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School Nutrition Bill Allocates \$1 Million to Study How Government Can Restrict Food Ads Directed at Kids

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By Adam Cassandra

(CNSNews.com) – A recently introduced House bill, said to mirror First Lady Michelle Obama’s “Let’s Move” initiative, would spend \$1 million to study how the government can restrict food advertisements aimed at children.

The [study](#) proposed in the “Improving Nutrition for America’s Children Act” would “examine mechanisms regulating marketing in elementary and secondary schools, including Federal, State, and local policies; contracts; and sales incentives.”

The study would examine “all media through which foods and beverages are marketed to children in elementary and secondary schools,” including, but not limited to, book covers, school supplies, scoreboards, branded fundraising activities, and incidental exposure to food and beverage marketing through computer use.

Speaking at a news conference outside the Capitol last Thursday, Rep. George Miller (D-Calif.), the bill’s lead sponsor, said his [legislation](#) mirrors Michelle Obama’s “Let’s Move” campaign to reduce child obesity, and that the bill creates a “nutritional safety net” for millions of children.

Miller, the chairman of the House Committee on Education and Labor, said the bill would “dramatically improve the quality of meals children eat both in and out of school and in child care settings, support community efforts to reduce childhood hunger and, for the first time, establish nutrition standards for all foods sold in schools.”

But Walter Olson, a senior fellow at the Cato Institute’s Center for Constitutional Studies, told CNSNews.com that the proposed legislation would expand the role of the federal government too far into the school system.

“Not only are they going to be looking at the literal food that you serve, and the miscellaneous methods like vending machines at athletic games by which people might satisfy their hunger and thirst when they’re at the school, but even things like getting a local potato chip maker to sponsor your athletic team’s scoreboard is going to become a federal concern,” Olson said.

CNSNews.com asked Rep. Carolyn McCarthy (D-N.Y.), a co-sponsor of the bill, whether the federal government would be overstepping its powers with this legislation by telling people what to eat.

“They’ll always be people who say they don’t believe the government should do anything,” McCarthy responded.

"I would have a hard time saying that you would let a child starve."

Food Network celebrity chef and child nutrition advocate Rachael Ray, who joined in last week's news conference outside the Capitol, told CNSNews.com that she does not believe that the government went beyond its constitutional powers in the bill.

"Not in this case," Ray said. "Absolutely not. A hundred percent not."

But Olson reminded nay-sayers that education is an arena in which government interest has already turned to government intrusion.

"People with long memories remember that the federal government stepped into the area saying, 'We're not against local control of education. We're just trying to help the local schools do a better job,'" said Olson. "Well, at this point, you have to wonder at what point do we stop saying we have a local school system, with more and more of these decisions being made in Washington."

The White House Task Force on Childhood Obesity Report to the President on LetsMove.gov [calls](#) on the Federal Communications Commission (FCC) to "consider revisiting and modernizing rules on commercial time during children's programming" if the food and beverage industries fail to "create innovative technologies that allow parents to block unhealthy food and beverage advertising from all programming."

"That can be a *very* effective way of governing," Olson said with sarcasm and in mock approval. "You govern not by laying out clear rules and letting people follow them, but rather by threatening people who don't conform to the spirit of what you want out of them."

More seriously, Olson added: "To me it's a little less consistent with the rule of law to govern by threats of retaliation than by laying out in the first place what rule you think people should follow."

When asked about what might happen to children and parents that might resist the federal government's new nutrition program, Rep. McCarthy told CNSNews.com: "We don't have any power over that, but if we can reach even half or three-quarters of the kids to be healthy -- ya know? Think about when the kids went home and told Mom and Dad don't smoke. Well, if these children were learning how to eat right, they can basically make better choices."

"It's an educational piece. It's not brainwashing or anything," McCarthy said.

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