



## Legislation Text

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**File #:** Res 0551-2023, **Version:** \*

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### Res. No. 551

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Predatory Marketing Prevention Act (S7487C), which relates to false or misleading advertisements of food and food products; provides factors to determine whether an advertisement is false or misleading; provides for enforcement and a private right of action.

By Council Members Hudson and Farías

Whereas, Childhood and adolescent obesity is a serious problem associated with a higher risk of premature mortality and morbidity in the form of preventable diseases, such as type 2 diabetes, hypertension, fatty-liver disease, cardiovascular disease, cancer, osteoarthritis, chronic kidney disease, asthma, sleep apnea, and a range of psychological disorders, including eating disorders and depression; and

Whereas, Moreover, obesity is correlated with a compromised immune-system function, a diminished lung capacity, and - consequently - an elevated risk of severe illness, including three times the risk of hospitalization as a result of a COVID-19 infection, and a heightened risk of COVID-19-related death; and

Whereas, In the United States, between 2017 and 2020, among children and adolescents in the 2-19 years age category, 19.7 percent were obese, accounting for approximately 14.7 million children and adolescents; and

Whereas, Nationally, childhood and adolescent obesity burden disproportionately affects low-income and racial minority population groups, with the prevalence of obesity being 26.2 percent among Hispanic children, 24.8 percent among non-Hispanic Black children, 16.6 percent among non-Hispanic white children, 9 percent among non-Hispanic Asian children, 18.9 percent among children and adolescents in the lowest income group, and 10.9 percent among those in the highest income group; and

Whereas, In New York State (NYS), childhood and adolescent obesity rates tripled over the past thirty

years, reaching epidemic proportions, with 16.5 percent of NYS (excluding New York City) elementary through high school students being overweight, and 17.3 percent of NYS (excluding New York City) elementary through high school students being obese; and

Whereas, In New York City, between 15 percent and 19.4 percent of children are overweight, and an additional 22 percent to 27 percent of children are obese; and

Whereas, Scientific studies conclude that children's and adolescents' exposure to television and online advertisements of unhealthy food and beverages dense with calories, but low in nutrients, activates sensitive and still-developing neural networks associated with diet self-control; food cravings modulation; reward; emotional response; habit formation; and addiction, serving as a causal factor of childhood and adolescent obesity, with the evidence base being especially strong for children aged 8 years and younger, as well as for children from socioeconomically disadvantaged and racial minority population groups; and

Whereas, Available evidence indicates that statutory regulation is a cost-effective policy response to the obesogenic effect of unhealthy-food advertisements targeted at children, as they are an especially vulnerable audience, who tend to lack a developed ability to understand and protect their interests by rationally overriding their impulses and cravings; and

Whereas, The healthcare savings achieved from statutory regulations outweigh the costs of implementing the policy, with the data from the U.S. National Health and Nutrition Examination Survey indicating that between one in seven and one in three children could be saved from developing obesity by a reduction to zero of exposure to unhealthy-food advertisements; and

Whereas, On October 27, 2021, with the stated aim of protecting children from junk food companies targeting them with false or misleading advertisements, NYS Senator, Zellnor Myrie, introduced Senate Bill S7487C, known as the Predatory Marketing Prevention Act, which would: 1) amend the agriculture and markets law, the general business law, and the public health law in relation to false or misleading advertisements of food and food products; 2) provide factors to determine whether an advertisement is false or

misleading; and 3) provide for enforcement and a private right of action; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign the Predatory Marketing Prevention Act (S7487C), which relates to false or misleading advertisements of food and food products; provides factors to determine whether an advertisement is false or misleading; provides for enforcement and a private right of action.

LS #9312  
01/25/2023  
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