

JIM CROW TAKES COSTCO:

The Food Apartheid examined through the lenses of oppressive systems



A White Paper by: K. Chase

“Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.”

- Nelson Mandela

Introduction

The world could not care less about poor people, people of color, and any intersection therein. This has been a motif on the hem of American history as far back as history itself. And while this ideology seems ancient or outdated in today’s new “woke society,” the effects of racism and classism are still rapidly rampaging through our communities. It affects the way we work, speak, interact, and even the way we eat.

Specifically, oppressive systems, reinforced by legislation, have created a Food Apartheid previously known as a food desert. A food desert is “an urban area where it is difficult to buy affordable or quality fresh foods.”¹ While this definition worked in the past, it is only the tip of the iceberg when discussing food redlining. The term “desert” leads us to think of natural deserts that occur in the wild as a product of nature.² A word so passive fails to encompass all that this issue includes. Apartheid, on the other hand, refers to the separation caused by discriminatory systems.³ Using the term “food apartheid” informs us that this is not a naturally occurring issue but rather the effects of a system designed to yield the results we see.⁴ Additionally, it is crucial to identify that

¹ "Food Deserts." *FOOD EMPOWERMENT PROJECT*, <https://foodispower.org/access-health/food-deserts/>.

² Merriam-Webster. (n.d.). *DESERT*. In *MERRIAM-WEBSTER.COM DICTIONARY*. 2025, from <https://www.merriam-webster.com/dictionary/desert>

³ University of Michigan School for Environment and Sustainability. *FOOD DESERT VS. FOOD APARTHEID: WHICH TERM BEST DESCRIBES DISPARITIES IN FOOD ACCESS?* SEAS News. from <https://seas.umich.edu/news/food-desert-vs-food-apartheid-which-term-best-describes-disparities-food-access>

⁴ Merriam-Webster. (n.d.). *APARTHEID*. In *MERRIAM-WEBSTER.COM DICTIONARY*, <https://www.merriam-webster.com/dictionary/apartheid>

oppressive systems do not simply oppress by word of mouth but are woven into infrastructure and government. Just as life imitates art, legislation imitates societal norms.

Analysis

I. Redlining

The food apartheid against black and brown communities exists as the result of a system designed to create it. This system extended into the 1930s as a result of segregation and redlining. Redlining by the Homeowners' Loan Corporation (HOLC) refers to the discriminatory practice of segregating communities based on race and ethnicity, which had a profound impact on housing and economic opportunities for Black, Indigenous, and People of Color (BIPOC).⁵ In the 1930s, the HOLC, a government agency created during the Great Depression, developed maps that outlined areas deemed "risky" for investment.⁶ These maps used color-coded zones to indicate the perceived level of financial risk in different neighborhoods.⁷ Areas inhabited predominantly by BIPOC communities were typically labeled as "high-risk" or "hazardous" (often marked in red). In contrast, predominantly white neighborhoods were marked as "low risk" or "desirable" (often marked in green).⁸ This practice of redlining made it extremely difficult for BIPOC families to secure mortgages, leading to long-term

⁵ *REDLINING IN CHICAGO*, CHI. HIST. MUSEUM, <https://www.chicagohistory.org/redlining/>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

disinvestment in these communities. As a result, BIPOC communities were forced to live in overcrowded inner cities.⁹

The Civil Rights Movement, which sought to end racial segregation and discrimination in the United States, led to significant social and political unrest during the 1950s and 1960s. One of the primary outcomes of this movement was increased racial tensions, particularly in urban areas. This unrest contributed to a phenomenon known as “white flight,” where many white families, fearing the social and demographic changes in cities, relocated to the suburbs.¹⁰ In response to this migration, businesses, including grocery stores, followed their “most profitable markets”—typically white, middle-to-upper-class communities—moving their locations to the newly developing suburban areas. This shift not only reflected economic priorities but also reinforced racial and economic segregation, as grocery stores left urban neighborhoods, leaving behind predominantly Black and working-class areas with fewer resources.

As a result, urban areas, especially those with large populations of BIPOC, experienced a decline in access to essential goods. The migration of businesses to the suburbs created “food deserts” in many inner-city neighborhoods, where residents had limited access to grocery stores, fresh produce, and affordable food.¹¹ This contributed to a broader cycle of disinvestment in urban areas, while suburban areas flourished economically, further deepening the divides between races and economic classes.¹² This

⁹ *Id.*

¹⁰ Planetizen, What Is White Flight?, <https://www.planetizen.com/definition/white-flight>

¹¹ The Humane League, Food Desert: What Is It, Causes & Examples of Food Deserts, <https://thehumaneleague.org/article/food-desert>.

