



Written by on April 28, 2010

## Santa Clara County Bans Happy Meals

The Board of Supervisors in Santa Clara County, California, voted 3-2 on April 25 to ban restaurants in unincorporated areas of the county from giving away toys with children's meals that exceed set levels of calories, fat, salt, and sugar.

"This ordinance breaks the link between unhealthy food and prizes," the law's author, Supervisor Ken Yeager, was quoted by the *San Francisco Chronicle*. "Obviously, toys in and of themselves do not make children obese. But it is unfair to parents and children to use toys to capture the tastes of children when they are young and get them hooked on eating high-sugar, high-fat foods early in life."



Yeager said he hopes that the law will encourage cities and counties across the country to follow suit like "ripples that create a wave."

Santa Clara County is located at the southern end of the San Francisco Bay area and its county seat is San Jose. However, the ban does not affect areas within incorporated city limits.

The *Chronicle* reported that Santa Clara County was among the first in the nation to require restaurants to display nutritional values on menus two years ago, and that similar legislation has since been adopted by other jurisdictions, according to Miguel Marquez, acting county counsel.

Marquez said his office has been contacted by officials from Orange County, Chicago, and New York City about the new county ordinance. And on the day the ordinance passed, San Francisco Supervisor Eric Mar asked the city attorney to draft legislation similar to Santa Clara County's law. "Just as with menu labeling, this is clearly within our authority," Marquez said. "We're on firm legal ground here."

Marquez said enforcement will be the job of county public health inspectors. A restaurant would face fines of \$250 for a first offense, \$500 for a second, and up to \$1,000 for subsequent violations.

According to a *New York Times* report, the criteria contained in the new Santa Clara ordinance are based on federal standards and recommendations from the nonprofit Institute of Medicine. Supervisor Yeager said the new law would level "the playing field by taking away the incentive to choose fatty, sugary foods over healthier options."

An AP report noted that the California Restaurant Association lobbied against the ordinance, placing ads in local newspapers, describing the ban as misguided and another example of government overreaching. The CRA also conducted a poll that indicated that an overwhelmingly number of county residents opposed such a measure. "The people of Santa Clara County believe they are in a better position to make decisions about what to feed their kids than politicians are," said Daniel Conway, a spokesman for the organization that represents 22,000 restaurants in California.



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Amalia Chamorro, the CRA's director of governmental affairs, told the *Chronicle*: "If the point is to get a dialogue going with the industry about health, that dialogue is already ongoing. If the point is to solve childhood obesity, taking away a toy isn't going to help."

The *Chronicle* also quoted Chris Mackey, a father interviewed at a Burger King in an unincorporated area near San Jose, who thought that the law amounted to government intruding into people's personal affairs. "I don't need politicians to tell me what I can and can't buy for my kid," said Mackey, who bought his daughter, Cattie, a Kids Meal that included an *Iron Man 2* action figure. "We don't come in here every day, and I don't associate giving my daughter a toy with giving her bad food. This is a private matter between me and my child."

Stories of this type — such as the December 5, 2006 vote by the New York City Board of Health to require that all city restaurants remove artificial trans fat from meals — should no longer amaze the reader, but they still do. And it seems far from coincidental that jurisdictions that implement such paternal, Big Brother-type regulations tend to overwhelmingly support pro-socialist candidates for high office. Not surprisingly, 69.6 percent of Santa Clara County voters supported Barack Obama for president, while 62.88 percent of New York City voters followed suit.

While addressing such personal health issues at the local level is certainly preferable to granting similar authority to our federal bureaucrats in Washington, a similar mindset exists among those who think the federal government should regulate healthcare and those who think local governments should also intervene in their citizens' health decisions. Santa Clara County Supervisor Ken Yeager revealed something about this mindset when he stated: "This ordinance breaks the link between unhealthy food and prizes."

What Yeager is describing is a form of behavior modification, exemplified by such researchers as Ivan Petrovich Pavlov (as in "Pavlov's dog") and B.F. Skinner (developer of the philosophy called "radical behaviorism.")

In a society that respects the traditional role of the parent as the child's primary teacher, the only acceptable "behavior modification" of the child consists of the parent "modifying" the child's behavior through frequent use of the word "no," backed up by whatever disciplinary measures are required. And before those who cringe at the word "discipline" protest, it is essential to recall the Latin root of the word discipline: *disciplina*, meaning teaching, learning. (A *disciple*, being one who is willing to be taught.)

The Santa Clara ordinance violates the principle of the parent as primary teacher by using the law to break the link between unhealthy food and prizes. Children certainly need to be taught healthy eating habits, but as Chris Mackey pointed out so correctly: "I don't associate giving my daughter a toy with giving her bad food. This is a private matter between me and my child." Also, since taking away the toys won't stop parents from taking their kids to fast-food restaurants, or likely make the kids choose more healthy options even if the restaurants put them on the menu, what will the county do next to influence people's eating habits: ban burgers and fries?



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