

## The Predatory Marketing Prevention Act: Protecting New York's Children From the Harms of Advertising S213B (Myrie)/A4424B (Reyes)

### *Health & nutrition impacts*

- **Excess consumption of foods high in calories, saturated fat, and added sugars can impact children's health.** Sugary drink consumption in childhood can lead to weight gain<sup>1</sup>, which can lead to an increased susceptibility to cardiovascular disease in adulthood, according to systematic review of scientific evidence.<sup>2</sup> Increased consumption of added sugars and sugary drinks can also lead to an increase in the risk of dental caries in children.<sup>3</sup>
- **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.<sup>4</sup>
- **The majority of restaurant kids' meals from the top chains fail to meet expert nutrition standards.**<sup>5</sup> When families dine at restaurants, children consume more calories, sugars, sugary drinks, saturated fat, and sodium than days when they don't consume restaurant foods.<sup>6</sup>

### *Restaurants and food companies are a top marketer to children & teenagers*

- In 2019, fast-food restaurants spent \$5 billion in total advertising, an increase of over \$400 million (9%) vs. 2012. Black preschoolers, children, and teens viewed approximately 75% more fast-food TV ads than their White peers, an increase compared to 60% more ads viewed by Black youth in 2012.<sup>7</sup>
- In 2019, children ages 2-11 viewed 2.2-2.3 ads for fast food per day on television alone, which doesn't account for ads children encounter elsewhere in the environment or other ads for unhealthy foods children might encounter.
- An analysis of 400 videos uploaded to YouTube between 2019 and 2020 from popular child-influencers found that two-thirds of videos had at least one food-related appearance. Branded products appeared 592 times; 42 percent of these appearances were for candy brands and 32 percent of these appearances were for sweet/salty snacks, sugary drinks, and ice cream.
- According to the Federal Trade Commission, food companies spent nearly \$2 billion marketing to youth in 2009 (the last year for which data are available).

### *Effects of advertising on children*

- 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.<sup>8,9,10</sup>
- Product preference has been shown to occur with as little as a single commercial exposure and to strengthen with repeated exposures. Most importantly, studies have shown that product preferences affect children's product purchase requests and that these requests do influence parents' purchasing decisions.<sup>11</sup>

### *How the predatory marketing prevention act helps*

- False and misleading advertising of food products is already illegal under NYS Law. This bill would expand the definition of “false and misleading” to include advertising of unhealthy food specifically marketed to young people.
- Advertising that is specifically targeted at children will be considered “false and misleading” and the Attorney General could sue. The PMPA also increases the potential damages for food companies that target New York children with false and misleading advertising.

***Senate bill S213B/A4424B, sponsored by New York State Senator Zellnor Myrie and Assemblymember Karines Reyes, would help define and restrict predatory marketing of unhealthy food aimed at young people.***

*For more information, please contact Dr. DeAnna Nara at the Center for Science in the Public Interest at [dnara@cspinet.org](mailto:dnara@cspinet.org).*

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<sup>1</sup> de Ruyter JC, et al. A Trial of Sugar-free or Sugar-Sweetened Beverages and Body Weight in Children. *New England Journal of Medicine*. 2012; 367:1397-1406.

<sup>2</sup> Vos MB, et al. Added Sugars and Cardiovascular Disease Risk in Children: A Scientific Statement From the American Heart Association. *Circulation*. 2017;135(19):1017-1034

<sup>3</sup> National Institute of Dental and Craniofacial Research, National Institutes of Health, U.S. Department of Health and Human Services. Oral Health in America: A Report of the Surgeon General. 2000. Available [https://www.cdc.gov/oralhealth/publications/federal-agency-reports/sgr2000\\_05.htm](https://www.cdc.gov/oralhealth/publications/federal-agency-reports/sgr2000_05.htm). Accessed February 23, 2022.

<sup>4</sup> World Health Organization. Commercial determinants of health. n.d. <https://www.who.int/news-room/factsheets/detail/commercial-determinants-of-health>. Accessed February 23, 2022.

<sup>5</sup> Marx K and Ribakove S. Selling Out Kids Health: 10 Years of Failure from Restaurants on Kids’ Meals. Center for Science in the Public Interest. 2021. <https://cspinet.org/resource/selling-out-kids-health>. Accessed February 23, 2022.

<sup>6</sup> Powell LM, Nguyen BT. Fast-Food and Full-Service Restaurant Consumption Among Children and Adolescents. *JAMA Pediatrics*. 2013;167(1):14-20.

<sup>7</sup> Harris JL, et. al. Fast Food FACTS 2021: Fast food advertising: Billions in Spending, continued high exposure by youth. Rudd Center for Food Policy and Health. 2021. Available <https://media.ruddcenter.uconn.edu/PDFs/FACTS2021.pdf>. Accessed February 23, 2022.

<sup>8</sup> 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.

<sup>9</sup> Institute of Medicine. (2006). Food Marketing to Children and Youth: A Threat or Opportunity? 2006.

<sup>10</sup> 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.

<sup>11</sup> American Psychological Association. (2010, November 17). *The impact of food advertising on childhood obesity*. <https://www.apa.org/topics/obesity/food-advertising-children>