In 2007, Maine became the first state to pass legislation limiting the marketing of foods of minimal nutritional value on public K-12 school campuses. When asked how she and other coalition members influenced the state legislature to pass the bill, Karen O’Rourke, acting executive director of the Maine Center for Public Health, simply says, “It was really one of the easier things I’ve ever done.” And as she proceeds to tell the story, it is impressive how the pieces seemed to fall in place.

The issue of food marketing in schools surfaced in 2005, when the legislatively created Maine Commission to Study Public Health recommended in its report, “By the end of September 2007, prohibit advertising of food and beverages other than ‘healthy foods and beverages’ on school grounds.” Though language on school food marketing was ultimately removed from a state bill on school issues later that year, O’Rourke and others started a coalition that placed the issue in its strategic planning for future advocacy.

In October 2005, the coalition polled 400 Maine residents on their views of school food marketing and found that 60 percent of the respondents supported a ban on junk-food ads in school. They then carried out focus group discussions with parents active in their schools in four distinct parts of the state to assess support for 10 policy options to improve children’s health. In focus group after focus group, the policy option with the most support was to “prohibit advertising of junk food in schools.”

When it came to choosing a policy option for the coalition to push, O’Rourke describes it as “one of those times when the light bulb goes off,” and “An Act to Protect Children’s Health on School Grounds” was drafted. The section of the bill that applied to school food marketing was only three sentences in length—a remarkably straightforward approach to addressing a complex issue.

According to the Federal Trade Commission, school food and beverage marketing is big business, totaling approximately $186 million dollars in 2006 and accounting for about 11 percent of all expenses on food marketing to youths. Food marketing, including schools, has contributed to changes in children’s nutritional status through the years and to the rising problem of childhood obesity. Numerous research studies show that food and beverage advertising influences children’s food preferences, purchases, purchase requests, diets, and health.

In schools, foods and beverages are marketed in halls, cafeterias, classrooms, and other locations. Commercial activities in schools include: 1) product sales (which are a form of marketing), such as food sales out of vending machines, exclusive soft drink contracts, and fundraising activities; 2) direct advertising, such as ads on vending machines, scoreboards, posters, school publications, book covers, and Channel One; 3) coupons and free product samples; 4) indirect advertising, such as corporate-sponsored educational materials and teacher training, contests with product prizes, incentive programs and corporate gifts; and 5) market research, such as student surveys or panels and tracking of students’ Internet activities (see Box 1).

School food marketing is problematic because it has a negative impact on young people’s diets and health. Many foods and beverages are marketed in schools, and soft-drink companies and fast-food restaurants are among the companies that market most heavily.

Children are uniquely vulnerable to the marketing of low-nutrition foods. Many children lack the skills and

It’s so nice not to see the [soda brands] on the scoreboard and on the vending machines. Now it’s Aquafina—but that’s so much better.

— Karen O’Rourke, Maine parent and health advocate
maturity to comprehend the complexities of good nutrition or to appreciate the long-term consequences of their actions. Children of different ages face diverse challenges to healthy eating and different vulnerabilities to food marketing. Young children do not understand the persuasive intent of advertising and marketing and are easily misled. Older children, who still do not have fully developed logical thinking, have considerable spending money and opportunities to make food choices and purchases in the absence of parental guidance. Studies show that labeling and signage on school campuses affect students’ food selections at school.5

This effect on children is certainly evident in what they purchase. Young people spend about eight billion dollars a year on food and beverages and one billion of that on sweets and soft drinks. Food is the third biggest spending category, after clothes and entertainment.6

Marketing in schools promotes the purchase and consumption of low-nutrition foods while children are away from their parents, in a captive environment that is supposed to be dedicated to education. The marketing of low-nutrition foods in schools undermines in-school nutrition education, parents’ efforts to feed children a healthy diet, and children’s health.

Box 1. Types of In-school Food Marketing

1. Product sales of foods and beverages
2. Direct advertising, including:
   • Posters
   • Signs
   • Vending machine exteriors
   • In-school television ads such as on Channel One
   • Ads in school newspapers, yearbooks, and on school radio stations
   • Messages on the public announcement (PA) system
   • Computer banner ads
   • Screensavers
3. Coupons and Free Product Samples
4. Indirect advertising, including logos, brand names, spokes-characters, or product names on or in conjunction with:
   • Curricula and educational materials
   • Textbook covers
   • Books and notebooks
   • Pencils
   • Sports equipment
   • Uniforms
   • Scoreboards
   • Fundraising programs
   • Buses
   • Scholarships
   • Coupons and free samples
   • Sports team sponsorships
   • Food or beverage cups and containers
   • Educational incentive programs that provide food as a reward
   • Incentive programs that provide schools with supplies when families buy food products
   • Corporate-sponsored educational programs
   • School discount nights at restaurants
5. Market research
How much junk food is marketed in schools? In 2000, the U.S. General Accounting Office (GAO) observed the nature of activities in 19 schools in three states. The GAO found that commercial activities varied widely, and that high schools had more commercial activities than middle or elementary schools. In addition, the GAO found that the most common form of product sales was soft drink sales and that the most visible examples of direct advertising appeared on soft drink vending machines and scoreboards. The GAO also found indirect advertising, such as corporate-sponsored curricula, in all schools.\(^3\)

