

# **School Commercialism, Student Health, and the Pressure To Do More With Less**

by

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## **The Context in Which School Commercialism Flourishes**

Schools in the United States have, over the past thirty years, taken on increasing responsibilities and at the same time have often seen a reduction in the resources available to them. They are under powerful political and economic pressure to find non-public funds to support their programs and to collaborate with corporations. In this environment, it is not surprising that many schools have turned a blind eye toward corporate advertising and in some instances have embraced it. As schools have become more vulnerable to special interest influence, they have also faced pressure to narrow the focus of their academic programs. High-stakes testing programs, for example, place a premium on reading and math, especially in elementary schools. This means that programs associated with health, nutrition, and fitness are likely to claim less time in the school day and have fewer resources than necessary to be effective. Although, school health and nutrition programs may be under threat, billions of corporate dollars are spent in and out of school to teach children to make nutritional choices that are most profitable though not necessarily the most healthful.

In this environment, perhaps the most effective policy for schools would be to prohibit marketing to children in schools entirely. Before this would be possible, however, it will be necessary to provide policy makers and the public with sound data about the nature, extent, and impact of health and nutrition-related marketing in schools.

## **Schoolhouse Commercialism: Marketing Methods**

Commercialism has been variously defined. The Oxford English Dictionary defines it as “the principles and practice of commerce; excessive adherence to financial return as a measure of worth”<sup>1</sup> In *Lead Us Into Temptation*, James Twitchell says commercialism consists of two processes “*commodification*, or stripping an object of all

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<sup>1</sup> This report was written with the research assistance of Rafael Serrano and Daniel Allen, who spent countless hours conducting database searches, creating graphs, and tracking down information on companies and groups engaged in schoolhouse commercializing activities.

other values except its value for sale to someone else, and *marketing*, the insertion of the object into a network of exchanges only some of which involve money.”<sup>2</sup> The Center for the Study of Commercialism offered this pointed characterization: “Commercialism: Ubiquitous product marketing that leads to a preoccupation with individual consumption to the detriment of oneself and society.”<sup>3</sup>

However it may be defined, commercialism and childhood is a problematic combination. Children do not have the same information and power as adults, and, therefore, cannot freely enter into commercial contracts as envisioned by market theory. As marketing professor James McNeal notes, “Kids are the most unsophisticated of all consumers; they have the least and therefore want the most. Consequently, they are in a perfect position to be taken.”<sup>4</sup> Marketing to children in schools is especially problematic because in schools students are a captive audience and are asked to believe that what they are taught in school will be in their best interest.

Efforts by corporations to use schools to promote their points of view, address public relations or political problems, or sell products and services is not new. Over the last two decades, however, it appears that corporations have dramatically increased marketing activities directed at children in schools. Today, almost every large corporation and trade association has some type of in-school marketing program. Marketing activities range from advertising on school buses, on scoreboards, and in lunchrooms, to the creation of “learning materials” for science, government, history, math, and current events classes. One of the best known electronic school-based marketing tools is Channel One, the ad-bearing TV news program for middle and high school students currently shown in approximately 12,000 schools. Other corporations, however, have moved into electronic marketing to schools by providing computers to schools and on-line content and web access to students in exchange for the right to advertise to students in the classroom.

In annual reports, the Commercialism in Education Research Unit (CERU) tracks eight categories of school commercialism. See appendix A for examples.

1. **Sponsorship of programs and activities:** consists of corporations paying for or subsidizing school events and/or one-time activities in return for the right to associate their name with the events and activities. This may also include school contests.
2. **Exclusive agreements:** agreements between schools and corporations that give corporations the exclusive right to sell and promote their goods and/or services in the school or school district. Exclusive agreements may also entail granting a corporation the right to be the sole supplier of a product or service and thus associate its products with school activities.
3. **Incentive programs:** corporate programs that provide money, goods, or services to a school or school district when its students, parents, or staff

engage in a specified activity, such as collecting particular product labels or cash register receipts from particular stores.

4. **Appropriation of space:** the allocation of school physical space such as scoreboards, rooftops, bulletin boards, walls, and textbooks or virtual space such as computer screens on which corporations may place corporate logos and/or advertising messages.
5. **Sponsored Educational materials:** are supplied by corporations and/or trade associations that claim to have an instructional content.
6. **Electronic marketing:** provides schools and/or districts with electronic programming and/or equipment in return for the right to advertise to students and/or their families and community members.
7. **Privatization:** the management of schools or school programs by private for-profit corporations or other non-public entities.
8. **Fundraising:** any activity conducted or program participated in to raise money for school operations, programs, or extracurricular activities, is considered fundraising.

### **Nutrition-Related Marketing in Schools**

Candy and snack food manufacturers, soft drink bottlers, and fast food restaurants, are among the companies that market most heavily in schools. (See appendix B for examples) Tootsie Rolls, for example, offered up a geography unit for third-graders in which students locate major cities according to where Tootsie Rolls are made and sold. Hershey's chocolate weighed in with the "Chocolate Dream Machine," a nutrition guide and video that promoted Hershey's chocolate to middle and high school students.

### **Exclusive Agreements with Soft Drink Bottlers: Two Examples**

#### ***Evans, Georgia***

In the spring of 1998 Greenbrier High School in Evans, Ga., made international news when Principal Gloria Hamilton suspended senior Mike Cameron. Mike, along with 1,200 or so of his classmates, was lined up in the school parking lot to spell out the word "Coke." Each class had an assignment. Standing on letters carefully marked off by the band director, seniors formed the letter "C," juniors "O," sophomores "K," and freshmen "E." Photographers in a crane captured the moment on film as Coke executives, who had flown in to participate in Greenbrier's "Coke in Education Day," looked on. During the photo opportunity, Cameron unveiled a Pepsi shirt.<sup>5</sup> According to Mike, while delivering a dressing down in her office, principal Hamilton not only told him he was being suspended for his disrespect but admonished him for potentially costing the school a lot of money.<sup>6</sup>

Ms. Hamilton was apparently worried that Greenbrier's chances of winning the \$10,000 prize in a national contest sponsored by Coke, as well as the opportunity to collect \$500 from the local Coke bottler, had been damaged by Mike's irreverent act. Greenbrier High was competing to win the \$10,000 prize offered by the Coca-Cola Company to the high school that developed the best plan for marketing Coke-sponsored promotional business discount cards. Local Coke bottlers offered an additional \$500 to the winning school in their territory. On the day that Mike Cameron exposed his Pepsi shirt in the Greenbrier High School parking lot, about 20 Coke officials were on hand to lecture on economics, provide technical assistance to home economics students who were baking a Coke cake, and help chemistry students analyze the sugar content of Coke. "Coke in Education Day" at Greenbrier High was described by Principal Hamilton as a "fun, instructional event." The school received no money from the Coca-Cola company for organizing the day's activities.<sup>7</sup>

Some commentators worried about the health implications of Greenbrier's "Coke in Education Day." Writing for the Fort Worth Star-Telegram Bud Kennedy, for example, noted that "Colas and other caffeinated soft drinks cause anxiety, irritability and loss of concentration," and commented puckishly, "I don't know whether Greenbrier had enough students to spell out Caffeine Free Coca-Cola Classic."<sup>8</sup> The South China Morning Post questioned the motives of corporations pitching products in schools. "The reason why the saga [at Greenbrier High School] strikes such a chord among students and parents alike is because of the light it sheds on the steamroller tactics of soft drinks and other corporations to turn schools into nothing more than supermarkets where children can also take lessons."<sup>9</sup>

### *Colorado Springs, Colorado*

In September of 1998, John Bushey, the executive director of school leadership for Colorado Springs School District 11, sent a memo to district principals. Mr. Bushey, who oversaw Colorado Springs' exclusive contract with Coca-Cola, was the district's self-proclaimed "Coke Dude." In his memo, Mr. Bushey pointed out that District 11 students needed to consume 70,000 cases of Coke products if the district was to receive the full financial benefit of its exclusive sales agreement with the company. In order to better promote the consumption of Coke products, Mr. Bushey offered school principals tips such as: "Allow students to purchase and consume vended products throughout the day," and, "Locate machines where they are accessible to the students all day." He also offered to provide their schools with additional electrical outlets if necessary and enclosed a list of Coke products and a calendar of promotional events intended to help advertise them.

