By Katrina vanden Heuvel
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Michelle Obama is not at war with Twinkies. But she does want food manufacturers to "rethink the products that you're offering, the information that you provide about these products and how you market those products to our children." For this, she has been accused of "federalizing fat" and labeled "the first nanny." But it's not the federal government that's playing the role of nanny here.

After all, food and beverage marketers spend about $2 billion a year to reach children, and most of those ads hawk the least healthy foods. So when a child begs for fruit-free Froot Loops, he's simply doing what he's been commanded to do, clean-your-room style, by the marketing nanny.

This advertising juggernaut is proving to be a governess with influence not seen since Maria convinced the Von Trapp kids that the Anschluss could be fun. A recent study published in the American Journal of Public Health demonstrates that as a sedentary activity, television-watching alone doesn't contribute to childhood obesity; rather, it's the incessant bombardment of ads associated with television-watching that "robustly" correlates with obesity. In other words, a PBS-watching couch potato is less likely to become obese than his commercial TV-watching counterpart.

The federal government has tried before to eliminate this well-funded voice inside the machine -- a move that would strengthen parents' roles, not interfere with them. Three decades ago, the Federal Trade Commission proposed restrictions on television ads that marketed sugary foods to America's youth. The FTC, of course, has the power to put the kibosh on predatory marketing tactics. And the Supreme Court's 1934 decision in FTC v. Keppel was commonly interpreted to mean that promotion aimed at audiences incapable of protecting themselves -- such as young children -- necessarily qualified as predation.

But The Washington Post published a derisive editorial attacking the FTC proposal, declaring: "It is a preposterous intervention that would turn the agency into a great national nanny." Ratcheting up the sarcasm, The Post continued, "But what are the children to be protected from? The candy and sugar-coated cereals that lead to tooth decay? Or the inability or refusal of their parents to say no? The food products will still be there, sitting on the shelves of the local supermarkets after all, no matter what happens to the commercials. So the proposal, in reality, is designed to protect children from the weakness of their parents -- and the parents from the wailing insistence of their children. That, traditionally, is one of the roles of a governess -- if you can afford one. It is not a proper role of government. The government has enough problems with television's emphasis on violence and sex and its shortages of local programming, without getting into this business, too."

With the government-as-governess idea gift-wrapped by the national nanny neologism, the advertising lobby detected an opening and pressed Congress to rein in the FTC. In 1979, Congress temporarily cut off FTC appropriations, and in 1980, it passed the FTC Improvements Act, which barred the agency from devising industry-wide rules governing promotion and marketing. President Reagan further neutered the agency by appointing James Miller, a free-market fundamentalist out of American Enterprise Institute central casting, as chairman.

And so we've had 30 years of expanding waistlines, decaying teeth and skyrocketing rates of diabetes.

Only today is the federal government demonstrating a willingness to risk the nanny state accusations. In addition to Michelle Obama's obesity initiative, Congress has charged an interagency task force, encompassing the FDA, FTC, USDA and CDC, with the task of developing industry-wide guidelines on child marketing. "The guidelines won't have the force of law, but should have a lot of moral force," says Michael Jacobson of the Center for Science in the Public Interest. "And noncompliance would give the FTC or Congress the foundation for doing something stronger, from publicly shaming noncompliers to legislation." Proposals for these guidelines, which are due in final form in July, are scheduled to be released soon.

Still, as long as these industry standards are voluntary, they may well prove illusory; there are simply too many consumers -- and too much money -- involved. One solution, then, is for the FTC to educate, not regulate. "No one is suggesting that we engage in regulation," says David Vladeck, head of the FTC's Bureau of Consumer Protection, about his agency's educational efforts. "Industry may be unhappy with some of what we're doing, but they have steered clear of the nanny rhetoric because they know that if the hammer comes down, Congress, not the FTC, will be holding it."

On this point, it could also help to have a new Post editorial, this time redirecting the outrage once reserved for the FTC onto the fundamental problem of deliberately targeting children with advertising.

We could do without manipulative, profit-driven nannies. But we do need the FTC as a cop on the beat of wayward marketers.

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