¹² *Id.*

shift's legacy continues to influence racial and economic inequality patterns in many American cities today.

II. Food Insecurity

In some instances, the food apartheid makes it more challenging for families to access food, while in other cases, it makes it impossible. For the families that experience this impossibility, it results in food insecurity. The combination of distant grocery stores, a lack of affordable goods, and no mode of transportation can be detrimental. The U.S. Department of Agriculture (USDA) defines food insecurity as “the limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.”¹³ This definition highlights the lack of access to nutritious food and the social and economic barriers that make it difficult for individuals to acquire food that meets their needs and respects their cultural norms. One related concept that illustrates the complexities of food access is the “food mirage,” which refers to geographic areas where individuals and communities live near grocery stores or supermarkets that offer various healthy food choices.¹⁴ Despite this optic abundance, many people in these areas cannot afford to purchase the food available. As a result, they are forced to travel greater distances to find more budget-friendly, nutritious alternatives, further exacerbating the challenges they face as previously outlined.¹⁵

¹³ U.S. Dep’t of Agric., Econ. Research Serv., Definitions of Food Security, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security>.

¹⁴ Breyer, Betsy & Voss-Andreae, Adriana, Food Mirages: Geographic and Economic Barriers to Healthful Food Access in Portland, Oregon, 24 Health & Place 131 (2013), <https://doi.org/10.1016/j.healthplace.2013.07.008>.

¹⁵ *Id.*

The issue of food insecurity disproportionately affects marginalized communities, particularly Black and Latino children, who are twice as likely to experience hunger compared to their peers.¹⁶ This disparity highlights the intersection of race, income, and access to food in the United States. Children in households with low food security face a bleak reality as many are forced to skip meals, go without food for extended periods, or rely on inconsistent access to food. In these situations, the stress of food insecurity not only affects children's physical health but also their mental and emotional well-being.¹⁷ The long-term consequences of this type of insecurity can lead to stunted growth, cognitive delays, and an increased risk of chronic health conditions as these children grow older.¹⁸

The experience of going hungry, combined with the strain of living in a food desert or a food mirage, creates a cycle of disadvantage that is difficult to break and has lasting effects on future generations. As the issue of food insecurity continues to impact families, especially in low-income communities, it is crucial to address the systemic factors that contribute to the problem, including food affordability, income inequality, and the physical and economic barriers to accessing healthy, affordable food. Without intervention, the cycle of food insecurity will only continue to deepen, disproportionately affecting vulnerable populations and perpetuating the disparities in health and well-being across racial and economic lines.

¹⁶ U.S. Dep't of Agric., Econ. Research Serv., *Child Food Insufficiency Continues to Vary Widely Across Racial and Ethnic Groups* (Apr. 6, 2023), <https://www.ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=106257>.

¹⁷ *Id.*

¹⁸ *Id.*

III. Nutritional Literacy

A "Food Swamp" describes areas that, despite having plenty of food outlets, predominantly offer unhealthy options that contribute to widespread health issues, such as hypertension, type 2 diabetes, and other chronic diseases.¹⁹ These neighborhoods are flooded with fast food chains, convenience stores, and highly processed foods, often cheaper and more accessible than fresh, nutritious options. While food may be readily available, the quality of that food is poor, leading to long-term health consequences for residents. In these environments, families are often left with limited choices that contribute to poor dietary habits and a higher prevalence of diet-related illnesses. This situation is particularly problematic in food-insecure households, where access to healthy, affordable food is already limited.²⁰ Research has shown that households without access to a car tend to consume fewer fresh fruits and vegetables because they face greater challenges in reaching stores that offer such foods.²¹ Instead, these families are more likely to rely on processed, canned, or frozen foods that are easier to obtain and preserve but lack the nutritional value needed for a healthy diet.²²

This issue is further compounded by the practices of grocery store owners and the broader food industry, which often fail to see BIPOC communities as a profitable market for nutritious groceries. Instead, BIPOC neighborhoods are more likely to be served by liquor stores, corner stores, and convenience shops that predominantly sell alcohol,

¹⁹ Cordialis Msora-Kasago, MA, RDN, What Are Food Swamps? All You Need to Know, Healthline (Mar. 28, 2023), <https://www.healthline.com/nutrition/food-swamps>

²⁰ *Id.*

²¹ *Id.*

²² Kristen Cooksey-Stowers, Marlene B. Schwartz & Kelly D. Brownell, Food Swamps Predict Obesity Rates Better Than Food Deserts in the United States, 14 Int'l J. Env'tl. Res. & Pub. Health 1366 (2017), <https://doi.org/10.3390/ijerph14111366>

snacks, and processed foods, while healthy options remain scarce.²³ This economic neglect of BIPOC communities contributes to a cycle of food insecurity and poor health. Grocery stores and supermarkets, which are more likely to offer fresh produce, lean proteins, and other healthy choices, often avoid these neighborhoods due to perceptions of low profitability, further limiting residents' access to nutritious food.²⁴ This pattern reinforces systemic inequities, leaving communities already struggling with poverty and health disparities.