Mr. Bushey's zeal may in part be explained by his tardy realization that the district's exclusive agreement with Coke counted only vending machine sales toward the system's annual quota; Coca-Cola products sold at cafeteria fountains wouldn't count. In March 1999, Mr. Bushey told the Washington Post that the district might not meet its contractual goals.<sup>10</sup> In May he told the New York Times, "Quite honestly, they were smarter than us."<sup>11</sup>

## **Schools' Dilemma: Money or Health**

The United States Department of Agriculture (USDA) classifies soft drinks as a “food of minimal nutritional value” and prohibits their sale during lunch periods. The USDA has issued model regulations aimed at elementary schools that would bar soft drinks (and other non-nutritive foods) from school grounds entirely from the start of classes until the end of the lunch period. Secondary schools, the agency pointed out, have the authority to completely ban the sale of foods of minimal nutritional value.<sup>12</sup> Guidelines similar to those proposed by the USDA have been adopted in Kentucky and Florida.<sup>13</sup>

Rather than promoting healthy choices, it appears that exclusive agreements put pressure on school districts to increase the number of soft drink vending machines in schools in order to increase sales. Daniel Michaud, business administrator for the Edison, N. J., public schools, told the Washington Post that prior to signing an exclusive contract with Coke few Edison schools had vending machines. After signing the contract, most district high schools had four machines, middle schools had three, and elementary schools one.<sup>14</sup> As Kelly Mullen, a student at a Rhode Island high school with an exclusive contract, commented, “There’s really nothing else to drink.”<sup>15</sup> That’s exactly the way the bottlers that seek exclusive agreements want it. Christine Smith, director of community partnerships and enterprise activity for the Denver Public Schools, put it to the Denver Business Journal this way: “Exclusivity made the difference. The question was, ‘How much is it worth to get rid of the competition?’ The answer was, ‘Quite a lot.’”<sup>16</sup>

It is unlikely the trend toward exclusive agreements with bottlers will abate in the near future. According to G. David Van Houten, Jr., Coca-Cola Enterprises senior vice president and president of Coca-Cola Enterprises Central North American Group: “Schools — the education channel, youthful consumers — are important to everyone, and it has recently become a high-stakes game for that very reason. How much is that [school] business worth? I doubt we’ll ever be able to answer that question fully. But we’re going to continue to be very aggressive and proactive in getting our share of the school business.”<sup>17</sup>

Not all school districts and administrators are devoted to exclusive agreements. Middleton and Swansea, Mass., have, for example, turned down contracts with soft drink bottlers.<sup>18</sup> Pat Ratesic, principal of Penn-Trafford High School in eastern Pennsylvania, told the Pittsburgh Post-Gazette, “I think we’re going to try and hold off on those kinds of things as long as we can, as long as the budget allows.” However, he added, “Down the road, who knows? Everything seems to be going commercial nowadays. Money talks, I guess.”<sup>19</sup> So it does.

## **The Money Children Spend**

Collectively, the discretionary spending of children adds up to billions of dollars a year and much of the money is spent on food products. Children also influence how their

parents spend billions of dollars more. A 1998 review of marketing literature reported that children between the ages of 3-17 spent \$45 billion a year and influenced the spending of \$295 billion more in 1993.<sup>20</sup> James U. McNeal, a professor of marketing at Texas A&M University has described children as the brightest star of the consumer constellation and noted that companies can virtually guarantee adult customers tomorrow if it invests in them as children.<sup>21</sup> Therefore, the trend toward commercialization of the classroom and niche marketing to children is likely to grow in coming years as the children of the “baby boomlet” enter school in greater numbers, as children’s purchasing power and consumer influence grow, and as other consumer markets become saturated.

### **Health Policy Implications of Schoolhouse Commercialism**

The rapid growth of commercially sponsored activities and materials promoting the consumption of foods of little or no nutritional value in public schools raises fundamental issues of public policy. Schools are important venues for teaching students about health and nutrition. Increasingly, however, schools participate in marketing programs that undermine the health messages of their curriculum. Exclusive marketing arrangements with soft drink and fast food companies, placement of vending machines offering candy and high fat, salty snacks, “educational materials” sponsored by fast food outlets, incentive programs and contests that encourage the consumption of unhealthy foods, and direct advertising of junk food on Channel One and via other electronic marketing media constitute a pervasive informal curriculum that sends children powerful and harmful health messages.

As soft drink consumption has increased so too has the waist line of American children. The Washington Post reports that, according to the Beverage Marketing Corporation, annual consumption per capita of soda has increased from 22.4 gallons in 1970 to 56.1 gallons in 1998.<sup>22</sup> The Center for Science in the Public Interest found that a quarter of the teenage boys who drink soda drink more than two 12-ounce cans per day and five percent drink more than 5 cans. Girls, although they drink about a third less than boys, face potentially more serious health consequences.<sup>23</sup> With soda displacing milk out of their diets, an increasing number of girls may be candidates for osteoporosis.

Harvard researchers found that physically active girls who drink soda are three times as likely to suffer bone fractures as girls who never drink soda. If the soda of choice is cola, the risk increases five times.<sup>24</sup> With childhood obesity rates soaring (up 100% in twenty years), William Dietz, director of the Division of Nutrition at the U.S. Centers for Disease Control and Prevention (CDC) suggests that, “If the schools must have vending machines, they should concentrate on healthy choices like bottled water.”<sup>25</sup> Richard Troiano, a National Cancer Institute senior scientist, says the data on soda consumption suggest that there may be link between childhood obesity and soda consumption. According to Troiano, overweight kids tended to take in more calories from soda than kids who were not overweight.<sup>26</sup>

Obesity is both a problem in itself and as an indicator of the health of children. It has been the subject of considerable recent research and it has become a growing concern

among policy makers. In October 2002 the US Centers for Disease Control and Prevention reported that obesity in children has tripled in the last two decades. According to 1999-2000 data, 15 percent of children and teenagers (9 million) aged 6 to 19 were overweight, with a body-mass index at or about the 95<sup>th</sup> percentile.<sup>27</sup> Also in October 2002, the White House sponsored a conference on “Healthy Schools,” at which speakers lamented rising malnourishment as well as obesity among children while health classes are eliminated and vending machines – and less-than-healthy cafeteria menus – continue to influence students’ nutritional choices.<sup>28</sup> RAND Corporation researchers, report that obesity is “linked to a big increase in chronic health conditions and significantly higher health expenditures. And it affects more people than smoking, heavy drinking, or poverty.”<sup>29</sup>

Despite the research that has positively identified a relationship between the consumption of sugar sweetened drinks, and child obesity,<sup>30</sup> soft drink bottlers have consistently portrayed their products as healthy.<sup>31</sup> A poster provided to teachers by the National Soft Drink Association illustrates this position.

“As refreshing sources of needed liquids and energy, soft drinks represent a positive addition to a well-balanced diet....These same three sugars also occur naturally, for example, in fruits....In your body it makes no difference whether the sugar is from a soft drink or a peach.”<sup>32</sup>

The Centers for Disease Control and Prevention (CDC) “School Health Policies and Programs Study” (SHPPS) survey assesses school health policies and programs at the state, district, school and classroom levels. In September 2001, the CDC published results from the SHPPS 2000 survey. Among other things the survey reports that the food products most often offered in school vending machines are soft drinks, sports drinks, fruit drinks, salty snacks not low in fat, and baked goods not low in fat.<sup>33</sup> The CDC also reports that the food product most often used by schools in fund raising is chocolate. Moreover, only 12.4% of schools prohibit junk foods. As defined by the CDC, junk foods are “foods that provide calories primarily through fats or added sugars and have minimal amounts of vitamins and minerals.”<sup>34</sup>

Jane Levine, writing in the *Journal of School Health* about the various ways food marketers gain entrance to schools, including exclusive contracts, warned of the negative health impact of these practices. She framed the issues bluntly:

“A major barrier to adoption of effective school policies that support and promote a healthy eating environment is the widely held notion that marketing to elementary school children is an acceptable trade-off for needed funds and materials. But children’s health is never an acceptable “trade-off,” no matter how severe the budgetary constraints. School health professionals need to actively work for implementation and support of school policies that put children’s well-being before business interests.”<sup>35</sup>



## **Community Opposition**

School districts, teachers, parents, and policy makers have begun to look critically at corporate marketing and its impact on children's health. For example, PTA's and citizens groups such as the Citizen's Campaign for Commercial-Free Schools (Seattle) and Parents Advocating School Accountability (San Francisco) have spoken out against school commercialism. Local school boards have also taken action. In Seattle, advertising was severely restricted, and in Los Angeles the school board has banned the sale of soft drinks beginning in 2004, citing an epidemic of adolescent obesity in its decision. In San Francisco, Aptos Middle School banned junk food in January 2003.<sup>36</sup> According to Marion Nestle, since it seems that the government is never likely to support a campaign to prevent obesity, it will take an increase in community opposition in order to avoid government agencies, including education, from caving in to the "overwhelming industry pressures to eat more."<sup>37</sup>

## **Professional Guidelines**

A number of professional organizations have developed voluntary guidelines to help determine which, if any, corporate-sponsored materials have merit. These organizations include the National Education Association, the Society of Consumer Affairs Professionals in Business, and the various organizations that have adopted the Milwaukee Principles for Corporate Involvement in the Schools.<sup>38</sup> The National Association of State Boards of Education has developed sample policies to promote healthy eating<sup>39</sup> and the American Academy of Pediatrics has taken positions critical of advertising aimed at children, in general, and critical of school-based advertising that promotes unhealthy lifestyle choices in particular.<sup>40</sup>

While some organizations have guidelines regarding corporate involvement, the organization's policy position can be undermined by its business practices. The National PTA, for example, has been criticized for having a national sponsorship agreement with Coca-Cola.<sup>41</sup>

## **Legislation**

Legislators have begun to take note of school commercialism and its effects on children's health. In late 1999, Senator Christopher Dodd, D-CT, and Representative George Miller, D-CA, asked the United States General Accounting Office (GAO) to investigate commercial activities in public schools. In *Commercial Activities in Schools*, published in September 2000, the GAO reported that only seven states had laws or regulations that cover product sales, such as soft drink and snack food sales.<sup>42</sup> In October 2001, California Governor Gray Davis signed "Pupil Nutrition, Health, and Achievement Act" establishing restrictions on the sale of soft drinks and candy in elementary and middle schools. More recently, Senator Deborah Ortiz, D-Sacramento introduced the "California Childhood Obesity Prevention Act" (SB 677) in February 2003 prohibiting the sale of soft drinks during school hours to students in elementary schools beginning on September 1, 2005 and restricting their sale to middle- and high school students

beginning September 1, 2006. The California Senate has passed the bill and sent it to the Assembly for consideration. While these recent developments are encouraging signs, it is important to note that as of 2000 only six states mandated restrictions on the sale of junk foods in certain school settings<sup>43</sup>, which suggests that the junk food providers are more than holding their own in legislative battles.

