

Which state consumer protection provisions could be used to protect kids from junk food marketing?

The Utah Consumer Sales Practices Act generally prohibits deceptive acts or practices occurring “before, during, or after []a transaction.” Utah Code Ann. § 13-11-4(1). The statute also enumerates prohibited deceptive acts including knowingly or intentionally indicating that :

- “[T]he subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits, if it has not.” Utah Code Ann. § 13-11-4(2)(a);
- “[T]he subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not.” Utah Code Ann. § 13-11-4(2)(b); and
- “[T]he supplier has a sponsorship, approval, or affiliation the supplier does not have.” Utah Code Ann. § 13-11-4(2)(i).

Unconscionable acts also are prohibited. Utah Code Ann. §13-11-5(1). Whether an act is unconscionable is a question of law for the court. Utah Code Ann. § 13-11-5(2).

Does Utah law provide any special protections for child consumers?

The Utah Consumer Sales Practices Act has no specific provision protecting children as vulnerable consumers.

Who can bring a lawsuit?

The Attorney General may bring actions under the act, including class actions on behalf of consumers. Utah Code Ann. § 13-11-17. Individual consumers and classes of consumer may file suit. Utah Code Ann. § 13-11-19; § 13-11-19(3).

What needs to be shown to make out a claim?

In order to make out a claim, a consumer must allege a deceptive or unconscionable trade practice was committed. When alleging a trade practice violated an enumerated act from the list of prohibited acts in the statute, the consumer must establish that the defendant committed the conduct knowingly or intentionally. Utah Code Ann. § 13-11-4.

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.