Analysis of Legislation

The Robinson-Patman Act

Oppressive systems are generative because they are reinforced by oppressive legislation. This legislature can be neutral, yet have a disparate impact, or be manipulated to render devastation. The Robinson-Patman Act is a stark example of legislation being manipulated to devastate communities for generations.

The Robinson-Patman Act is a federal law enacted during the Great Depression to prevent suppliers from charging different prices to buyers for the same commodity. The Robinson-Patman Act, originally passed in 1936, was designed to protect small businesses, including small chain retailers, from unfair pricing practices by suppliers who would prioritize larger retailers with better purchasing power.²⁵ Section 2a of the act reads “[I]t shall be unlawful for any person engaged in commerce...to discriminate in

²³ Naya Jones, Corner Stores, Surveillance, and All Black Afterlives, Antipode Online (July 17, 2020), <https://antipodeonline.org/2020/07/17/corner-stores-and-racializing-surveillance/>

²⁴ Nathaniel Meyersohn, How the Rise of Supermarkets Left Out Black America, CNN Business (June 16, 2020), <https://www.cnn.com/2020/06/16/business/grocery-stores-access-race-inequality/index.html>.

²⁵ Nathaniel Meyersohn, Robinson-Patman Act Definition and Criticisms, Investopedia (June 16, 2020), <https://www.investopedia.com/terms/r/robinson-patman-act.asp>

price between different purchasers of commodities of like grade and quality...where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them.”²⁶ The Act aimed to prevent large retail chains from receiving preferential pricing that could drive smaller competitors out of the market, thus promoting fair competition and ensuring smaller retailers survive alongside their larger counterparts.²⁷

However, in the 1980s, under President Ronald Reagan's administration, there was a broader move toward deregulation and a shift in how antitrust laws were enforced.²⁸ The administration favored a more lenient approach to competition, believing that market forces should govern business practices rather than strict regulation.²⁹ Specifically, Reagan cited Section 2b of the Act to undermine price discrimination prevention, referencing that “any price is lawful if made in good faith to meet competition.”³⁰ Consequently, the Justice Department and the Federal Trade Commission (FTC) largely stopped enforcing the Robinson-Patman Act, citing concerns that the law was outdated and unnecessary in the modern economy.³¹

²⁶ *Id.*

²⁷ Nathaniel Meyersohn, How the Rise of Supermarkets Left Out Black America, CNN Business (June 16, 2020), <https://www.cnn.com/2020/06/16/business/grocery-stores-access-race-inequality/index.html>.

²⁸ Cory Doctorow, The One Weird Monopoly Trick That Gave Us Walmart and Amazon and Killed Main Street, Pluralistic (Aug. 14, 2024), <https://doctorow.medium.com/https-pluralistic-net-2024-08-14-the-price-is-wright-enforcement-priorities-0654c7cb4726>.

²⁹ *Id.*

³⁰ 15 U.S.C. § 13 (2023).

³¹ Daniel Hanley, Controlling Buyer and Seller Power: Reviving Enforcement of the Robinson-Patman Act, 46 Hofstra L. Rev. 1 (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4648660.

This reduction in enforcement of the Robinson-Patman Act had significant consequences for small businesses in the retail market. Without the protection the Act provided, suppliers could offer lower prices to larger retailers like Walmart, which had more purchasing power, further consolidating the market and making it more difficult for smaller chains to compete.³² This contributed to the growing dominance of big-box retailers and the decline of smaller, independent stores. This lack of protection led to small or independently owned grocery stores being priced out of business and forced to close. Ultimately, the community-owned stores that once served the community they were a part of were shut down, forcing neighbors to travel further for essentials.

The Robinson-Patman Act is responsible for the snowballing effect we now know as gentrification, which prevents community-owned businesses from thriving. Gentrification is “the process whereby the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses, typically displacing current inhabitants in the process.”³³ Small, local stores that once provided essential services, jobs, and access to healthy, affordable foods have been gradually pushed out or forced to close due to their inability to compete in a market where the Robinson-Patman Act is unenforceable.³⁴ This leaves small businesses vulnerable to discriminatory suppliers. These changes have displaced long-standing companies that served the community and were vital to the local economy. The people who are most affected by this disruption are residents with lower incomes, many of

³² Crusader Staff, Black Food Insecurity Thrives, but Communities Fight Back, Chicago Crusader (Nov. 26, 2024), <https://chicagocrusader.com/black-food-insecurity-thrives-but-communities-fight-back/>.