A review of legislative activity 1999 – 2003 by the Commercialism in Education Research Unit found<sup>44</sup> thirty pieces of legislation and three resolutions that specifically addressed health related schoolhouse commercialism issues at the federal and state level. Of those thirty pieces of legislation, two were introduced in the United States Senate. The remaining twenty-eight, as well as all three resolutions, were introduced in eighteen different states. Twenty-one of the bills limited and/or prohibited the sale of food of minimal nutritional value. Twelve limited and/or prohibited access to or availability of vending machines for purchasing food of minimal nutritional value. Three bills required the state department of education and/or other organizations to study the impact the sale in school of food of minimal nutritional value has on children's health. Ten bills declared that schools and/or school districts should ensure the health of students by making policy changes restricting the sale of food of minimal nutritional value and/or encouraging healthy alternatives to such food, although not mandating that such restrictions be implemented. Eight bills limited and/or prohibited entering into exclusive contracts with companies, including those which sell foods of minimal nutritional value on school campuses. Two bills allowed schools and school districts to enter into exclusive contracts with companies that sell carbonated beverages and other foods of minimal nutritional value. Two resolutions declared the legislature in support of healthier school food policies, while one requested that the state department of health conduct a study identifying the health and educational benefits of replacing carbonated soft drink machines with devices offering nutritious alternatives. Of the thirty pieces of legislation introduced, seventeen failed, five passed, and eight are pending. Of the three resolutions introduced, two failed and one passed. See Appendix C for a list of legislation and resolutions proposed between 1999-2003.

## **Litigation**

It is possible that businesses harmed by their competitors' exclusive access to schools as well as parents will increasingly turn to the courts for relief. In 2003, the Quality Beverage Association, joined by individual tax payers and residents, filed a lawsuit in New York challenging exclusive soft drink agreements on the grounds that the New York Education Commissioner, in authorizing such agreements, violated state law concerning the after-hours use of school property, the state constitutional prohibition on using public property for the benefit of a private corporation, the state law governing competitive bidding of public contracts, and the regulation prohibiting commercialism on school property.<sup>45</sup>

Also in 2003, an Oregon parent filed a suit against his child's school district for requiring his child to watch Channel One. The suit alleges, among other things, that the district's contract with Channel One allows the company to exercise control over

programming and content that amounts to an unlawful delegation of powers to educate school children reserved to the government under the Oregon Constitution.<sup>46</sup>

### **The Research Needed**

Currently there are little or no primary data available that systematically capture the breadth and impact of school-based marketing, in general, and marketing of products with little or no nutritional value, in particular. School commercialism trends research utilizing secondary sources conducted by the Commercialism in Education Research Unit (CERU) broadly suggests that commercial activities in schools are increasing.<sup>47</sup> No one knows, however, how many programs exist, how many schools use them, how they are being used, and what their various impacts are.

### **Conclusion**

As recently as 20 years ago, there was a broad national consensus that public education should be free of commercial pressure on students. As CERU's research has documented, however, the pressure on schools to permit a broad array of marketing activities is now intense and pervasive.

### **About the Commercialism in Education Research Unit (CERU)**

The Commercialism in Education Research Unit (CERU), housed in the Arizona State University Education Policy Studies Laboratory, conducts research, disseminates information, and helps facilitate dialogue among the education community, policy makers, and the public at large about commercial activities in schools. CERU, funded by a grant from Consumers Union, is guided by the belief that marketing activities in public schools raise fundamental issues of public policy, curriculum content, the proper relationship of educators to the students entrusted to them, and the values that the schools embody.

CERU is the only academic research center in the country dedicated to the study of school commercialism. In addition to conducting its own research CERU serves as an information clearinghouse on school commercialism. CERU is directed by Alex Molnar, a Professor of Education Policy and Director of the Education Policy Studies Laboratory at Arizona State University. Professor Molnar is the author of *Giving Kids the Business: The Commercialization of America's Schools* (Westview/Harper Collins, 1996) and numerous articles and reports on school commercialism.

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## **APPENDIX A**

### **Examples of Schoolhouse Commercialism**

#### **Sponsorship of Programs and Activities:**

Home Team Marketing, a sports marketing company in Cleveland Heights, aggressively worked to create a network of Northeast Ohio schools that it sought to market as a single block to companies looking for new ways to advertise.<sup>1</sup> The firm promised participating schools up to \$30,000 a year once the program was underway.

In Omaha, Neb., the school district made plans to rip up a high school gym floor, replacing it with one bearing up to ten corporate logos to be sold at \$10,000 a piece.<sup>2</sup> In Lancaster, Pa., school board members agreed to a plan that, in return for sponsoring athletic teams, allowed corporations to hang advertising banners, hand out coupons and other promotional items, and broadcast advertising over the school public address system during games at McCaskey High School.<sup>3</sup>

#### **Exclusive Agreements:**

In 1997 one of the more unusual exclusive agreements was announced by Dr Pepper and the Grapevine-Colleyville school district in the Dallas-Fort Worth area. As part of its 10-year, \$4 million dollar exclusive agreement with Dr Pepper, the district allowed the company to paint its logo atop the high school building. The school's roof was of interest to Dr Pepper officials because it can be seen from planes taking off and landing at Dallas-Fort Worth International Airport. Grapevine-Colleyville deputy superintendent, Larry Groppe told The Houston Chronicle, "If it weren't for the acute need for funds we would never have entered into anything like this. ... It's totally driven by need."<sup>4</sup>

#### **Incentive Programs:**

One of the most enduring of school incentive programs, Pizza Hut's "Book-It" promotion, awards individual size pizzas to students who complete an allotted amount of reading. In 2001 "Book-It" expanded to include children who weren't yet literate and enlisting their families. Younger children participating in the new addition to the program use stickers tied to the public television reading show "Between the Lions" to keep track of books read to them by teachers or parents and can earn pizzas for reaching certain goals.<sup>5</sup>

#### **Appropriation of Space:**

Probably the most-controversial appropriation of space was a program by Philip Morris to give away 13 million textbook covers in a number of states in 2000. The brightly colored covers were distributed by Cover Concepts of New York and carried the



Philip Morris name along with a picture of a young snowboarder beneath the words: “Don’t Wipe Out. Think. Don’t Smoke.”<sup>6</sup> A history teacher in Mesa, Arizona, passed out the covers as part of his lesson on tobacco’s role throughout U.S. history and asked his students if they knew about subliminal advertising. Several students immediately pointed to the snowboard and said it resembled a lighted cigarette. Teacher Mike Evans helped his students coordinate a press conference and Mesa school administrators recalled the covers.<sup>7</sup>

### **Sponsored Educational Materials:**

Sponsored materials are created to achieve one or more corporate purposes. They may help a corporation or industry tell its “story” about a controversial issue, such as environmental degradation that involves its business (e.g., GM’s “I Need the EARTH and the EARTH Needs Me” or Proctor and Gamble’s “Decision Earth”); sell a product (e.g., “Gushers Wonders of the World” produced by Lifetime Learning for General Mills’ Gushers fruit snacks); or burnish its image as a good corporate citizen (e.g., Chrysler Corporation’s “Chrysler Learning Connection” program).

The variety of sponsored educational materials is enormous. In 1997, for example, Kaleidoscope Educational Sampling Programs created a “Back to School” program for Sports Illustrated.<sup>8</sup> Paradise Foods, Inc., the franchiser of Heavenly Ham Retail Stores, contributed “Pilgrims & Progress: The History of Prepared Foods in America,” which was distributed to 40,000 fifth graders during the Thanksgiving season.<sup>9</sup> And the Nike corporation distributed a recycling unit that featured the recyclable qualities of its athletic shoes.<sup>10</sup>

### **Electronic Marketing:**

Electronic marketing in schools was pioneered by Channel One, a 12-minute current events program for middle and high school students that contains two minutes of commercials. Launched by Whittle Communications in 1990, the program has been controversial since its inception because of the requirement that participating schools guarantee that about ninety percent of their students will be watching the program — and its commercials — about ninety percent of all school days. This feature provides Channel One with a captive audience that is very attractive to advertisers and generated considerable opposition for its impact on the school day. For example, in some schools, class periods are shortened in order to accommodate the Channel One broadcast.<sup>11</sup>