A 2006 study in California public high schools found that more than 60 percent of posters and signs, vending machine advertisements, and school equipment with food or beverage logos or brand names were for foods or beverages high in fat, saturated fat, trans fat, sugar, or sodium, or low in nutrients.\(^7\) In addition, the study found that food sales as fundraisers were popular among schools and the most common fundraisers involved the sale of chips, cookies/pastries, and sweetened beverages. Greater than half of the schools in the study included food or beverage advertising in yearbooks and school newspapers. One-quarter of schools participated in food company coupon distributions and one-third participated in product giveaways.\(^7\)

Results from a study in Montgomery County, Md. were similar, indicating that food and beverage marketing was prevalent in county public schools through posters and signs and school fundraisers. There was less food and beverage marketing through supplies and equipment, curricula, sponsorship of events, and scholarships. In addition, the amount of food and beverage marketing varied by school level for curricula, proof-of-purchase/label redemption programs, school stores, vending machines, and communication channels.

Eighty-three percent of surveyed schools had posters and/or signs with food/beverage marketing. While 42 percent of posters and signs marketed healthier categories of foods and beverages, such as dairy and nutrition education, other posters marketed restaurants, prepared foods, and soft drinks.\(^8\)

Product sales were an important form of food and beverage marketing in the Maryland schools. All middle and high schools had vending machines. Four in five vending machines had food and beverage marketing on the machine exterior (see Box 2). While water and milk were promoted on the front and sides of many vending machines, so were snack foods, soda, juice drinks, and sports drinks. In addition, half of the schools conducted fundraisers involving foods or beverages (see Box 3) and 80 percent of schools held fundraising nights at fast-food and other chain restaurants.\(^8\)
These state and local studies provide a glimpse of the types of foods and the approaches used to market them in schools. However, a national assessment is needed. Reps. Carolyn McCarthy (D-NY) and Todd Platts (R-PA) have introduced the National School Food Marketing Assessment Act, which calls on the U.S. Department of Education, with the Centers for Disease Control and Prevention, to conduct an observational study of the nature and extent of food marketing in a nationally representative sample of U.S. public schools.

Nationally, there is support for limiting the marketing of low-nutrition foods in schools. In a 2004 Harvard nationwide survey, 90 percent of the public reported that they oppose marketing of junk food and soda in schools. Seventy-seven percent of parents in a Prospectiv’s 2007 national poll said they would prefer companies directed their marketing toward them rather than at their children. In addition, in 2006, 69 percent of school officials surveyed by the Commercialism in Education Research Unit expressed strong support for increasing regulation of ads for low-nutrition foods in schools.

Given the prevalence of and concerns about school food marketing and the widespread support to limit schoolchildren’s exposure to the marketing of low-nutrition foods, there is increasing interest in state and local policies to address school food marketing. According to the 2006 School Health Policies and Programs Study, 2 percent of states and 24 percent of districts required that schools prohibit advertising for candy, fast food restaurants, or soft drinks on school property, while 16 percent of states and 32 percent of districts recommended such a ban. In addition, 20 percent of districts required and 28 percent recommended that schools restrict the distribution of products promoting candy, fast food restaurants, or soft drinks to students (e.g., t-shirts, hats, or book covers).

Slightly more than one-third of all districts allowed soft drink companies to advertise soft drinks in school buildings, and 46 percent allowed soft drink companies to advertise on school grounds, including on the outside of school buildings and on playing fields or other areas of campus. Nationwide, three states and 26 percent of districts had adopted a policy prohibiting schools from using food or food coupons as a reward for good behavior or good academic performance, and an additional 45 percent of states and 20 percent of districts discouraged schools from this practice.

In recent years, a promising policy option at the local level is to limit the marketing of low-nutrition foods through school district wellness policies. In the Child Nutrition and WIC Reauthorization Act of 2004, Congress established a requirement that all school districts with a federally funded school meals program develop and implement wellness policies that address nutrition and physical activity by the start of the 2006-2007 school year. The National Alliance for Nutrition and Activity (NANA) has developed model school wellness policies that include a policy specifically addressing food marketing in schools (www.schoolwellnesspolicies.org/WellnessPolicies.html#quality for the model school wellness policy text, which can be adapted). The NANA model wellness policies are based on nutrition science, public health research, and existing practices from exemplary states and local school districts.

Box 2. Brand Marketing on Vending Machine Exteriors (from Assessment of Food Marketing in Montgomery County Public Schools)

Among the vending machines with food/beverage marketing on the exterior, snacks, juice and juice drinks, and soda logos and depictions appeared most often. Forty-eight percent of vending machines depicted lower-nutrition products, such as soda, sports drinks, and candy.
At the state level, boards of education can pass policies to limit the marketing of low-nutrition foods on school campuses. For example, the West Virginia Board of Education issued a legislative rule (Title 126) that includes in the Standards for School Nutrition (4321.1) language limiting the marketing of foods and beverages in high-traffic areas of high schools and commercial logos or products on vending machine exteriors (http://wvde.state.wv.us/policies/p4321.1.pdf).

