

Policy Options to Address Unhealthy Food and Beverage Marketing to Children



In-Store Environments

- **Healthy checkout aisle policies**, which require items placed in one or more checkout aisles to meet certain nutrition standards
- **Regulating product placement**, such as limiting what is placed in “end caps” or requiring certain products to be placed behind the counter to prevent shoplifting or grabbing by young children
- **Regulating product pricing**, such as through minimum price laws, by limiting discounts, or by requiring proportional pricing, in which there is no per unit discount for larger volume sales
- **Prohibiting unhealthy food and sugar-sweetened beverage sales in stores whose primary business is not selling food**, such as toy or electronics stores
- **Regulating in-store signage**, either through content-neutral limits on signage (e.g., restrictions on window coverings for safety or aesthetic reasons) or by requiring certain signs promoting healthy foods or safety warning labels
- **Regulating sampling and food giveaways**, for food safety or other non-communicative reasons



Red lights indicate **low** levels of feasibility and/or high levels of risk.

Yellow lights indicate **moderate** levels of feasibility and risk.

Green lights indicate the **highest** level of feasibility and the lowest level of risk.



Government Procurement and Vending

- **Setting nutrition standards for food purchased by government to be distributed to dependent community members** – such as children in public childcare settings – subject to limits imposed by federal or state law
- **Adopting healthy vending standards**, which would set nutrition standards for food to be sold directly to citizens on government property



Government Property and Government Sponsorship

- **Adopting a sponsorship policy** with clear criteria for selecting private sponsors



Marketing in Childcare Settings and Schools

- **Direct restrictions on food marketing in schools and childcare settings**, to the extent allowed by state law
- **Setting nutrition standards for the childcare setting**, to the extent allowed by state law
- **Limiting screen time and media use**, to the extent allowed by state law



In-Restaurant Environment

- **Regulating the nutritional quality of children's meals or beverages in children's meals**, with or without an accompanying toy
- **Regulating product pricing**, such as through minimum price laws by requiring proportional pricing in which there is no per unit discount for larger volume sales
- **Regulating restaurant signage**, either through content-neutral limits on signage or by requiring certain signs promoting healthy foods or safety warning labels
- **Requiring menu labeling** above and beyond that required by federal law
- **Requiring the provision of free tap water**



Hospital Infant Formula Giveaways

- Voluntary programs to stop formula giveaways at local hospitals
- Prohibiting the giveaway of free infant formula by hospitals



Public Transit and Government Property (e.g., Park and Rec)

- Regulating advertising on school buses
- Regulating the content of advertising on public property, particularly on property that has not traditionally been open to all kinds of speech
- Regulating advertising on public transit vehicles and on bus shelters/transit stations



Healthy Zoning

- Limiting unhealthy food outlets and mobile vending near sites frequented by young children, like childcare facilities or playgrounds



Taxation and Tax Incentives

- A local tax on sugar-sweetened beverages and/or unhealthy foods
- A content-neutral tax on local advertising sales



Broadcast TV/Cable/Satellite/Radio and Other Transmitted Media

- Enforcement of existing federal and state false advertising laws, by a district attorney or city or county counsel's office
- Industry self-regulation, encouraged by local jurisdictions and targeted at local television or radio outlets
- Direct regulation of television and radio advertising, though this may be difficult given the legal climate
- Requiring coding of food advertisements using V-chip technology, though this may face legal and practical hurdles



Print Media (Magazines, Newspapers)

- **Enforcement of existing federal and state false advertising laws** (by a district attorney or city or county counsel's office)
- **Industry self-regulation**, encouraged by local jurisdictions and targeted at local print media outlets
- **Direct regulation of local print media targeting young children**, though this may be difficult given the legal climate



Digital Media

- **Enforcement of existing federal and state false advertising laws**, by a district attorney or city or county counsel's office
- **Direct regulation of digital media**, including by regulating the local use of technologies that enable location-based digital marketing



Outdoor Advertising

- **Local-government-funded public service announcements** related to healthy eating and physical activity
- **Voluntary restraints on billboard content by owners of billboards or by those buying billboard space**, encouraged by local government
- **Content-neutral regulation of billboard locations**, for safety and aesthetic reasons
- **Content-neutral regulation of electronic billboards**, for safety and aesthetic reasons
- **Content-neutral regulation of sandwich boards and other non-billboard outdoor signs**, for safety and aesthetic reasons

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.***