

LB126

LB126 Bill History

Introduced by: Sen. Bill Avery

Heard by: Agriculture Committee

LB126 Summary

LB126 would create the Children's Health and Responsible Corporate Marketing Act. The Act requires that any fast food, full service restaurant or convenience store must meet nutritional standards if it advertises or provides consumer incentive items in children's packaged meals or breakfast meals.

LB126 Talking Points

For LB126

- Fast food establishments often package toys with their least nutritious meals. LB126 would tell corporations and franchise operations that they can no longer target kids with toys and game giveaways.
- Every major medical and health expert in the country has reported that one-third of our nation's children are overweight or obese.
- Most child health experts and psychologists say that any marketing directed at children is inherently deceptive because children's cognitive abilities are such that they can't distinguish educational programming from marketing.

Against LB126

- While childhood obesity is a serious and complex issue, restaurants are not the cause of this epidemic, and placing unwarranted limits on restaurant advertising is not the solution.
 - More than 75 percent of meals served in America are not provided by restaurants, but are served in the home. Therefore, regulating restaurants will not provide the desired effects.
 - For commercial free speech to be denied First Amendment protection, the product promoted by the speech must be illegal or misleading. Fast food meals are not illegal, so advertisements promoting kids' meals do not meet the first prong of unprotected commercial speech.
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Further Research

Nebraska Legislature: <http://nebraskalegislature.gov/>

Unicameral Update: <http://update.legislature.ne.gov/>

Agriculture Committee: <http://news.legislature.ne.gov/agr/>

Committee Statement: <http://www.legislature.ne.gov/FloorDocs/102/PDF/CS/LB126.pdf>