³³ Urban Displacement Project, What Are Gentrification and Displacement?, <https://www.urbandisplacement.org/about/what-are-gentrification-and-displacement/>.

³⁴ *Id.*

whom are POC, who have lived in these neighborhoods for generations. These residents are now “trapped behind enemy lines,” facing the loss of vital resources that once made their communities livable and sustainable.³⁵

Markets and grocery stores previously within walking distance have been pushed out in favor of more expensive stores that appeal to the needs and socioeconomic status of the incoming higher-income residents.³⁶ This shift has left community members with fewer options for basic needs. To access affordable grocery stores and other essential services, these long-term residents now must rely on buses or taxis, significantly increasing the financial burden of their daily lives. As the cost of transportation adds up, it further contributes to the economic hardship these communities face, creating a cycle of inequality that is difficult to escape.³⁷ Ultimately, this leaves them more isolated and struggling to meet their basic needs.

Recommendations

I. Better-Faith

Interlocking systems of racial and class-based discrimination have caused irreparable damage to marginalized communities. Although history cannot be altered, its repetition can be avoided through conscious action. The first action focuses on the enforcement of the Robinson-Patman Act. Section 2a of the RPA should be enforced in litigation, notwithstanding Section 2b. Enforcement looks like the DOJ hearing and

³⁵ Share Our Strength, Urban Planning and Food Apartheid, <https://shareourstrength.org/food-justice-event/urban-planning-and-food-apartheid/>

³⁶ *Id.*

³⁷ Food Research & Action Center, USDA Food Security Report Highlights Startling Hunger Crisis in America, <https://frac.org/news/usdafoodsecurityreportsept2024>.

deciding on RPA violations resulting in pricing discrepancies. Enforcement also looks like just consequences for those participating in discriminatory practices. These consequences should include compensatory damages to make the buyer whole, had they been sold fairly priced items, and punitive damages to deter the seller from reoffending.

Additionally, the “good faith” standard that allows suppliers to charge varying prices should be defined to reflect market value, and varying prices should not exceed a 5% discrepancy between buyers. In practice, if a supplier sells an item for \$100, they can only charge the next business within the \$95-\$105 range. This margin prevents large companies from overpowering smaller ones and rocking the boat of supply and demand. Defining good faith in this manner benefits the buyers as it protects them from price discrimination and requires product pricing transparency from competitors and suppliers. Defining margins also benefits suppliers and the DOJ by providing clear parameters for litigation. Suppliers are clear on what they can charge, and court efficiency increases as many cases can be settled before the litigation stage.

II. Affordable Requirement Ordinance

The required enforcement and revised elements prevent repetition, and creating zoning for grocery stores will dismantle harmful systems already in place. As it stands, Chicago and other cities implement Affordable Requirement Ordinances (ARO) related to housing.³⁸ ARO is a city law requiring housing equity across race and class.³⁹ Specifically in Chicago, ARO requires builders who build more than 10 units to

³⁸ City of Chicago, Affordable Requirements Ordinance, <https://www.chicago.gov/city/en/sites/affordable-requirements-ordinance/home.html>.

³⁹ *Id.*

designate a percentage of units reserved for low- or moderate-income housing.⁴⁰ This zoning ordinance would greatly benefit the grocery market. For large grocers such as Walmart or Whole Foods that own more than 10 franchises, a percentage of their stores should be required to operate in low- or moderate-income communities. Creating an affordable requirement for these large grocery stores corrects the wrongs created by systemic racism and classism. The requirement for grocers to supply lower-income communities would accompany an ordinance that ensures the groceries are priced equally to their other locations. These provisions create long-term equity and serve to correct long-standing inequities.

Conclusion

Overall, food apartheid is not a naturally occurring phenomenon, but a direct result of systems built to oppress. Through redlining, weakened legislation, and unchecked corporate expansion, communities of color have been deliberately starved of access to nutritious, affordable food. The long-term impact has created generational cycles of hunger, poor health, and economic instability. It is not enough to acknowledge these injustices; instead, we must dismantle the policies and practices that uphold them. By strengthening legislation like the Robinson-Patman Act and expanding zoning ordinances such as the ARO to include grocery equity, we can begin to repair the damage done. Food is a human right, not a luxury. The shadow of Jim Crow should neither shape our policies nor determine who gets to eat.

⁴⁰ *Id.*