

Regulating “Junk Food” Marketing on Public School Property

There are many ways for California public schools to limit the marketing of non-nutritious foods on campus during school hours and during school-sanctioned activities. Schools have the authority to regulate their property and an obligation to protect their students.

This guide is intended to help advocates and public school administrators and officials evaluate possible opportunities to control advertising on their property. (These policy options do not necessarily apply to charter schools.) It includes three groups of policy options categorized on the basis of how likely they are to withstand legal challenge.

Even the strategies that are most likely to withstand legal challenge should be carefully crafted and supported by facts documenting their connection to improved public health. We recommend seeking an attorney’s assistance when finalizing any school or district policy related to the strategies described below.

GREEN: Likely to withstand a legal challenge

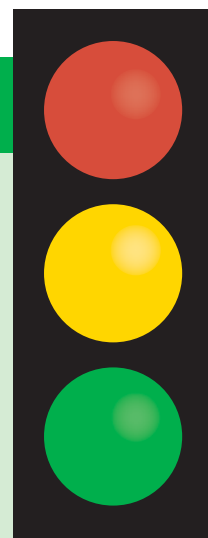
- Negotiating specific contract terms with vendors to limit commercial advertising for foods/beverages
- Refusing vending contracts that require or permit the marketing or promotion of non-nutritious foods
- Banning the use of public school property for all advertising
- Banning the use of public school property for all food/beverage advertising
- Banning the use of public school property to advertise any foods/beverages that are not allowed to be sold on campus

YELLOW: More vulnerable to a legal challenge than GREEN

- Banning the use of school property to advertise foods/beverages that are allowed to be sold on campus (vulnerable because of inconsistency between controlling speech about a product and still allowing the sale of that product)

RED: Unlikely to withstand a legal challenge under current law

- Prohibiting students and teachers from wearing or possessing materials promoting food/beverage products



**PUBLIC HEALTH
LAW PROGRAM**

*A project of the
Public Health Institute*

www.phlaw.org • info@phlaw.org • (510) 302-3380