### **Privatization:**

In Arizona, some for-profit charter school operators took advantage of a legislative loophole that allows charter schools sponsored by school districts to be reimbursed by the state for bus transportation costs on a per-mile basis, rather than on the per-student basis traditional public schools and state-sponsored charters receive. Since Arizona charter schools have no enrollment boundaries, students often travel greater

distances to get to school, and the miles can add up to a lot of money. The Associated Press reported that the Tesseract Group's for-profit charters received \$4,400 per student in transportation reimbursements in the 1998-99 school year, compared with \$174 per student that state-sponsored charter schools received that year.<sup>12</sup> Although the legislature voted in 1998 to close the loophole, it did so with a two-year grace period which ultimately cost the state an estimated \$30 million. Tesseract switched all its Arizona charter schools from state sponsorships to district-level ones in September 1999, apparently to profit from the loophole before it closed at the end of June 2000.<sup>13</sup>

### **Fundraising:**

Label collection programs such as Campbell's Labels for Education and General Mills' Box Tops for Education remain popular. Many retailers and grocers run rebate programs, such as that of Target Stores, which gives one percent of each sale paid with a Target-affiliated credit card to the school of the shopper's choice. And according to the Association of Fund Raisers and Direct Sellers, in 1999 fundraising sales of candy bars, giftwrap, and other products, netted more than \$1.7 billion, with schools getting 88 percent of that amount.<sup>14</sup>

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## APPENDIX B

### Examples of Nutrition Related Commercialism<sup>1</sup>

SEMS: FOOD-RELATED MATERIALS (NUTRITION AND OTHER SUBJECTS)			
SPONSOR	TITLE (GRADE) OBJECTIVES	COMPONENTS	EVALUATION
American Egg Board	<i>The Incredible Journey from Hen to Home</i> (Gr. 4-6): "A cross-curricular teaching unit"	<ul style="list-style-type: none"> <li>Poster/game board</li> <li>Bookmarks/puzzles</li> <li>24 pg teachers' resource guide and activity masters</li> </ul>	Highly commercial and incomplete with strong bias toward eggs. Eggs are characterized as "incredible and mighty" and are focus of lessons in the five food groups, food safety, and label-reading. Kids read labels to see who can find most eggs. Puts a positive spin on cholesterol content of eggs and fails to discuss the health problems linked with cholesterol. Egg pictures, words, and jokes cover poster/game board.
Campbell Soup Company	<i>Prego Thickness Experiment</i> (Presumably MS): "To help your students become aware of the many situations in which scientific thinking plays a part."	<ul style="list-style-type: none"> <li>Poster with experiment and 4 pg TG on back</li> <li>Pamphlet</li> <li>Campbell products nutrition guide</li> </ul>	Commercial and biased. Kids are asked to prove Campbell's claim that its sauce is thicker than that of its competitor, Ragu. Purports to use scientific method in testing but doesn't discuss variables or blind testing. These materials are an excuse for Campbell's to show through a test it sets up that its product is thicker (not necessarily better) and to promote its product under the guise of educating kids.
Chef Boyardee/American Home Food Products, Inc.	<i>Sharks Learning Activity Kit</i> (Ages 7-12) Presumably to teach "the story of sharks."	<ul style="list-style-type: none"> <li>Informational sheets about sharks</li> <li>5 reproducible activity masters</li> <li>Letter to teacher</li> <li>Answer keys</li> </ul>	Very commercial and incomplete. A thinly-veiled effort to promote Chef Boyardee's "fun-shaped pasta." Information on sharks is encyclopedic, yet incomplete. Sponsor's logo on all components.
Clabber Girl /Hulman & Company Bound into <i>What's New in Economics</i> (S/O94)	<i>Bread, Cereal, Rice &amp; Pasta: The Unsung Heroes</i> (Presumably MS/HS): To understand the importance of grains in a balanced diet	<ul style="list-style-type: none"> <li>Poster</li> <li>Reproducible activity sheet with TG note and answer key in magazine</li> </ul>	Very commercial and incomplete. Superficially covers the food group. Activity sheet gives a recipe for muffins and calls for Clabber Girl baking powder. Poster contains an ad for Clabber Girl as the best baking powder you can use.
Dairy Council of Wisconsin	<i>Delicious Decisions</i> (Gr. K-6): To integrate nutrition into language arts, math, music, social studies and science.	<ul style="list-style-type: none"> <li>Poster</li> <li>150 4-color food photos</li> <li>48 pg TG which includes 13 reproducible activity masters and letter to parents</li> <li>Evaluation sheet</li> </ul>	Low commercialism but with some bias toward milk products and some oversimplifications and omissions (problems with sodium and fat are omitted). Doesn't push milk products but food-choice examples are mostly milk products. Sponsor's name appears only on credit lines.
Del Monte Foods, Inc. Developed by Scholastic Inc.	<i>Be A Smart Shopper</i> (HS): "To help students acquire 'consumer know-how' and become supermarket smart."	<ul style="list-style-type: none"> <li>Poster kit with 6 pg TG</li> <li>5 student reproducibles</li> <li>Parent take-home letter</li> </ul>	Low commercial and objective but incomplete and boosterish for processed foods. Doesn't explore shopping for or cooking with fresh foods, preserving your own foods, or the differences in nutrition and cost between fresh and canned foods. Sponsor's product appears on poster, but with label and logo hidden.
Dole Food Company, Inc. with the Society for Nutrition Education  Developed by Interactive Design & Development, Inc.  Designed to support the national 5 A Day for Better Health Program sponsored by the National Cancer Institute and the Produce for Better Health Foundation	<i>5 A Day Adventures</i> (Presumably MS): "To teach and motivate children to learn about fruits and vegetables and the benefits of eating five or more servings a day."	<ul style="list-style-type: none"> <li>Letter to teacher</li> <li>CD-ROM with 6 interactive modules for the students and a teacher support module which includes activity lessons, lyrics to the "5 A Day Top Tunes," a student certificate and logo, and activity masters — all of which can be printed out</li> </ul> <p>A booklet in the CD package explains how to use the disk.</p>	Not commercial. Basically complete and objective although sponsor doesn't introduce issue of processed vs. fresh foods. No corporate or product logos on student handouts and no Dole brand names are shown in the interactive modules.
Domino's Pizza with National Council of Teachers of Mathematics	<i>Encounter Math (Counts on Domino's)</i> (Gr. K-7): "To help develop your students' mathematical, problem-solving and critical thinking skills."	<ul style="list-style-type: none"> <li>5 reproducible activity masters</li> <li>Poster</li> <li>Stickers</li> <li>Take-home brochure</li> <li>Booklet of student-created math activities</li> <li>6 pg TG</li> <li>Evaluation sheet</li> </ul> <p>Has a contest component.</p>	Highly commercial—an obvious attempt to build brand-name recognition. Activities involve pizza, labeled as Domino's, and playing dominos. The company's logo is on all materials and its name is mentioned often in the materials.

SEMS: FOOD-RELATED MATERIALS (NUTRITION AND OTHER SUBJECTS)			
SPONSOR	TITLE (GRADE) OBJECTIVES	COMPONENTS	EVALUATION
Fleischmann's Yeast/ Specialty Brands, Inc.	<i>Bread Box</i> (Primary): "To discover how bread is made."	<ul style="list-style-type: none"> <li>• Poster</li> <li>• 8 reproducible activity masters including one with bread recipes</li> <li>• 12 pg TG</li> <li>• 14 pg cafeteria guide for cafeteria managers</li> <li>• Reproducible certificate</li> <li>• Order card</li> </ul>	Commercial and incomplete with a bias toward yeast and bread. Although the sponsor's logo appears only on credit lines, the materials promote bread and bread-making and focus on the role of yeast in the process. Gives only superficial nutrition information.
Kellogg's	<i>Build On Good Nutrition</i> (MS/HS): To help students "understand how to build a healthful diet using the Food Guide Pyramid."	<ul style="list-style-type: none"> <li>• Poster</li> <li>• 1 reproducible activity master</li> <li>• 6 pg TG</li> </ul>	Highly commercial, biased, and incomplete. Promotes cereal over other breakfast choices. Poster pictures Kellogg's cereals (Kellogg's Raisin Bran, Corn Flakes, Rice Krispies) and sports a big Kellogg's logo and slogan, "The Best To You Each Morning...from Kellogg's." Slogan and logo also appear on student activity sheet.
Kellogg's Developed by American Health Association	<i>Eat To The Beat</i> (Gr. 3-6): To help kids learn "how to choose healthful foods."	<ul style="list-style-type: none"> <li>• 9 reproducible activity masters</li> <li>• Activity booklet</li> <li>• 8 pg TG</li> <li>• Evaluation form</li> </ul>	Highly commercial, incomplete, and biased toward cereals. Label reading lesson ignores sugars and graphic has "sucrose and other sugars" line cut out. Lists Kellogg's Rice Krispies 'Treats under snack foods to choose "more often" and gives recipe for making them. Kellogg's logo on cover of student pages.
Kellogg's with American Academy of Pediatrics	<i>Kids Get Going with Breakfast</i> (Gr. 3-4): "To provide children with a fun and interesting way to learn about good breakfast eating habits."	<ul style="list-style-type: none"> <li>• Poster</li> <li>• 10 pg TG with reproducible activity masters</li> <li>• Booklet for parents</li> </ul>	Highly commercial and incomplete with strong bias toward cereals. Teaches that low-fat content is the sole criterion for choosing a breakfast. Pushes cereals as the low-fat breakfast of choice ("...cereals [even the sweet ones] are low in fat. Go ahead and enjoy them!"). Omits discussion of calories, carbohydrates, or sugar content. Shows Kellogg's Rice Krispies prominently in poster and on activity sheets.
Mars, Inc./Team SNICKERS with World Cup Soccer  Developed by Scholastic Inc.	<i>100% Smart Energy To Go</i> (Gr. 1-3, 4-6): To help "students make the connection between food and fitness."	<ul style="list-style-type: none"> <li>• Poster</li> <li>• Activity booklets</li> <li>• Color brochure</li> <li>• "Story of chocolate" brochure</li> <li>• 8 pg TG with reproducible activity and informational masters</li> </ul>	Incomplete, biased, and commercial. Doesn't make clear that candy should be eaten only occasionally. Lists candy as one of the foods that can be relied on for energy. Links "100% Smart Energy To Go" title with Team SNICKERS, thereby suggesting that eating SNICKERS is a good way to get quick energy that will keep you "kicking all day long." Team SNICKERS logo on all materials.
McDonald's with Society for Nutrition Education  Linked to sponsor's public service TV spots on nutrition	<i>What's On Your Plate?</i> (Gr. K-5): "To extend the educational value of the Saturday morning clay-animated series [of public service announcements]"	<ul style="list-style-type: none"> <li>• Video of PSA's</li> <li>• Poster with TG on back</li> <li>• 6 pg activity handout for kids</li> </ul>	Low-commercialism, but incomplete and somewhat biased. No McDonald's foods (or even types of foods) are shown. However, in discussion of food choices, warns kids away from sweets and high-fat foods, but doesn't list hamburgers and fries as high-fat foods. McDonald's name and logo on all components.
Nabisco Biscuit Company Developed by Scholastic Inc.	<i>Snacking Advantage</i> (MS/HS): "To learn the skills to turn nutrition know-how into smart snacking choices."	<ul style="list-style-type: none"> <li>• Poster kit with</li> <li>• 2 pg TG</li> <li>• 4 reproducible activity masters</li> </ul> Supplement to Scholastic magazines	Low-commercialism but incomplete and somewhat biased. Doesn't push or picture any Nabisco products, but in discussing which foods have saturated fats, fails to mention that many cookies and baked products do. Company logo placed discreetly on activity sheets and poster.
National Honey Board	<i>What's Buzzin'</i> (Ages 9-12): To help students "gain an appreciation for the need to cooperate" and "learn the roles of honeybees."	<ul style="list-style-type: none"> <li>• Poster</li> <li>• 7 reproducible activity masters</li> <li>• Honey recipes</li> <li>• 4 pg TG</li> <li>• News releases</li> <li>• Order forms</li> <li>• Clip and border art</li> </ul> (Video also available for \$15.)	Highly commercial with strong bias toward honey. Basically an "all-the-reasons-why-you-should-love-honey" kit. The honey logo appears prominently on all materials. The poster's only message: "Honey, I love you." Kit is trying to get kids to eat honey.

