



May 9, 2022

We are writing in support of Senate Bill S7487B – Predatory Marketing Prevention Act.

The Center for Science in the Public Interest (CSPI), Your Food and Health Watchdog, is a consumer advocacy and food policy non-profit based in Washington, DC. We support advocates and lawmakers in their efforts to improve food systems and public health, including by promoting state and local policies that improve population health and reduce the burden of preventable disease.

The Predatory Marketing Prevention Act (PMPA) is an important public health measure, and we support its goal of helping New York curb misleading food industry marketing, a practice that makes it difficult for consumers to make healthy eating choices.

Misleading food marketing negatively impacts population health. Through marketing, the food industry exerts a heavy influence on the physical and social environments where people spend most of their time and make their food-purchasing decisions. The conditions, actions, and omissions of corporate actors are sometimes described as *commercial determinants of health* because of their ability to affect health outcomes.ⁱ

For young people, fast-food advertising and processed food marketing may be particularly exploitative, as it may activate sensitive and developing neural pathways that shape behavior.^{ii, iii, iv} Even among adults and caregivers, marketing misleading health benefits or obscuring the dangers of food products can unfairly sway consumer purchasing behaviors. Misleading marketing undermines consumer choice and leads to the purchase of unhealthy food items that affect entire households. To protect consumers and promote health, policymakers must develop tools that hold food companies accountable for dishonest marketing practices.

CSPI supports the PMPA as one such important tool, and approves of the recent amendments strengthening the bill, including fee shifting, injunctive relief for private litigants, aligning the definitions of “unfair” and “deceptive” with those used by the Federal Trade Commission, and providing a definition of “Consumer” that covers parents and guardians who make food purchasing decisions for children.

The current bill will be an important step towards protecting the most vulnerable consumers from predatory food marketing. In addition to the recent amendments, we recommend further strengthening the bill to protect consumers by including statutory damages and a private attorney general provision.

CSPI urges the New York State legislature to support the PMPA as an important improvement that addresses a key public health challenge.

Sincerely,

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ⁱ World Health Organization. *Commercial determinants of health*. n.d. <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>. Accessed May 3, 2022.

ⁱⁱ Coleman PC et al. A rapid review of the evidence for children's TV and online advertisement restrictions to fight obesity. *Prev Med Reports*. 2022;26:101717. doi:10.1016/j.pmedr.2022.101717.

ⁱⁱⁱ Institute of Medicine. (2006). *Food Marketing to Children and Youth: A Threat or Opportunity?* 2006.

^{iv} Yeung AWK. Brain responses to watching food commercials compared with nonfood commercials: a meta-analysis on neuroimaging studies. *Public Health Nutrition*. 2021;24(8):2153-2160. doi:10.1017/S1368980020003122.