

111TH CONGRESS
1ST SESSION

H. R. 3625

To provide for the Secretary of Education to study and report on the marketing of foods and beverages in elementary and secondary schools.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

Mrs. MCCARTHY of New York (for herself and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for the Secretary of Education to study and report on the marketing of foods and beverages in elementary and secondary schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Marketing in
5 Schools Assessment Act”.

6 **SEC. 2. STUDY AND REPORT ON FOOD MARKETING.**

7 (a) STUDY REQUIRED.—The Secretary of Education
8 shall conduct a study on the extent and types of marketing
9 of foods and beverages in elementary and secondary
10 schools. In carrying out the study, the Secretary shall col-

1 laborate with, and include information from, the Division
2 of Adolescent and School Health of the Centers for Dis-
3 ease Control and Prevention.

4 (b) ASSESSMENT OF NUTRITION.—The study re-
5 quired by subsection (a) shall assess the nutritional qual-
6 ity of the types of foods and beverages marketed in
7 schools.

8 (c) ASSESSMENT OF MEDIA.—The study required by
9 subsection (a) shall assess all media through which foods
10 and beverages are marketed to children in elementary and
11 secondary schools, including—

12 (1) brand and product logos, names, or infor-
13 mation on educational materials, book covers, school
14 supplies, posters, vending machine exteriors, score-
15 boards, displays, signs, equipment, buses, buildings,
16 and other school property;

17 (2) educational and other incentive programs;

18 (3) label redemption programs;

19 (4) in-school television, radio, and print publica-
20 tions;

21 (5) free samples and coupons;

22 (6) branded fundraising activities;

23 (7) taste-testing and other market research ac-
24 tivities; and

1 (8) incidental exposure to food and beverage
2 marketing through computer use, including com-
3 puter banner and wallpaper ads, or podcasts in
4 schools.

5 (d) EXAMINATION OF REGULATORY MECHANISMS.—

6 The study required by subsection (a) shall also examine
7 mechanisms regulating marketing in elementary and sec-
8 ondary schools, including—

9 (1) Federal, State, and local policies;

10 (2) contracts; and

11 (3) sales incentives.

12 (e) REPORT.—Not later than July 1, 2011, the Sec-
13 retary shall submit to Congress a report on the results
14 of the study required by subsection (a).

○