

113TH CONGRESS
1ST SESSION

H. R. 2831

To amend the Internal Revenue Code of 1986 to deny any deduction for marketing directed at children to promote the consumption of food of poor nutritional quality.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2013

Ms. DELAURO (for herself, Ms. LEE of California, Mr. DEFazio, Mr. CLAY, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to deny any deduction for marketing directed at children to promote the consumption of food of poor nutritional quality.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DENIAL OF DEDUCTION FOR MARKETING DI-**
4 **RECTED AT CHILDREN TO PROMOTE FOOD**
5 **OF POOR NUTRITIONAL QUALITY.**

6 (a) IN GENERAL.—Part IX of subchapter B of chap-
7 ter 1 of the Internal Revenue Code of 1986 (relating to
8 items not deductible) is amended by adding at the end
9 the following new section:

1 **“SEC. 280I. DENIAL OF DEDUCTION FOR MARKETING DI-**
2 **RECTED AT CHILDREN TO PROMOTE FOOD**
3 **OF POOR NUTRITIONAL QUALITY.**

4 “(a) IN GENERAL.—No deduction shall be allowed
5 under this chapter with respect to—

6 “(1) any marketing directed at children for pur-
7 poses of promoting the consumption by children of
8 food of poor nutritional quality, and

9 “(2) any of the following which are incurred or
10 provided primarily for purposes described in para-
11 graph (1):

12 “(A) Travel expenses (including meals and
13 lodging).

14 “(B) Goods or services of a type generally
15 considered to constitute entertainment, amuse-
16 ment, or recreation or the use of a facility in
17 connection with providing such goods and serv-
18 ices.

19 “(C) Gifts.

20 “(D) Other promotion expenses.

21 “(b) FOOD OF POOR NUTRITIONAL QUALITY.—For
22 purposes of this section, the term ‘food of poor nutritional
23 quality’ means food and beverages that are determined by
24 the Secretary (in consultation with the Secretary of
25 Health and Human Services and the Federal Trade Com-
26 mission) to be inconsistent with the most recent Dietary

1 Guidelines for Americans published under section 301 of
2 the National Nutrition Monitoring and Related Research
3 Act of 1990 (7 U.S.C. 5341).

4 “(c) MARKETING.—For purposes of this section, the
5 term ‘marketing’ means all product and brand advertising
6 and promotional techniques directed at children, includ-
7 ing—

8 “(1) advertising (including product placement)
9 on television and radio, in print media, in social
10 media, and on the Internet (including third-party
11 and company-sponsored websites),

12 “(2) product packaging and labeling,

13 “(3) advertising preceding a movie shown in a
14 movie theater or placed on a video (DVD or VHS)
15 or within a video game or mobile application,

16 “(4) promotional content transmitted to per-
17 sonal computers and other digital or mobile devices,

18 “(5) advertising displays and promotions at the
19 retail site,

20 “(6) specialty or premium items distributed in
21 connection with the sale of a product or a product
22 loyalty program,

23 “(7) promotion character licensing, toy co-
24 branding and cross-promotions,

25 “(8) celebrity endorsements, and

1 “(9) in-school marketing.

2 For purposes of the preceding sentence, the term ‘directed
3 at’ includes the use of measured media if the audience
4 for such media will consist of 35 percent or more of chil-
5 dren.

6 “(d) CHILD.—For purposes of this section, the term
7 ‘child’ means an individual who is age 17 or under.

8 “(e) REGULATIONS.—The Secretary shall (in con-
9 sultation with the Secretary of Health and Human Serv-
10 ices and the Federal Trade Commission) prescribe such
11 regulations as may be necessary to carry out the purposes
12 of this section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for such part IX is amended by adding at the end the
15 following new item:

“Sec. 280I. Denial of deduction for marketing directed at children to promote
food of poor nutritional quality.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to amounts paid or incurred after
18 the date of the enactment of this Act in taxable years end-
19 ing after such date.

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