

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “Food Marketing:
Can ‘Voluntary’ Government Restrictions Improve Children’s Health?”
Joint Subcommittee on Health and
Subcommittee on Commerce, Manufacturing, and Trade
October 12, 2011

Let me get this straight. Congress said that we should create an interagency task force from the Centers for Disease Control (CDC), the Food and Drug Administration (FDA), the United States Department of Agriculture (USDA), and the Federal Trade Commission (FTC). We asked that this task force be set up to give recommendations about a real problem.

And what is this real problem? There is an epidemic of obesity among our children. This is a serious health matter. A third of our kids are now overweight or obese. It’s a public health problem.

It’s also a problem with national defense. The Pentagon complains that they can’t find enough kids who are not so overweight that they can go into the military. It’s a problem any way you look at it.

Now, it’s a complex problem. But the food industry can contribute to this effort of helping to educate the public. How could they do that? Well, they could talk about safer foods, healthier foods, and not target our kids. The food industry spends \$1.6 billion on marketing to the kids each year.

And when they’re marketing candy, they’re not saying, “Take only one M&M from your grandma.” They’re saying, “Eat M&M’s.” “Eat candy.” “Eat all the food that we know is not great.” But kids don’t know.

So we’ve got this interagency task force and they came out with a preliminary report. And our committee is going crazy. We called a hearing. Well, Republicans, who run this committee, called a hearing. It’s a preliminary report because they want to get comments. So before they get comments from anybody else, we’re here to give them our comments.

And what are the comments of the Republicans? Their preliminary proposal is extreme. We don't want Uncle Sam planning our family meals. It's going to have an impact on jobs. That's what they always say. They even have a figure. 74,000 jobs would be lost each year. I don't know where they got that figure.

This is going to lead to litigation. I don't know how this is going to lead to litigation. There's no reason to sue because people manufacture and sell legal products that may or may not be healthy. That's not a tort as I understood it from everything I studied in law school. Just because there is a government guideline for a voluntary effort, I don't know how that leads to more litigation.

So the Republicans say it's going to lead to litigation. It's big government. We better find out what the impact is on the prices on food. There's not enough of a scientific basis to even deal with these issues. Big government is not a replacement for parents, as if anybody ever said that big government is a replacement for parents.

This is a way for the industry to do something on a voluntary basis to deal with a real public health problem. It's a way to educate the public. It's a way not to have our kids subjected to advertising that they don't know how to deal with it. They're kids.

And then we hear that it's too difficult to implement. Well if it's too difficult to implement, then the industry doesn't have to implement it.

I cannot believe this hearing. I cannot believe the statements I've been hearing from the other side of the aisle. This is an interim report. They're asking for comments. The comments seem to suggest that they shouldn't have this report or this task force. Well, the Congress set it up.

All the rhetoric – we want limited government, freedom in our country, no regulated markets. On and on and on.

Well let me tell our Republican friends that if we did nothing, the epidemic of obesity in children is not going to stop. It's going to continue. The food manufacturers and advertisers are not going to change what's working for them. Because what has been working for them has been adding to their profits.

So somebody needs to do something. If not for government suggesting ideas, will industry act on its own?

I just find this an amazing hearing. The only thing I can analogize it to after all the tobacco issues we discussed for many years, Republicans took charge and we never heard anything more about tobacco. Then, suddenly we had a hearing about tobacco. And the hearing was about how smokeless tobacco should be encouraged as a way for smokers to give up smoking. It was geared to promoting an industry that no doubt supported financially many of the members. I wonder if this hearing is about the same subject.