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## Consumer group suing McDonald's over toys

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By [Lisa Baertlein](#) and Dan Levine

LOS ANGELES/SAN FRANCISCO (Reuters Life!) - A U.S. consumer group is suing McDonald's Corp in an effort to stop the world's largest hamburger chain from using Happy Meal toys to lure children into its restaurants.

The Center for Science in the Public Interest is representing a Sacramento mother of two in the lawsuit, which alleges unfair marketing and other violations of California's consumer protection law. It does not seek monetary damages.

"The lawsuit is about the change, not the money," CSPI litigation director Stephen Gardner said.

Representatives from McDonald's did not immediately respond to requests for comment.

Walter Olson, a senior fellow at the Cato Institute, said he thinks McDonald's will ultimately prevail, but that it will likely have to go through multiple rounds of legal wrangling, which would suit CSPI.

"In the meantime they've got their step toward a national debate, which is what they want," Olson said.

### HOT TOYS

McDonald's debuted the Happy Meal in the United States in 1979. Modern offerings have included themed items from popular films like "Shrek" or sought-after toys like Ty Beanie Babies.

The Happy Meal was a huge hit for McDonald's and has spawned me-too offerings at most other fast-food chains.

But lately it also has come under fire from public health officials, parents and lawmakers who are frustrated with rising childhood obesity rates and weak anti-obesity efforts from restaurant operators who are largely self-regulated.

Those critics say poorly funded education campaigns don't have a chance against fast-food companies, which according to a recent report spent more than \$4.2 billion in 2009 on marketing and advertising.

CSPI in June alerted McDonald's of its intent to sue and Gardner said the group had hoped to reach an accord out of court. In 2007, Kellogg Co agreed to stop marketing unhealthy food to young children after a similar warning from CSPI.

Timothy Sandefur, principal attorney at the Pacific Legal Foundation, argues that it is the responsibility of parents to regulate what their children eat.

McDonald's gives consumers the option to swap milk for soda and "apple dippers" -- apple slices with caramel dip -- for fries -- but critics say most Happy Meals are still too high in calories, saturated fat and sodium for very young children.

### FOOD AND CIGARETTES

Plaintiff Monet Parham, who has two young daughters and works as a health educator for the state of California, said she takes her children to McDonald's about once a month.

Nevertheless, she said, her children constantly ask her to take them to get the latest advertised Happy Meal toy.

"This litany of requests is draining and very frustrating for children," she said. "I would like this practice to stop."

CSPI attorney Gardner said the Happy Meal lawsuit will use the same laws that resulted in a clamp down on cigarette advertising to children.

Gardner said McDonald's is a bigger offender than tobacco companies when it comes to unfair marketing because it targets very young children with tantalizing toys and ads.

He added that parents do not have the responsibility to offset unfair marketing from McDonald's.

"Under the law, you don't blame the victim of deceptive practices," Gardner said.

The class-action suit will to be filed Wednesday in California Superior Court for the district of San Francisco, CSPI said.

(Reporting by Lisa Baertlein in Los Angeles, Dan Levine in San Francisco and [Martinne Geller](#) in New York; editing by John Wallace)

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