SEMS: FOOD-RELATED MATERIALS (NUTRITION AND OTHER SUBJECTS)			
SPONSOR	TITLE (GRADE) OBJECTIVES	COMPONENTS	EVALUATION
National Live Stock and Meat Board	<i>Digging for Data</i> (Gr. 6) "To help you teach science according to the Science-Technology-Society standards and philosophy and to demonstrate the methods of scientific inquiry to your students."	<ul style="list-style-type: none"> <li>• Video</li> <li>• 6 reproducible activity masters</li> <li>• 3 reference sheets</li> <li>• 6 pg TG</li> <li>• Post-test</li> <li>• Evaluation form</li> </ul>	Commercial with strong bias toward food technology and meat; incomplete, inaccurate, and bizarre. Program focuses on the benefits of processed foods without any discussion of negative concerns and concludes that advances in the field of food technology have made people taller. Asks "Why were the settlers shorter than Early Archaic Native American people?" and then manipulates data to suggest that the answer is they didn't eat enough meat. Genetics as a factor in determining height given only a mention. Vegetarianism as a dietary option ignored. Suggests being short is bad and thus has an implied bias against short people. Only one African-American child shown, and he promotes the "wild" idea that digging up bones is bad to a team of archaeologists.
National Live Stock and Meat Board	<i>Munchsters Talk About Food</i> (Preschool): To provide "opportunities for developing the language skills of young children as well as introducing them to new foods and the importance of developing good eating habits."	<ul style="list-style-type: none"> <li>• 5 posters with activity suggestions on back</li> <li>• 2 reproducible activity masters (for teacher or parent to complete with child)</li> <li>• Poster for parents</li> <li>• 5 reproducible information sheets for parents</li> <li>• Reproducible letter to parents</li> <li>• Oversized folder with teaching guide on inside covers</li> <li>• Materials evaluation form</li> </ul>	Highly commercial with a strong bias toward meat and dairy products. Posters picture meat dishes more prominently than other foods, so the visual message is "eat meat."
National Live Stock and Meat Board	<i>Nutrition, Food, and Culture</i> (MS): To help students in the middle grades "understand the principles of nutrition, using the diets and food habits of people around the world as examples."	<ul style="list-style-type: none"> <li>• 10 oversized study prints with TG</li> <li>• 13 reproducible activity masters</li> <li>• Oversized folder with teaching guide on inside covers</li> <li>• 10 reproducible reference sheets (w/recipes)</li> <li>• Materials evaluation form</li> <li>• Nutrition pyramid poster</li> </ul>	Highly commercial and incomplete with some inaccuracies and strong bias toward beef and U.S. ranchers. Lessons on nutrition don't cover health problems associated with fat or cholesterol. Lessons on other cultures (Japan, Korea, Nepal, Kenya, Mexico, etc.) overemphasize the importance of meat (cattle, hogs, even yaks) in each country's diet.
National Potato Board with the Snack Food Assoc.  Developed by Lifetime Learning Systems	<i>Count Your Chips</i> (Gr. 2-4): "To . . . strengthen skills in computation, problem solving, conducting research, and creative writing."	<ul style="list-style-type: none"> <li>• Poster (calendar)</li> <li>• 6 pg TG with reproducible activity masters response card</li> </ul>	Commercial, inaccurate, and incomplete with bias toward potato chips. Marketed as math materials, these are really ads for potato chips. The poster celebrates snack food month and encourages consumption of chips and other high-fat snacks. Gives no nutritional information or warnings that potato chips are high-fat snacks to be eaten in moderation. Materials do not carry any specific brand names or trademarks.
Sugar Association, Inc. Reviewed by National Science Teachers Association (NSTA)	<i>Sugar Science: Photosynthesis to Food</i> (Upper Elem. through MS): Designed to help students "explore photosynthesis, the way plants make food, respiration, the way plants use food, the food chain, the way grass becomes a steak..."	<ul style="list-style-type: none"> <li>• Binder with</li> <li>• 3 pg TG</li> <li>• 12 reproducible activity masters</li> <li>• Software</li> </ul>	Low commercialism, but with a bias showing how important sugar is. No sponsor's ads or logos (not even a mention) in materials. While all the activities are legitimate educationally, there's no reason particularly to be teaching the importance of sugar in this way unless you happen to be a sugar manufacturer.

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**APPENDIX C**  
**Schoolhouse Commercialism:**  
**Health Related Legislation Summary**  
**1999 - 2003**

**Introduction**

A review of legislative activity 1999 – 2003 by the Commercialism in Education Research Unit found<sup>1</sup> thirty pieces of legislation and three resolutions that specifically addressed health related schoolhouse commercialism issues at the federal and state level. Of those thirty pieces of legislation, two were introduced in the United States Senate. The remaining twenty-eight, as well as all three resolutions, were introduced in eighteen different states. Twenty-one of the bills limited and/or prohibited the sale of food of minimal nutritional value. Twelve limited and/or prohibited access to or availability of vending machines for purchasing food of minimal nutritional value. Three bills required the state department of education and/or other organizations to study the impact the sale in school of food of minimal nutritional value has on children’s health. Ten bills declared that schools and/or school districts should ensure the health of students by making policy changes restricting the sale of food of minimal nutritional value and/or encouraging healthy alternatives to such food, although not mandating that such restrictions be implemented. Eight bills limited and/or prohibited entering into exclusive contracts with companies, including those which sell foods of minimal nutritional value on school campuses. Two bills allowed schools and school districts to enter into exclusive contracts with companies that sell carbonated beverages and other foods of minimal nutritional value. Two resolutions declared the legislature in support of healthier school food policies, while one requested that the state department of health conduct a study identifying the health and educational benefits of replacing carbonated soft drink machines with devices offering nutritious alternatives. Of the thirty pieces of legislation introduced, seventeen failed, five passed, and eight are pending. Of the three resolutions introduced, two failed and one passed.

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<sup>1</sup> The Education Commission of the States ([www.ecs.org](http://www.ecs.org)), as well as the National Conference of State Legislatures ([www.ncsl.org](http://www.ncsl.org)) assisted in compiling legislative data for this summary.

# Legislative Summaries

## Legislation Restricting Health Related Commercial Activity in Schools

### **Federal:**

#### **Pending:**

#### ***Better Nutrition for School Children Act of 2003***

***Senate Bill 1007 – May 6<sup>th</sup>, 2003***

#### **Summary –**

Better Nutrition for School Children Act of 2003 - Amends the Child Nutrition Act of 1966 (CNA) to prohibit the sale, donation, or service without charge of foods of minimal nutritional value on school grounds during the time of service under the school breakfast program under CNA or the school lunch program the Richard B. Russell National School Lunch Act.

