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NY State Senator Thomas Duane  
Albany Office  
State Capitol Building Room 430  
Albany, NY 12247

Dear Senator Thomas Duane,

On the food policy hearing on Friday the 22<sup>nd</sup> of January 2010, Commissioner of the State Department of Health, Mr. Richard Daines, outlined the health risk that the vigorous marketing of unhealthy food products posed to the well-being of children, minority populations and other individuals vulnerable to Obesity across New York State. In his statement, Commissioner Daines urged you, and your colleagues, to view unhealthy food marketing to children as facet of the Obesity problem in New York and to in some capacity to address this public health risk.

The CUNY-Institute for Health Equity's policy recommendation to the Committee on Health is an expansion of the State Commissioner of Health's statements. Specifically, the CUNY Institute for Health Equity is writing to **urge the New York State Senate Health Committee to create a State-wide Interagency Taskforce, to assess the relationship between the marketing of unhealthy foods, and the health outcomes for Obesity in children as well as minority populations in New York, taking clear direction from its federal counterpart: the Interagency Taskforce on Nutritional Standards.**<sup>1</sup>

By now the connection between food marketing and nutritional habits in children and populations of color has been well established.

- Beginning with a 2005 Institute of Medicine flagship report "**Food Marketing to Children and Youth: Threat or Opportunity**", food and beverage marketing was found to have influenced "the preferences and purchase requests of children" and "[food] consumption among children in the short term". Food and beverage marketing was also found likely to contribute to "less-healthy diets" and, "negative diet-related health outcomes and risks... in youth."<sup>2</sup>
- According to research presented at the 2006 National Institute for Health and Federal Trade Commission workshop "Weighing In: A Check-up on Marketing, Self-regulation & Childhood Obesity" hosted in order to assess the progress of food industry involvement in the self-regulation of food advertising, approximately **only 1 out of the 20 food advertisements directed to children per hour in 2006 were for healthy foods.**<sup>3</sup> In other words only 4% of the total

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<sup>1</sup> See the David Vladeck Director FTC Bureau of Consumer Protection remarks on the Interagency Taskforce on Nutritional Standards, made at the National Advertising Division Annual Conference October 5, 2009 "As directed by Congress, representatives of the FTC, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Department of Agriculture have been working on developing recommended nutritional standards for foods marketed to kids age 17 and younger... The task force is operating under a deadline to report back to Congress in July 2010."

<<http://www.ftc.gov/speeches/vladeck/091005vladecknationaladvertising.pdf>>

<sup>2</sup> See the Institute of Medicine report at <[http://books.nap.edu/openbook.php?record\\_id=11514&page=1](http://books.nap.edu/openbook.php?record_id=11514&page=1)>

<sup>3</sup> There is a self-regulatory campaign, the Children's Food and Beverage Advertising Initiative, led by the Council of Better Business Bureaus and the Food Industry, which aims to modify the food marketing landscape. However due to the self-regulatory

advertisements that aired for children viewers in 2006<sup>4</sup> were for food products that promoted good health—woefully under the 50 percent advertising benchmark recommended by Institute of Medicine in its 2005 report.

- And finally, a 2008 FTC study “Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation,” disclosed that “the landscape of food advertising to youth is dominated by integrated advertising campaigns, [that] combine traditional media, such as television, with **previously unmeasured [and largely unregulated] forms of marketing, such as ... [the] Internet.**”<sup>5</sup>

Notwithstanding the fact that the options in discussion by the Committee to address Obesity—enforcing the advertisement of caloric content of food in food establishments, prohibiting the use of trans fat in restaurants, as well as implementing an excise tax on sugar sweetened beverages—are excellent measures for counteracting three socio-environmental factors linked to Obesity in New York, these measures alone will not address the harmful messages repeatedly directed to children and minority populations in the targeted marketing of unhealthy food products.

Our expectation in requesting that the State Senate Committee on Health establish an Interagency Taskforce on Media & Obesity is that that this task force eventually become the originator of state legislation to complement federal legislation which will regulate the content and frequency of marketing to children and minority populations—for those instances during which advertising strategy is found to cause an undue individual risk for Obesity.

With government incentives or regulation to favor an increase in the share of healthy foods promoted in new media, Food Companies could be compelled to set a universal standard for food marketing to children and minority populations; and Food Companies would be encouraged to work with greater speed and urgency to preserve rather than undermine the development of healthful nutritional habits in our children and groups of minority status.

Without the addition of policy to regulate the advertisement of food products to children and minority populations—especially over unmeasured media venues like the Internet—New York State will lose an opportunity to establish a comprehensive system to prevent Obesity in children it seeks to raise as a model prevention for other States.

Senator Duane we are encouraged by your willingness to serve as a leader for Obesity prevention in our State, and are confident in your approach to Obesity prevention. As such, we believe you will investigate and implement the procedural measures requested in this letter in order to enact a most effective Obesity prevention agenda, one necessary to preserve the health of millions of residents suffering from this chronic illness across our State.

With Cordial Regards,

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nature of this enterprise, the reforms proposed by the Initiative extend only to those companies *volunteering* to enact reforms in their advertisement strategies. Thus, their regulatory recommendations are not far reaching enough in implementation.

<sup>4</sup> See Dr. Kunkel of Arizona University’s presentation at the NIH and FTC “Weighing In: A Check-up on Marketing, Self-regulation, and Childhood Obesity” p. 188 of the transcript .<  
<http://www.ftc.gov/bcp/workshops/childobesity/transcript.pdf>>

<sup>5</sup> This data was extracted from a July 29<sup>th</sup> 2008 FTC press release entitled “FTC Sheds New Light on food Marketing to Children and Adolescents”. <  
<http://www.ftc.gov/opa/2008/07/foodmktng.shtm>>

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