



Written by [Michael Tennant](#) on December 1, 2011

McDonald's Finds McEasy Way to Evade San Francisco Happy Meal Ban

Now in order to obtain a Happy Meal toy, parents will first have to buy the meal and then pay an additional 10 cents, which will be considered a donation to Ronald McDonald House charities. With [Burger King's](#) announcement that it will implement a similar policy, the Happy Meal ban has thus effectively been neutralized.

However, for the nanny-state types who thought they were protecting children from dangerous fast food, there is even worse news. Prior to December 1, McDonald's stores in San Francisco actually allowed patrons to purchase a Happy Meal toy by itself for \$2.18 rather than having to buy the meal to obtain the toy. Now that the Golden Arches are going to charge extra for the toys, they are discontinuing the toy-only policy. Henceforth, any parent wishing to purchase a Happy Meal toy for a child will be forced to buy the meal, too. This, the Independent Institute's [Anthony Gregory](#) points out, is "another unintended consequence of a bad law, since now, on the margin, customers will sometimes opt to buy the greasy food targeted by the law just so they can get the toy, when before they would have not bought the food."



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The attempted Happy Meal ban came about because San Francisco Supervisor Eric Mar felt guilty about buying his daughter mountains of McDonald's meals so she could get the toys. Since he had been unable to say no to his child, he assumed that most other parents were just as spineless and decided the government needed to prevent restaurants from enticing kids to patronize them so parents wouldn't have to exhibit a little tough love. He convinced the rest of the Board of Supervisors of his position, and his whim became law.

But as [Roger Hedgecock](#) explains in *Human Events*:

Mar's premise — that the toy induces the child to want the Happy Meal — turns out to be false. Removing the toy would have little effect on consumer choice.

In an independent study of 1,200 fast-food customers, 32% of those who chose McDonald's ate at the



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Golden Arches because of the “pester power” of children, but only 8% said the free toy was the reason. Turns out patrons like McDonald’s because the food is convenient, affordable and tastes good. Duh.

Furthermore, Hedgecock notes, though Mar tried to claim the ban would help curb childhood obesity, “San Francisco nutritionists uniformly disagreed, saying that it was unlikely that occasional Happy Meals contributed as much to the obesity problem as the daily ‘free’ meals at city schools,” none of which meets the city’s requirements for restaurant meals with free toys. What’s more, Mar was a member of the San Francisco School Board for eight years — and even served as its president one year — yet never tried to improve the quality of the schools’ free meals. As Hedgecock observed, “Supervisor Mar’s ordinance held McDonald’s Happy Meal to a standard he was unwilling to impose on his school district.”

While San Francisco Supervisors were busy thwarting consumers’ wishes (as demonstrated by their buying habits), McDonald’s quite cleverly found an easy way to continue to serve its customers. “While we will fully comply with this law, we also have a responsibility to give our customers what they want,” McDonald’s spokeswoman Danya Proud said in a statement. “Parents have told us they’d still like the option of purchasing a toy separately for their child when they buy them a Happy Meal.”

McDonald’s has also been busy improving the nutritional quality of Happy Meals, reducing the number of fries and adding apples.

None of this matters to the folks who are determined to run others’ lives “for their own good.” They are hopping mad that their Happy Meal ban was so easily thwarted. For example, Harold Goldstein, executive director of the California Center for Public Health Advocacy, told the [New York Times](#) that “the move allowed McDonald’s to ‘gut this health ordinance,’ and to ‘continue to seduce children to eat junk food.’ He added: ‘In the battle over children’s health, consider this a win for obesity and diabetes.’”

Nor are these people deterred by the ease with which their beloved law was evaded. Indeed, writes the *Times*:

Dr. Rajiv Bhatia, director of occupational and environmental health at San Francisco’s Department of Public Health, said McDonald’s strategy did not mean the ordinance had failed.

“We are going to learn from how the industry responds,” Dr. Bhatia said, “and do what’s necessary to improve regulation.”

Likewise, reported [Jeff Stier](#) of *National Review*, “self-styled public-health lawyer Michele Simon ... is already responding to the McDonald’s move by saying, ‘The fix is to stop all marketing to kids, not give industry more clever ways to do so.’”

The reader can be forgiven for thinking that perhaps total regimentation of society is what these people have sought all along, using children and nutrition as cover.

Meanwhile, when it comes to the market’s ability to find ways to evade the constant McFlurry of unjust laws, I’m lovin’ it.

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