#### **History –**

Introduced in Senate on April 6<sup>th</sup>, 2001  
Referred to Senate Committee on Agriculture, Nutrition, and Forestry on May 6<sup>th</sup>, 2003– bill pending

#### **Source –**

Library of Congress: Thomas Legislative Information on the Internet. Retrieved June 2, 2003 from  
<http://thomas.loc.gov/cgi-bin/query>

#### **Failed:**

#### ***Better Nutrition for School Children Act of 2001***

***Senate Bill 745 – April 6<sup>th</sup>, 2001***

#### **Summary –**

Better Nutrition for School Children Act of 2001 - Amends the Child Nutrition Act of 1966 (CNA) to prohibit the sale, donation, or service without charge of foods of minimal nutritional value on school grounds during the time of service under the school breakfast program under CNA or the school lunch program the Richard B. Russell National School Lunch Act.

#### **History –**

Introduced in Senate on April 6<sup>th</sup>, 2001  
Referred to Senate Committee on Agriculture, Nutrition, and Forestry on April 6<sup>th</sup>, 2001– bill died

#### **Source –**

Library of Congress: Thomas Legislative Information on the Internet. Retrieved June 2, 2003 from  
<http://thomas.loc.gov/cgi-bin/query>



## **California:**

### **Signed Into Law:**

#### ***Pupil Health: Nutrition***

***Senate Bill 56 – January 3<sup>rd</sup>, 2001***

##### **Summary –**

This bill would require schools that apply and are selected to participate in the pilot program in which 10 high schools, middle schools or any combination thereof voluntarily adopt certain food sale requirements, to comply with those food sale requirements, and would make various technical and clarifying changes in related provisions. The bill would subject operation of the existing law to funding being appropriated on or before January 1, 2004.

##### **History –**

Introduced in Senate on January 1<sup>st</sup>, 2001

Passed by Senate as amended on January 22<sup>nd</sup>, 2002

Passed by Assembly as amended on August 19<sup>th</sup>, 2002

Senate Concurs with Assembly amendments on August 20<sup>th</sup>, 2002

Signed into law by Governor on September 3<sup>rd</sup>, 2002

##### **Source –**

Official California Legislative Information website.

Retrieved May 29, 2003 from [http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_56&sess=PREV&house=B&author=escutia](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_56&sess=PREV&house=B&author=escutia)

### **Signed Into Law:**

#### ***The Pupil Nutrition, Health, and Achievement Act of 2001.***

***Senate Bill 19 – December 4<sup>th</sup>, 2000.***

##### **Summary –**

This bill establishes, as of January 1, 2004, various prohibitions on the sale of beverages in elementary and middle schools and places nutritional standards on the type of foods that may be sold to pupils during school breaks and through vending machines. The bill also increases the reimbursement a school receives for free and reduced-price meals and permits schools districts to convene a Child Nutrition and Physical Activity Advisory Committee.

##### **History –**

Introduced in Senate on December 4<sup>th</sup>, 2000

Passed by Senate as amended on June 6<sup>th</sup>, 2001

Passed by Assembly as amended on Sept. 12<sup>th</sup>, 2001

Senate concurs with Assembly amendments on Sept. 13<sup>th</sup>, 2001

Signed into law by Governor on Oct. 14<sup>th</sup>, 2001 with Item Veto

**Source –**

Official California Legislative Information website.  
Retrieved May 30, 2003 from  
[http://www.leginfo.ca.gov/cgi-bin/postquery  
?bill\\_number=sb\\_19&sess=PREV&house=B&author=escu  
tia](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_19&sess=PREV&house=B&author=escutia)

**Signed Into Law:**

***School District Governing Boards: Contracts.***

***Assembly Bill 117 – January 5<sup>th</sup>, 1999.***

**Summary –**

Introduced by Assembly Member Mazzoni. Prohibits schools from entering into exclusive cola contracts without holding a public meeting. It also includes that a school district must prove publicly that any electronic product or service that contains advertising is integral to the school's education.

**History –**

Introduced in Assembly on January 5<sup>th</sup>, 1999  
Passed by Senate as amended on August 30<sup>th</sup>, 1999  
Passed by Assembly as amended on Sept. 2<sup>nd</sup>, 1999  
Signed into law by Governor on Sept. 15<sup>th</sup>, 1999

**Source –**

Official California Legislative Information website.  
Retrieved May 29, 2003 from [http://www.  
leginfo.ca.gov/cgi-bin/postquery ?bill\\_number=ab\\_  
117&sess=9900&house=B&author=mazzoni](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_117&sess=9900&house=B&author=mazzoni)

**Pending:**

***The California Childhood Obesity Prevention Act.***

***Senate Bill 677 – February 21<sup>st</sup>, 2003.***

**Summary –**

Existing law prohibits the sale of carbonated beverages in middle schools from 1/2 hour before the start of the schoolday until after the end of the last lunch period. This bill would instead prohibit the sale of carbonated beverages to pupils in elementary schools commencing January 1, 2004, to pupils in middle or junior high schools commencing January 1, 2005, and to pupils in high school commencing January 1, 2007. However, the bill as amended by the Assembly Health Committee would not prohibit the sale of carbonated beverages on high school campuses as the original bill intended.

**History –**

Introduced in Senate on February 21<sup>st</sup>, 2003  
Passed by Senate as amended on May 29<sup>th</sup>, 2003  
Passed by Assembly Health Committee as amended on July 7<sup>th</sup>, 2003 – bill pending

**Source –**

Official California Legislative Information website.  
Retrieved May 29, 2003 from  
[http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_677&sess=CUR&house=B&author=ortiz](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_677&sess=CUR&house=B&author=ortiz)

**Failed:**

***School Food***

***Senate Bill 665 – February 23<sup>rd</sup>, 2001***

**Summary –**

This bill would provide that, in addition to the prescribed foods, no food offered for sale at any schoolsite during the regular schoolday may be junk food, as defined. The bill would also require all milk offered to be skim or nonfat, or 1% fat.

**History –**

Introduced in Senate on February 23, 2001  
Bill failed after hearing canceled by author on April 19<sup>th</sup>, 2001

**Source –**

Official California Legislative Information website.  
Retrieved May 29, 2003 from [http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_665&sess=PREV&house=B&author=peace](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_665&sess=PREV&house=B&author=peace)

**Connecticut:**

**Failed:**

***An Act Concerning School Nutrition***

***Senate Bill 584 – March 6<sup>th</sup>, 2002***

**Summary –**

This bill establishes various prohibitions on the sale of beverages in elementary and middle schools and places nutritional standards on the type of foods that may be sold to pupils during school breaks and through vending machines.

**History –**

Introduced in Senate on March 6<sup>th</sup>, 2002  
Passed by Senate on May 8<sup>th</sup>, 2002  
Tabled by House on May 8<sup>th</sup>, 2002 – bill died

**Source –**

Connecticut General Assembly Website. Retrieved May 29, 2003 from <http://www.cga.state.ct.us/2002/tob/s/2002SB-00584-R00-SB.htm>

## **Hawaii:**

### **Failed:**

#### ***An Act Relating to Education Nutrition Standards. House Bill 2846 – January 25<sup>th</sup>, 2002***

##### **Summary –**

Establishes nutrition standards for foods sold at elementary, middle and high schools.

##### **History –**

Introduced in House on January 25<sup>th</sup>, 2002

Referred to committee on January 30<sup>th</sup>, 2002 – bill died

##### **Source –**

Hawaii State Legislature Website. Retrieved May 30, 2003 from [http://www.capitol.hawaii.gov/session2002/bills/hb2846\\_.htm](http://www.capitol.hawaii.gov/session2002/bills/hb2846_.htm)

## **Iowa:**

### **Failed:**

#### ***Carbonated Beverage Sales In Schools – Study. Senate File 2128 – February 6<sup>th</sup>, 2002***

##### **Summary –**

This bill requires the department of education to conduct a study concerning the sale of carbonated beverages in schools.

##### **History –**

Introduced in Senate on February 6<sup>th</sup>, 2002

Referred to Senate Education Committee on February 7<sup>th</sup>, 2002 – bill died.

##### **Source –**

The Iowa General Assembly Website. Retrieved May 30, 2003 from <http://www.legis.state.ia.us/GA/79GA/BillHistory/>

## **Kentucky:**

### **Failed:**

#### ***An Act Relating to Children's Physical Health House Bill 553 – January 31<sup>st</sup>, 2002***

##### **Summary –**

Creates a legislative task force composed of members selected from the Interim Joint Committee on Health and Welfare and members of the Interim Joint Committee on Education to study the obesity epidemic and the health consequences of obesity in Kentucky's youth. This bill also would limit certain foods of minimal nutritional value from being sold on campus during the school day.

##### **History –**

Introduced in House on January 31<sup>st</sup>, 2002

Passed by House as amended on March 7<sup>th</sup>, 2002

Passed by Senate as amended on April 15<sup>th</sup>, 2002  
Sent to House for passage as amended – bill died

**Source –**

Kentucky Legislature Website. Retrieved May 30, 2003  
from  
<http://www.lrc.state.ky.us/recarch/02rs/HB553/bill.doc>

**Failed:**

***An Act Relating to Elementary Schools  
House Bill 99 – January 8<sup>th</sup>, 2002***

**Summary –**

This bill directs the Kentucky Board of Education to establish an administrative regulation prohibiting the sale or distribution of carbonated beverages in public elementary schools.

