

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5737

To restore the authority of the Federal Trade Commission to issue regulations on marketing and advertising to children.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Ms. NORTON introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To restore the authority of the Federal Trade Commission to issue regulations on marketing and advertising to children.

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 “Children’s Health Fed-  
5        eral Trade Commission Authority Restoration Act”.

6        **SEC. 2. FINDINGS AND PURPOSE.**

7        (a) FINDINGS.—Congress finds that—

8                (1) over 12 million children and adolescents,  
9        ages 2 through 19, are overweight, a rate that has  
10        tripled in the last 40 years;

1           (2) overweight children have a more than 70  
2 percent chance of being overweight adults;

3           (3) type 2 diabetes, a disease that is mainly as-  
4 sociated with adults, has become widespread in chil-  
5 dren in recent years;

6           (4) children are obese in part because they  
7 watch too much television, with each child on aver-  
8 age watching over 2 hours each day;

9           (5) the congressionally chartered Institute of  
10 Medicine found extraordinary growth in new food  
11 products targeted to children, from just 52 new  
12 product introductions in 1994 to close to 500 in  
13 2005;

14           (6) an estimated \$15 billion was spent on junk  
15 food marketing in 2005;

16           (7) in the late 1970s, the Federal Trade Com-  
17 mission recommended banning television advertising  
18 directed at children under the age of 8 after re-  
19 search indicated that marketing to young children  
20 was unfair because they do not understand the per-  
21 suasive intent of advertising, but was never granted  
22 the authority to do so by Congress; and

23           (8) a recent Institute of Medicine report found  
24 that the Federal Trade Commission should be grant-

1 ed the authority to regulate advertising directed at  
2 children.

3 (b) PURPOSE.—The purpose of this Act is to restore  
4 the authority of the Federal Trade Commission to issue  
5 regulations that restrict the marketing or advertising of  
6 foods and beverages to children under the age of 18 years  
7 if the Federal Trade Commission determines that there  
8 is evidence that consumption of certain foods and bev-  
9 erages is detrimental to the health of children.

10 **SEC. 3. AUTHORITY TO REGULATE MARKETING AND AD-**  
11 **VERTISING TO CHILDREN.**

12 Section 18 of the Federal Trade Commission Act (15  
13 U.S.C. 57a) is amended by striking subsection (h).

○