

Which state consumer protection laws may protect kids from junk food marketing?

The Louisiana Unfair Trade Practices Act (“LUTPA”) is modeled off of the Federal Trade Commission Act (“FTCA”) and prohibits “unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” La. Rev. Stat. Ann. § 51:1405(A).

Does Louisiana law provide any special protections for child consumers?

The LUTPA does not provide any special protections for child consumers.

Who can bring a lawsuit?

The Attorney General and consumers may bring an action under the law. La. Rev. Stat. Ann. § 51:1407(A); La. Rev. Stat. Ann. § 51:1409(A).

What needs to be shown to make out a claim?

To make out a claim a consumer must show (1) that the defendant engaged in an unfair or deceptive act or practice in the conduct of any trade or commerce; (2) that the consumer suffered an ascertainable loss; (3) as a result of the illegal conduct. La. Rev. Stat. Ann. § 51:1409(A). What constitutes an unfair or deceptive practice is determined on a case-by-case basis. *Adelmann-Chester v. Kent*, 33 So.3d 187, 202 (La. App. 4 Cir. 2009) (citing *Core v. Martin*, 543 So.2d 619 (La. App. 2 Cir. 1989)).

**Using State Consumer
Protection Law to Limit
Junk Food
Marketing to Children**

This project conducted a 50-state survey of existing state consumer protection law and the potential role it might play to limit junk food marketing to children. Each State legal summary describes the most relevant existing consumer protection statute and identifies provisions that might be invoked to protect children from junk food marketing. Procedural provisions and criminal penalties are not discussed.

