

The Federal Trade Commission as National Nanny

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Rachel Louise Moran, [Fears of a Nanny State: Centering Gender and Family in the Political History of Regulation](#), in **Shaped by the State: Toward a New Political History of the Twentieth Century** 317 (Brent Cebul, Lily Geismer, and Mason B. Williams, eds., 2019).

The new essay collection **Shaped by the State: Toward a New Political History of the Twentieth Century**, edited by Brent Cebul, Lily Geismer, and Mason B. Williams, makes a strong case for thinking about political history as deeply tied to broader strands in American history. The essays in the book describe the growth and evolution of the modern state in light of “long-standing structures and ideologies of markets and social power defined by race, gender, class, and hierarchies of citizenship.” (P. 8.) As the [table of contents](#) makes clear, regulation and the administrative state are key parts of this story of the modern state. Rachel Louise Moran’s contribution to the collection, *Fears of a Nanny State: Centering Gender and Family in the Political History of Regulation*, approaches regulatory history in this expansive way, unpacking the gendered nature of both regulation and resistance.

Moran takes as her topic efforts by the Federal Trade Commission (FTC) in the late 1970s to limit children’s exposure to junk food advertising on television. One might assume that the FTC’s attempts to prevent greedy corporations from using sugar to entice children would make regulators the heroes in a modern fairy tale. Moran describes how in 1977 the Center for Science in the Public Interest “dramatically sent 170 decayed teeth (and petitions signed by ten thousand health professionals) in a bag to the Federal Trade Commission, along with a request the FTC regulate the advertising of foods to children.” (P. 320.) Instead, however, the 1978 Children’s Advertising Rule investigation—soon known as “KidVid”—collided with concerns about an overstepping state voiced by industry opponents, media skeptics, and parents protective of their own authority.

The FTC’s statutory authority allowed it to regulate unfair and deceptive market behavior; regulators claimed that ads targeting children—by definition low-information consumers—were unfair. Since the FTC had traditionally focused on policing deceptive market behavior, there was little precedent for this regulation, and, Moran describes, “the unfairness principle was almost instantly portrayed as FTC overreach, as a bureaucracy pulling extra powers out of its hat.” (P. 323.) Moran quickly sketches the outlines of the political history: an extensive investigation with more than two hundred witnesses and thousands of pages in the record resulted in negative press, industry lawsuits, congressional pushback, and a failed rulemaking.

This alone is an interesting story, at least to those of us fascinated by bureaucratic behavior. But Moran provides more than a straightforward political history of regulation and resistance by focusing on the gendered framework at play in “the earliest sustained debate over the nanny state in U.S. politics[.]” (P. 321.) “Nanny state” language emerged first in British politics but Americans had long considered their own government in turn paternalist and maternalist. The latter framework came to dominate as the state expanded its authority to look out for citizens’ welfare by providing them with benefits and regulating their environments. More specifically, the FTC was described at various points in its history as “the little old lady of Pennsylvania Avenue” and “the national nanny.” (P. 318.) The issues involved in the KidVid episode were particularly fraught. Regulating what American children ate challenged mothers’ presumed responsibility for raising children and fathers’ presumed responsibility for supervising the family; regulating what children were exposed on tv did the same.

This specific regulatory intervention touched on broader issues of the expansion of consumer regulation, the changing legal status of women, the rise of dual-income (white middle class and elite) families, and the dangers (real or

imagined) of overly permissive parenting. As Moran argues, “It is no coincidence that as the reality of a breadwinning man evaporated, the image maintained a stranglehold on the American political imaginary since a nanny state appeared to undermine masculine independence, self-sufficiency, and individual freedom.” (Pp. 333-34.) In light of changing parental roles, opponents argued, parents (and particularly mothers) should step up their parenting instead of asking the state to step in as a substitute parent. (The voices of mothers who welcomed this help were generally dismissed.) These claims about an overbearing state were loud enough that Congress pulled authority from the FTC so it couldn’t do anything like it again.

Moran concludes by tracing the continued power of “nanny state” language to fight regulation—of health care, of large sodas (as in the recent New York City contretemps), and of vaccination and school lunches. Overall, the essay points to the importance of bringing gender (and race, and class, and sexuality, and ability, and other categories of analysis) into political history generally and into regulatory history in particular. Moran clearly demonstrates how broad debates over the boundaries of public and private were tied up with the nature of (and threats to) traditional gender roles, and how gendered concepts of antistatism can be.

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