

San Francisco Judge Dismisses Lawsuit against McDonald's over Happy Meals

by [HANS BADER](#) on *APRIL 11, 2012* · [0 COMMENTS](#)

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“In San Francisco, Judge Richard Kramer has dismissed the Center for Science in the Public Interest’s lawsuit on behalf of parent Monet Parham seeking to declare unlawful McDonald’s practice of including a toy in its Happy Meal,” [notes](#) the Cato Institute’s Walter Olson at the world’s oldest law blog, Overlawyered. Olson [wrote](#) in December 2010 about the lawsuit and misleading press coverage of the case, which falsely depicted the plaintiff as being just an ordinary, “[random](#)” mom, rather than the liberal “[activist](#)” she in fact was:

With perfect Grinch timing, a consumer group has sued McDonald’s demanding that it take the toys out of its Happy Meals. The Center for Science in the Public Interest, an advocacy group, claims it violates California law for the hamburger chain to make its meals too appealing to kids, thus launching them on a lifelong course to overeating and other health horrors. It’s representing an allegedly typical mother of two from Sacramento named Monet Parham. What’s Parham’s (so to speak) beef? “Because of McDonald’s marketing, [her daughter] Maya has frequently pestered Parham into purchasing Happy Meals, thereby spending money on a product she would not otherwise have purchased.”

Around the time of the lawsuit, San Francisco’s City Council [banned Happy Meals](#), in an ordinance that went into effect a year later. The City Council did so even though the meals in San Francisco’s own public schools are [less healthy](#) than at McDonald’s. The woman who sued McDonald’s [claimed](#) that “her kids became disagreeable” and “pouted” when she said no to their requests for Happy Meals. If that’s a basis for suing, then, as Olson [notes](#), “McDonald’s isn’t the only company that should worry. Other kids pout because parents won’t get them 800-piece [Lego](#) sets, [Madame Alexander](#) dolls and [Disney World](#) vacations. Are those companies going to be liable too?”

The Center for Science in the Public Interest, which spearheaded the lawsuit, has [falsely disparaged](#) “normal food items such as baked potatoes, hamburgers, pizza, pork chops, and bacon as unhealthy. This despite the fact that “a baked potato has only 100 calories, gives you 30 percent of your day’s supply of vitamin C (more than a banana), some protein, and many important minerals.”

Activists claim that McDonald’s makes poor people fat by selling them cheap fatty food, but its customers aren’t that poor (even so-called “poor” people in America have a lot of [disposable income](#), which is why they are willing to pay \$3.69 or more for a Big Mac, when they could easily buy a McDonald’s double-cheeseburger that’s almost as big for a mere \$1.19). Most McDonald’s menu items are not that fatty: a Big Mac is [leaner and healthier](#) than dishes McDonald’s doesn’t serve, [like Quiche Lorraine](#).

New fast food restaurants were recently [banned in South Los Angeles](#), based on a bizarre “food apartheid” claim by the City Council. Such misguided legislation ignores the reality that baked goods are a bigger source of calories for kids than fast-food items like pizza, and that [some people actually lose weight](#) eating at McDonald’s.

While liberal activists are busy suing McDonald’s, they have raised no objections to the Obama administration’s strange decision to use federal funds to [subsidize the opening](#) of an International House of Pancakes in Washington, D.C. (despite IHOP’s sugary entrees), and finance the development of [high-calorie foods](#) to benefit politically-connected agribusinesses.