**History –**

Introduced in House on January 8<sup>th</sup>, 2002  
Committee Posting Withdrawn on January 25<sup>th</sup>, 2002 – bill died

**Source –**

Kentucky Legislature Website. Retrieved May 30, 2003  
from <http://www.lrc.state.ky.us/recarch/02rs/HB99/bill.doc>

**Maryland:**

**Pending:**

***Commercialism in Schools Act of 2003  
Senate Bill 395 – January 31<sup>st</sup>, 2003***

**Summary –**

Requires county boards of education to develop and adopt certain policies related to marketing and advertising in public schools; providing that existing obligations or contract rights may not be impaired by the Act; etc.

**History –**

Introduced in Senate on January 31<sup>st</sup>, 2003  
Referred to Education Health and Environmental Affairs on January 31<sup>st</sup>, 2003 – bill pending

**Source –**

Maryland General Assembly Website. Retrieved May 29, 2003 from  
<http://mlis.state.md.us/2003rs/billfile/sb0395.htm>

**Failed:**

***Education – Vending Machines in Schools – Policy  
Senate Bill 680 – February 1<sup>st</sup>, 2002***

**Summary –**

Requires county boards of education to develop and adopt certain policies relating to vending machines in public schools; providing that existing obligations and contract rights may not be impaired by the Act.

**History –**

Introduced in Senate on February 1<sup>st</sup>, 2002  
Referred to Senate Committee on Education on February 15<sup>th</sup>, 2002 – bill died

**Source –**

Maryland General Assembly Website. Retrieved May 29, 2003 from  
<http://mlis.state.md.us/2002rs/billfile/sb0680.htm>

**Failed:**

***Commercialism in Schools Act of 2002***

***Senate Bill 679 – February 1<sup>st</sup>, 2002***

**Summary – (for full text of bill, see appendix N)**

Requires county boards of education to develop and adopt certain policies related to marketing and advertising in public schools; providing that existing obligations or contract rights may not be impaired by the Act; etc.

**History –**

Introduced in Senate on February 1<sup>st</sup>, 2002  
Referred to Senate Committee on February 1<sup>st</sup>, 2002 – bill died

**Source –**

Maryland General Assembly Website. Retrieved June 5, 2003 from  
<http://mlis.state.md.us/2002rs/billfile/sb0679.htm>

**Failed:**

***Captive Audience/Stop Commercialism in Schools Act of 2001***

***Senate Bill 435 – February 2<sup>nd</sup>, 2001***

**Summary –**

Requiring county boards of education to develop and adopt policies related to marketing and advertising in public schools; requiring a county board to submit specified policies to the State Department of Education by Aug. 1, 2002; prohibiting contracts for the exclusive sale of vending machines; limiting the term of vending machine contracts; prohibiting commercial advertising on school buses; etc.

**History –**

Introduced in Senate on February 2<sup>nd</sup>, 2001  
Failed Senate 2<sup>nd</sup> Read as amended on March 15, 2001

**Source –**

Maryland General Assembly Website. Retrieved May 29, 2003 from  
<http://mlis.state.md.us/2001rs/billfile/sb0435.htm>

**Minnesota:**

**Pending:**

***Nutritional Beverage Sales; Restrictions; Contracts with Distributors***

***House File 915 – March 17<sup>th</sup>, 2003***

***Senate File 903 – March 17<sup>th</sup>, 2003***

**Summary –**

Relating to agriculture; enhancing markets for dairy and other nutritional products; regulating the availability and sale of certain beverages in public schools; prohibiting certain provisions in contracts between beverage vendors and schools or school districts.

**History –**

HF 915 Introduced in House on March 17<sup>th</sup>, 2003

SF 903 Introduced in Senate on March 17<sup>th</sup>, 2003

HF 915 Referred to Committee on March 17<sup>th</sup>, 2003 – bill pending

SF 903 Referred to Committee on March 17<sup>th</sup>, 2003 – bill pending.

**Source –**

Minnesota State Legislature Website. Retrieved June 3, 2003 from [http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?session=ls83&version=latest&number=HF915&session\\_number=0&session\\_year=2003](http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?session=ls83&version=latest&number=HF915&session_number=0&session_year=2003)

**Oklahoma:**

**Failed:**

***Schools – Health and Physical Education Instruction***  
***Senate Bill 1668 – February 4<sup>th</sup>, 2002***

**Summary –**

Requires that the state Department of Education restrict access to and availability of vending machines with foods and soft drinks of no or low nutritional value in elementary schools, while limiting access to and availability of vending machines in middle and high schools. This bill also outlines physical activity and health education requirements for K-12 schools.

**History –**

Introduced in Senate on February 4<sup>th</sup>, 2002

Passed by Senate on March 11<sup>th</sup>, 2002  
Referred to House on March 14<sup>th</sup>, 2002 – bill died

**Source –**

Oklahoma Legislature Website. Retrieved May 30, 2003  
from <http://www.lsb.state.ok.us/>

## **Tennessee:**

**Failed:**

***An Act Relative to Vending Machines and Nutrition in Schools.***

***House Bill 2578 – January 23<sup>rd</sup>, 2002***

***Senate Bill 2842 – January 17<sup>th</sup>, 2002***

**Summary –**

This bill establishes various prohibitions on the sale of beverages in elementary and middle schools and places nutritional standards on the type of foods that may be sold to pupils during school breaks and through vending machines

**History –**

SB 2842 Introduced in Senate on January 17<sup>th</sup>, 2002  
HB 2578 Introduced in House on January 23<sup>rd</sup>, 2002  
HB 2578 Referred to House Education Committee on February 4<sup>th</sup>, 2002 – bill died  
SB 2842 Referred to Senate Education Committee on March 13<sup>th</sup>, 2002 – bill died

**Source –**

Tennessee General Assembly Website. Retrieved May 30, 2003 from <http://www.legislature.state.tn.us/bills/PreviousGA/BILL/HB2578.pdf>

## **Texas:**

**Pending:**

***An Act Relating to Nutrition and Health Programs for Public School Children.***

***Senate Bill 474 – February 19<sup>th</sup>, 2003***

**Summary –**

This bill establishes a Schoolchildren's Nutrition and Health Advisory Council, as well as prohibits the sale of competitive food on elementary school campuses, limits the sale of competitive food on middle school campuses to after school only, and limits the sale of competitive food on high school campuses to after the end of the lunch period. Additionally, this bill would require that all food sold must meet certain nutritional requirements.

**History –**

Introduced in Senate on February 19<sup>th</sup>, 2003



Passed by Senate as amended on May 14<sup>th</sup>, 2003  
Passed as amended by House on May 28<sup>th</sup>, 2003  
Senate referred to Conference Committee on May 31<sup>st</sup>,  
2003 – bill pending

**Source –**

Texas Legislature On-line. Retrieved June 2, 2003 from  
[http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?  
LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BIL  
LSUFFIX=00474&VERSION=1&TYPE=B](http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00474&VERSION=1&TYPE=B)

**Utah:**

**Failed:**

***Elementary School Vending Machine Sales***

***House Bill 186 – January 20<sup>th</sup>, 2003***

**Summary – (for full text of bill, see appendix XXX)**

This act amends the State System of Public Education. The act provides that after a certain time period elementary schools may sell only certain food products through vending machines on premises accessible to students.

**History –**

Introduced in House on January 20<sup>th</sup>, 2003  
Passed by House on February 25<sup>th</sup>, 2003  
Referred to Senate Rules Committee on March 5<sup>th</sup>, 2003 –  
bill died

**Source –**

Utah State Legislature Website. Retrieved June 5, 2003  
from  
<http://www.le.state.ut.us/~2003/bills/hbillint/hb0186s4.htm>

**Failed:**

***Nutritional Food in Schools.***

***House Bill 200 – December 11<sup>th</sup>, 2001***

**Summary –**

Provides that after three years or the termination of contracts currently in force with vending machine suppliers, whichever occurs first, elementary schools may sell only certain food products through vending machines on premises accessible to students and secondary schools must ensure that less than 50% of overall food offerings in vending machines are “foods of minimal nutritional value,” as defined by USDA.

**History –**

Introduced in House on December 11<sup>th</sup>, 2001  
Referred to House Rules Committee on February 7<sup>th</sup>, 2002  
– bill died

**Source –**

Utah State Legislature Website. Retrieved May 30, 2003 from <http://www.le.state.ut.us/~2002/bills/hbillint/hb0200.htm>

**Virginia:**

**Pending:**

***Public Schools – Prohibits Use of Vending Machines  
Senate Bill 606 – January 17<sup>th</sup>, 2002***

**Summary –**

Prohibits public schools, public school divisions or school boards from contracting for, allowing or continuing the use of vending machines dispensing soft drinks having empty calories and high sodium and caffeine content or solid foods that are not recommended for a nutritional diet for children age in elementary school. The Board of Education must enforce this provision and will withhold funds as may be allocated to any school division until the vending machines are removed from the noncompliant elementary schools.