State legislatures also can pass legislation to limit the marketing of foods that do not meet nutrition standards. The Center for Science in the Public Interest has available model legislation (www.cspinet.org/nutritionpolicy/schoolfoodmarketingbill) that can be adapted by individual states. State boards of education also can adapt the language to create state-level policies to limit the marketing of low-nutrition foods to schoolchildren.

Maine’s school marketing law states that “brand-specific advertising of food or beverages is prohibited in school buildings or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds in accordance with rules adopted under subsection 2 [Maine’s nutrition standards for school food sales].” Though the bill does not specify what types of marketing are not allowed, it does provide exemptions for broadcast media and clothing with brand images worn on school grounds or advertising on product packaging. The bill was amended from initially prohibiting in-school marketing of all foods and beverages except for water, which O’Rourke says would have been too hard to pass.

O’Rourke and her colleagues were smart to compromise. A few months after the legislation passed in Maine, a similar bill was introduced in California. The bill initially was written to prohibit school marketing of foods and beverages that do not meet California state nutrition standards for foods sold in schools, still allowing food and beverage companies to market healthy food products. The bill easily passed out of the Assembly Education Committee, but the Committee amended the bill to prohibit marketing of all foods and beverages on school campuses. In the appropriations process, the bill requiring a complete ban on all food marketing in schools was defeated among complaints that it was financially unfeasible.

According to O’Rourke, the Maine bill had many supporters among public health organizations and among some educational and insurance groups. They agreed that schools have an obligation to safeguard student health in an environment where parents are not present to counter negative health message—and that funding gaps should not be filled at the expense of children’s health. However, a number of organizations opposed the bill, including

Box 3. Schools with Food/Beverage Fundraisers (from Assessment of Food Marketing in Montgomery County Public Schools)

Half of all schools reported having fundraisers involving food/beverage marketing. The most common food/beverage fundraisers included PTA, school club, or school event sales of restaurant foods and branded candy, baked goods, and soda. The percent of schools with fundraisers involving food/beverage marketing increased from elementary to middle to high school, as shown.
transportation director. That’s also in our policy, that there has to be a certain amount of nutrition training.

Locally, it’s a situation that depends on what counties can afford to do. Sometimes the food service director has more than one job. They’re responsible for federal reporting and ordering the food, but they may not be tuned in to seeing the food served tastefully. The Department of Education has an abundance of resources to help districts create good tasting food. People will blame it on the standards when actually they don’t have a really good cook.

What else have you learned about combating childhood obesity in the schools?

We have got to recognize that kids need to move more. We can talk about obesity as much as we want, but if the students are not active and don’t have the time to be active, they won’t burn off calories they need to. Activity works hand-in-hand with improving nutrition policies, so we have to provide—in policy—adequate physical activity time for the kids. You’re dealing with the whole child, not a portion of the child.

the state principals’ association, food service association, beverage association, and association of food, beverage, and consumer products.

Planning, O’Rourke says, was key to successfully passing LD 184. “To me, it’s about thinking through things ahead of time and figuring out your arguments,” she recalls. For example, she remembers being concerned when the Maine Beverage Association testified that “in Maine, our members also pledged to remove signage from schools that advertised carbonated beverages in conjunction with our decision to remove the products themselves. On the whole, this policy has been fully implemented.”

For a moment, O’Rourke worried that the legislators would be persuaded by this testimony, because no one could say it hadn’t been done, until Megan Hannan, representing the Maine Public Health Association, testified. She included in her testimony a picture taken by nutrition policy researcher Janet Whatley-Blum of a scoreboard showing a soft drink logo. O’Rourke says that current photos, along with data, were instrumental in their advocacy efforts.

O’Rourke also recommends that groups interested in passing similar policies in their state begin with strong legislation, because they will need provisions to bargain away as the bill moves through the legislative process. The new law allows Maine to get “rid of the worst offenders,” she says. “The point is that this is a step. It’s all part of changing the culture. We have a long way to go. The next step is to change the definition of foods of minimal nutritional value. That’s the good part. The ban can follow the standards.”

Ameena Batada, Dr.P.H. is child health project manager and Margo G. Wootan, D.Sc. is director of nutrition policy at the Center for Science in the Public Interest.


4Alex Molnar, David R. Garcia, Faith Boninger, and Bruce Merrill, A National Survey of the Types and Extent of the Marketing of Foods of Minimal Nutritional Value in Schools (Tempe, AZ: Commercialism in Research Unit, 2006).


How Schools Work & How to Work with Schools explains the inner workings of schools and school systems in a format that is especially geared toward non-educators who seek to work with children and youth in school settings. It includes a summary of the benefits for students when health professionals and educators work together; an overview of the core mission of education; a background chapter on how education works at the school, district, state, and national levels; as well as many practical tips for how to work effectively with educators, school administrators, and policymakers.

(48 pp., $14.00)

To order this and other NASBE publications, call 1-800-220-5183 or go online to www.nasbe.org