

# S.397(Myrie)/A.2584(Reyes)

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<b>BILL</b> S.397(Myrie)/A.2584(Reyes)
<b>SUBJECT</b> Food and Food Product Advertising
<b>DATE</b> March 17, 2025
<b>OPPOSE</b>

On behalf of the members of The Business Council of New York State, we oppose S.397(Myrie)/A.2584(Reyes). This legislation would be harmful to the advertising and marketing sector and as a consequence harm the rest of New York States economy. The advertising and marketing sector generated \$652.7 billion in economic activity and supported 1.98 million jobs in New York.[1]

This legislation is overly broad and creates unclear standards that would not only make it difficult for advertising and marketing firms to adhere to but would also make it difficult for regulating agencies to properly ensure these firms are in compliance with the law. Vague terms used in this legislation such as “reasonably unable to protect their interests” could cause needless litigation to occur which could further disincentivize marketing firms in New York State.

Additionally, this legislation also restricts the use of social media, which would limit older teenagers from accessing the digital advertising space even though they have a higher capacity to decide between healthy and unhealthy food and food products. This would severely hinder operations of marketing and advertisement sector to reach older teenager, such as 18 & 19 year olds, as this demographic uses social media more compared to younger teenagers.

Furthermore, this legislation has the potential to open advertisement and marketing firms to needless and harmful litigation as it amends New York GBL 350, New York’s general false advertising statute. This section of law contains a private right of action, which would increase the potential of litigation that could discourage many from advertising in New York due to how costly these lawsuits can be.

The intent behind this legislation is good and we fully support and understand the need to protect our young from potential misinformation, however, it must be done with more precise language and legislation that does not hinder business’ ability to operate within New York.

For these reasons, The Business Council must oppose S.397(Myrie)/A.2584(Reyes).

The Economic Impact of Advertising on the US Economy, 2018-2026, IHS Markit, November 2021 (<https://www.ana.net/content/show/id/adtax>).