**History –**

Introduced in Senate on January 17<sup>th</sup>, 2002  
Referred to Senate Education and Health Committee,  
passed on to 2003 on February 7<sup>th</sup>, 2002 – bill pending

**Source –**

Virginia General Assembly Website. Retrieved May 30, 2003 from <http://leg1.state.va.us/cgi-bin/legp504.exe?021+ful+SB606>

**Washington:**

**Pending:**

***An Act Relating to the Sales of Competitive Foods and Beverages Sold and Served on Public School Campuses.***

***Senate Bill 5436 – February 24<sup>th</sup>, 2003***

**Summary –**

Provides that at elementary and middle schools, the sale of all foods on school grounds during regular school hours shall be approved for compliance with the nutrition standards in this act by the person or persons responsible for implementing these provisions as designated by the school district.

**History -**

Introduced in Senate on February 24<sup>th</sup>, 2003  
Referred to Education Committee on February 24<sup>th</sup>, 2003 – bill pending.

**Source –**

Commercialism in Education Research Unit Website.  
Retrieved May 29, 2003 from <http://www.asu.edu/educ/epsl/CERU/Legislation/CERU-0302-32-RL.doc>

**Pending:**

***An Act Relating to Nutrition in Public Schools.***

***House Bill 1866 – February 12, 2003.***

**Summary –**

Directs every board of school directors to develop a nutritional integrity policy that incorporates the principles contained in the district's nutrition education curriculum and the recommendations of the department of health and the U.S. Department of Agriculture on healthy dietary practices into the district's meal program and competitive food policy. Supported by the Citizens' Campaign for Commercial-Free Schools

**History -**

Introduced in House on February 12<sup>th</sup>, 2003  
Referred to Appropriations Committee on March 4<sup>th</sup>, 2003  
– bill pending.

**Source –**

Commercialism in Education Research Unit Website.  
Retrieved May 29, 2003 from <http://www.asu.edu/educ/epsl/CERU/Legislation/CERU-0302-31-RL.doc>

**Wisconsin:**

**Failed:**

***An Act Relating to Exclusive Contracts for the Sale of Soft Drinks in Schools.***

***Senate Bill 339 – December 6<sup>th</sup>, 2001***

***Assembly Bill 678 – December 7<sup>th</sup>, 2001***

**Summary –**

Under this bill, if a school board enters into a contract that grants to one vendor the exclusive right to sell soft drinks in one or more schools of the school district, the school board must ensure that milk is available to pupils in each school covered by the contract whenever and wherever the soft drinks are available to pupils.

**History -**

SB 339 Introduced in Senate on December 6<sup>th</sup>, 2001  
AB 678 Introduced in Senate on December 7<sup>th</sup>, 2001  
SB 339 Passed by Senate on January 28, 2002  
AB 678 Referred to Senate Rules Committee on March 26<sup>th</sup>, 2002 – bill died  
SB 339 Referred to Senate Rules Committee on March 26<sup>th</sup>, 2002 – bill died

**Source –**

Wisconsin State Legislature Website. Retrieved May 30, 2003 from  
<http://www.legis.state.wi.us/2001/data/AB678hst.html>

**Failed:**

***Prohibiting School Boards from Entering into Certain Contracts***

***Assembly Bill 103 – February 9<sup>th</sup>, 1999***

**Summary –**

This bill prohibits a school board from entering into a contract that grants exclusive advertising rights to a person or that prohibits the school board, a school board member, a school district employee or a pupil from disparaging the goods or services of a person contracting with the school board.

**History –**

Introduced in Assembly on February 9<sup>th</sup>, 1999  
Referred to Assembly Committee on Education on April 6<sup>th</sup>, 2000 – bill died

**Source –**

Wisconsin State Legislature Website. Retrieved June 3, 2003 from  
<http://www.legis.state.wi.us/1999/data/AB103.pdf>

**Wyoming:**

**Failed:**

***An Act relating to education;  
regulating beverages offered to  
students in schools.***

***House Bill 168 – February 13<sup>th</sup>, 2002***

**Summary –**

This bill establishes various prohibitions on the sale of beverages in elementary, middle, and high schools and places nutritional standards on the type of foods that may be sold to pupils during school breaks and through vending machines

**History –**

Introduced in House on February 13<sup>th</sup>, 2002  
Referred to Committee on February 13<sup>th</sup>, 2002 – bill died

**Source –**

Wyoming State Legislature Website. Retrieved May 30, 2003 from  
<http://legisweb.state.wy.us/2002/Introduced/HB0168.pdf>

## Legislation Enabling Health Related Commercial Activity in Schools

### Minnesota:

#### Signed Into Law:

*An Act Relating to Education*  
*House File 51 – May 22<sup>nd</sup>, 2003*

#### Summary –

Allows a school board to enter into a contract with advertisers, sponsors, or others regarding advertising and naming rights to school facilities under the general charge of the district.

#### History –

Introduced in House on May 22<sup>nd</sup>, 2003  
Passed by House on May 22<sup>nd</sup>, 2003  
Introduced in Senate on May 23<sup>rd</sup>, 2003  
Passed by Senate on May 23<sup>rd</sup>, 2003  
Signed into law by Governor on May 30<sup>th</sup>, 2003

#### Source –

Minnesota State Legislature Website. Retrieved June 4, 2003 from [http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?session=ls83&version=latest&number=HF51&session\\_number=1&session\\_year=2003](http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?session=ls83&version=latest&number=HF51&session_number=1&session_year=2003)

### South Dakota:

#### Signed Into Law:

*An Act to Allow Vendors to Sell Soft Drinks or Other Concessions On School Property.*  
*House Bill 1070 – January 10<sup>th</sup>, 2001*

#### Summary –

An Act to allow vendors to sell soft drinks or other concessions on school property.

#### History –

Introduced in House on January 10<sup>th</sup>, 2001  
Passed by House as amended on January 22<sup>nd</sup>, 2001  
Introduced in Senate as amended on January 23<sup>rd</sup>, 2001  
Passed by Senate as amended on February 20<sup>th</sup>, 2001  
Signed into law by Governor on February 28<sup>th</sup>, 2001

#### Source –

South Dakota Legislature Website. Retrieved June 3, 2003 from <http://legis.state.sd.us/sessions/2001/bills/HB1070p.htm>

## Resolutions Related to Commercial Activities in Schools

### Colorado:

#### Adopted:

#### ***Concerning Excellence in School Nutrition Programs House Resolution 1016 – April 18<sup>th</sup>, 2002***

##### **Summary –**

This resolution declares that the members of the House of Representatives of the Sixty-third General Assembly support effective school nutrition programs that promote the long-term health, life-long learning, and overall well-being of our children.

##### **History –**

Introduced in House on April 18<sup>th</sup>, 2002

Passed by House on May 6<sup>th</sup>, 2002

Signed by House Speaker on June 7<sup>th</sup>, 2002

##### **Source –**

Colorado General Assembly Website. Retrieved May 29, 2003 from [http://www.leg.state.co.us/2002a/inetcbill.nsf/fsbillcont/7869E967CFC1A9E887256B9F006E12E6?Open&file=HR1016\\_enr.pdf](http://www.leg.state.co.us/2002a/inetcbill.nsf/fsbillcont/7869E967CFC1A9E887256B9F006E12E6?Open&file=HR1016_enr.pdf)

### Hawaii:

#### Failed:

#### ***Resolution Urging the Introduction of Healthy Juices and Snacks into Dispensing Machines.***

***Senate Concurrent Resolution 51 – January 28<sup>th</sup>, 2002***

***House Concurrent Resolution 37 – February 14<sup>th</sup>, 2002***

##### **Summary –**

Urging the Department of Education and the Department of Health to negotiate the introduction of healthy juices and snacks into the dispensing machines allowed on Hawaii school premises.

##### **History –**

SCR 51 Introduced in Senate on January 28<sup>th</sup>, 2002

HCR 37 Introduced in House on February 14<sup>th</sup>, 2002

SCR 51 Referred to Senate Education Committee on March 7, 2002 – bill died

HCR 37 Passed by House on April 12<sup>th</sup>, 2002

HCR 37 Referred to Senate Education Committee on April 15<sup>th</sup>, 2002 – bill died

##### **Source –**

Hawaii State Legislature Website. Retrieved May 30, 2003  
from [http://www.capitol.hawaii.gov/session2002/bills/hcr37\\_.htm](http://www.capitol.hawaii.gov/session2002/bills/hcr37_.htm)

## **New Mexico:**

### **Failed:**

#### ***Joint Memorial Requesting Study to Identify Health and Education Benefits of Replacing Carbonated Soft Drink Machines.***

***House Joint Memorial 78 – January 29<sup>th</sup>, 2002***

***Senate Joint Memorial 55 – January 28<sup>th</sup>, 2002***

#### **Summary –**

Requests the Department of Health and the state Department of Education to study and identify the health and educational benefits of replacing carbonated soft drink machines in elementary schools with machines offering healthy, nutritious alternatives.

#### **History –**

SJM 55 Introduced in Senate on January 28<sup>th</sup>, 2002

HJM 78 Introduced in House on January 29<sup>th</sup>, 2002

SJM 55 Referred to Senate Rules and Senate Education Committees on February 11, 2002 – bill died.

HJM 78 Referred to House Consumer and Public Affairs Committee on February 13, 2002 – bill died

#### **Source –**

New Mexico Legislature Website. Retrieved May 30, 2003  
from <http://legis.state.nm.us/Sessions/02%20Regular/memorials/house/HJM078.html>