

                                               

By Sean Gregory Friday, Jul. 02, 2010
Millions of parents know the drill. Stevie wants to go to McDonald's for a Happy Meal, because along with his burger and fries comes the ultimate little kid payoff: a toy. It's a cheap little thing, and he'll get sick of it in three hours. Still, it's a toy. Go ahead you just try denying little Stevie his wishes.

If one health advocacy group has its way, parents will never have to face this common dilemma again. The Center for Science in the Public Interest (CSPI) has sent a demand letter to McDonald's that threatens to sue the company unless it stops using toys to market Happy Meals to young children. "By advertising that Happy Meals include toys, McDonald's unfairly and deceptively markets directly to children," the CSPI writes in the letter. The Center claims that since marketing to children under 8 is "inherently deceptive," the company is violating consumer-protection laws in states like Massachusetts, Texas, California and New Jersey. "These children are not cognitively developed enough to know they're getting anything but a free toy," says Stephen Gardner, litigation director for CSPI. (See the 10 worst fast-food meals.)

The inclusion of toys in Happy Meals prevents kids from choosing healthier options, argues CSPI, and contributes to childhood obesity. McDonald's points out that it only uses its healthier Happy Meal options white-meat Chicken McNuggets, milk and Apple Dippers, which are apple slices that come with a low-fat caramel sauce in its advertising promoting the food and the toys. But since the toy also comes with the less healthy stuff burgers, fries and a soda this approach is still duplicitous, CSPI says.

Plus, CSPI argues that since most Happy Meal combinations contain more than the recommended 430-calorie maximum for a young child's lunch, McDonald's isn't promoting public health. And CSPI research shows that consumers failed to specify the side order they wanted with their Happy Meal, McDonald's servers put fries in the package 93% of the time. "When it comes to the Happy Meal, the only choices you have are junk and junkier," says Gardner. "Even the apples come with a sugary caramel sauce, so the company is sending a dangerous message that the only way to digest fruit is with candy. You might as well take kids to the state fair." (See the top 10 dubious toys.)

This type of rhetoric, and some of the language in the CSPI letter, isn't sitting well with McDonald's. While the company says it hasn't ruled out acting on CSPI's demands, McDonald's is clearly irked. "The tone of the letter is completely unprofessional and destroys their credibility," says Walt Riker, vice president of corporate communications for McDonald's. "The characterizations are completely out of bounds and don't come close to representing the truth." Riker wouldn't point to specific passages, but it's safe to assume calling McDonald's "duplicitous" and its marketing practices "predatory" failed to ingratiate CSPI with the company. (Comment on this story.)

Then there's this gem: "In short, McDonald's is deliberately marketing directly to unsuspecting little children by offering appealing toys usually ones related to popular movies or television shows. McDonald's marketing has the effect of conscripting America's children into an unpaid drone army of word-of-mouth marketers, causing them to nag their parents to bring them to McDonald's."

Semantics aside, will a potential suit go anywhere? California's Santa Clara County, home of Silicon Valley, recently passed a measure banning restaurants like McDonald's from including toys with kids' meals. So the antitoy movement has some momentum. CSPI employed a similar strategy against Kellogg's, and in June of 2007 the cereal company agreed to set stricter nutrition standards in its advertising. For example, the company said it would no longer market cereal

products over 200 calories to children. "The law prohibits unfair and deceptive advertising," says Angela Campbell, a Georgetown University law professor who directs that school's Institute for Public Representation. "This has to be interpreted. These toys have a tremendous amount of influence, they are friends, they are real to these kids. Children can't process things like adults can. You can take terrible advantage of kids."
(See nine kid foods to avoid.)</p><p align="justify">Still, it may be hard to prove that McDonald's is doing anything illegal by offering kids an item that, at the end of the day, brings them joy. "There's no law that precludes companies from selling toys to children," says J. Justin Wilson, a senior research analyst at the Center for Consumer Freedom, a food-industry advocacy group. Plus, for many stressed out parents, the Happy Meal is a blessing, a cheap meal you can grab on the go. </p><p align="justify">The whole issue will probably boil down to parental responsibility. After all, 5-year-old kids aren't driving themselves to the McDonald's pick-up window. Little Stevie and the "unpaid drone army of word-of-mouth marketers" are a powerful force, but should McDonald's be liable for their pestering ways? "The solution is not a lawsuit," says Wilson. "The solution is a two-letter word: no."</p><p align="justify">
Source: http://www.time.com/time/business/article/0,8599,2000973,00.html?artId=2000973?contType=article?chn=bizTech#ixzz0slUluQeM</p><p align="justify">◆</p>