House Passage of Cheeseburger Bill Cheered on by Food Industry

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law journals." Smith, along with many other opponents of physician assisted suicide, claim that the Interpretive Rule would have been valid had the Attorney General worked with the Department of Health and Human Services ("HHS") to enforce the Rule. Had HHS been consulted, they argue, the decision as to what medical acts constitute "legitimate medical practices" would be made by the Government agency responsible for regulating medical practice and the Rule would be valid.

Proponents of ODWDA point out that the matter is now settled. They argue that ODWDA was twice approved by the voters of Oregon and that the Rule has now been decisively defeated at the District Court, in the Ninth Circuit and at the United States Supreme Court.

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2 Id.
3 Id. at 922-23.
5 Gonzales, 126 S.Ct. at 911.
6 Id.
7 Id.
8 Id. at 913-14.
9 Id. at 914.
10 Oregon v. Ashcroft, 368 F.3d 1118, 1124 (9th Cir. 2004).
12 E-Mail Interview with Roger Pilon, Vice President for Legal Affairs, CATO Institute (Jan. 30, 2006).
13 Id.
14 Nothing to Die Over, supra note 4.
Hastert, (R-Ill.), agreed with the legislation and stated that, "we as Americans need to realize that suing your way to better health is not the answer. Trial lawyers need to stop encouraging consumers to blame others for the consequences of their actions just so they can profit from frivolous lawsuits against restaurants." Although the White House has endorsed the legislation, the Senate is not expected to pass it this year.

According to consumer activists, the avalanche of "cheeseburger laws" may not insulate the food industry from legal troubles as much as intended. Professor John Banzhaf of George Washington University School of Law and Professor Richard Daynard of Northeastern University School of Law are two well-known anti-tobacco activists who have vowed to bring their tobacco litigation experience to the fight for changes in the production, advertisement and consumption of food in the United States. Similar to the fight against the tobacco industry, activists will probably begin to focus on state consumer protection statutes that empower consumers with the right to bring lawsuits based on unfair or deceptive commercial practices. The appearance of state and federal 'cheeseburger bills' sparked a growing debate involving complicated issues of public health, personal responsibility and government regulation. As consumer activists continue with their fight on 'Big Food,' this debate may result in significant changes to the American food industry.


6 H.R. 554.
7 H.R. 554.
8 H.R. 554.
10 Erin Madigan, supra note 1.
11 Id.
12 Id.
13 Id.
15 Id.
16 Id.