fuss PJ, Hays NP, et al. "Overeating in America: Association Between Restaurant Food Consumption and Body Fatness in Healthy Adult Men and Women Ages 19 to 80." *Obesity Research*, 7(6): 564-571, 1999.

<sup>8</sup> McCrory MA, Fuss PJ, Saltzman E, et al. "Dietary Determinants of Energy Intake and Weight Regulation in Healthy Adults." *Journal of Nutrition*, 130 (Supplement): 276S-279S, 2000.

<sup>9</sup> Lin B, Guthrie J and Frazao E. "Nutrient Contribution of Food Away from Home." In *American's Eating Habits: Changes and Consequences*, Frazao (ed). Washington, DC: US Department of Agriculture, 1999. Available at: [www.ers.usda.gov/publications/aib750/aib750l.pdf](http://www.ers.usda.gov/publications/aib750/aib750l.pdf).

<sup>10</sup> Bowman S, Gortmaker SL, Ebbeling CB, et al. "Effects of Fast Food Consumption on Energy Intake and Diet Quality Among Children in a National Household Survey." *Pediatrics*, 113(1): 112-118, 2004.

<sup>11</sup> Kant AK and Graubard BI. "Eating Out in America, 1987-2000: Trends and Nutritional Correlates." *Preventive Medicine*, 38(2): 243-249, 2004.

<sup>12</sup> Wootan MG, Batada A, and Marchlewicz E. *Kids' Meals: Obesity on the Menu*. Washington, DC: Center for Science in the Public Interest, 2008. Available at: <http://cspinet.org/new/pdf/kidsmeals-report.pdf>.

<sup>13</sup> See McDonald's Nutrition Facts, available at: <http://nutrition.mcdonalds.com/nutritionexchange/nutritionfacts.pdf>.

<sup>14</sup> Federal Trade Commission. *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self Regulation*. 2008, p. 20. Available at: [www.ftc.gov/os/2008/07/P064504foodmktngreport.pdf](http://www.ftc.gov/os/2008/07/P064504foodmktngreport.pdf). This FTC report surveyed industry members that produced the foods most frequently advertised to children, including packaged foods such as snacks, baked goods, cereals, and prepared meals; candy and chilled desserts; dairy products; fruits and vegetables; and fast food. *Id.* at ES-1.

<sup>15</sup> See e.g. Philadelphia Health Code ch 6-100 (requiring chain restaurants to post calories, saturated and trans fat, carbohydrates, and sodium on menus) In March 2010, Congress enacted the "Patient Protection and Affordable Care Act," which will require chain restaurants nationwide to post calories on their menus. PL 111-148, 124 Stat. 119, § 4205; New York City Health Code § 81.08 (prohibiting food establishments from selling food with artificial trans fat); and Columbia Code of Ordin. Ch. 8, Div. 5, §§ 8-215 - 8-221 (banning smoking in restaurants in Columbia, South Carolina).