



August 12, 2005

Via Electronic Filing

Mr. Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

**Re: Food Marketing to Kids Workshop,
Supplemental Comments of the Promotional Marketing Association,
P034519**

Dear Secretary Clark:

The Promotion Marketing Association (“PMA”) is pleased to provide these supplemental comments for the Federal Trade Commission (“FTC”) and Department of Health and Human Service (“HHS”) Public Workshop on Marketing, Self-Regulation and Childhood Obesity.

As we pointed out in our opening comments, PMA is the leading trade association representing the promotion marketing industry since 1911. Its approximately 650 members include numerous marketers, including Fortune 500 corporations, who utilize both conventional and more modern marketing techniques to reach consumers of all ages.

We write to underscore what we believe to be a few undisputed learnings from the Public Workshop, which brought together a terrific variety of viewpoints on obesity and marketing to children. And we offer the PMA’s views regarding some new proposals that were presented at the Workshop.

1. FTC's Own Evidence Shows that Television Advertising of Food Products to Children Has Declined Considerably.

Dr. Pauline Ippolito of the FTC's Bureau of Economics presented the preliminary results of research currently underway at the FTC that documents very significant declines in both the number of paid ads viewed by children 2-11 years old, as well as the number of ad minutes viewed by children of those ages. FTC's study documents a drop in all food ads viewed by children 2-11 of 50% over the last 30 years. Cereal ads and candy ads viewed by young children dropped by about 2/3 during this same period. These significant declines in television commercial weight devoted to nutrient dense food stand in direct contradiction to statistics showing a steady rise in childhood obesity over the last 30 years.

This seeming paradox seriously undermines arguments in favor of adopting severe restrictions on television marketing of such foods. In light of data showing that reducing the number of food ads viewed by children by at least 1/3 has had no impact on obesity trends, a nexus between the proposed restrictions and anticipated public health benefit is missing.

2. Further Research Must Be Conducted into the Effect of Other Food Promotional and Marketing Techniques on Children.

Although most scrutiny surrounding food marketing focuses on television and Internet advertising, several speakers at the workshop made clear that consumer behavior is influenced by myriad factors other than these two, high-profile media outlets. Product attributes, product pricing, shelf placement, distribution and availability issues, cross merchandising, and other factors all influence consumer purchase behavior.

Little research exists, however, on the cumulative effect of this panoply of other market factors. Public media attention and scrutiny continue to focus on television and Internet, with the same anecdotal examples of candy and cereal advertising being trotted out time-after-time as "support" for the case against food marketers. Before drastic restrictions are imposed that may have the effect of demonizing food ads to children on television and Internet, however, a solid research foundation must exist.

We look forward to the Institute of Medicine study on the relationship of marketing to child nutrition, a report that we understand will be released in November 2005. While we hope that the report will address some of the existing data gaps identified above, we suspect that many questions will remain unanswered. Government and industry can play a positive role in the obesity crisis by examining not only the totality

of food marketing, but also the effect that the “food market” plays on what foods people choose to eat.

3. There Should Not Be A Heightened Standard of Review For Any One Channel of Promotion or Advertising

PMA strongly disagrees with any suggestion that CARU should focus particular scrutiny or adopt a heightened standard to the use of licensed characters, product placement, or adver gaming. There is nothing inherently objectionable about these marketing techniques to justify such scrutiny. Instructing CARU to take a “hard look” at any advertising utilizing these marketing tools presupposes that such techniques are somehow more likely to be responsible for obesity, a supposition that is far from established. Marketing tools such as the use of games, licensed characters, and product placement are simply appropriate and time honored methods of advertising and should not require special scrutiny.

Conclusion

The PMA encourages further research and discussion in the area of marketing to children. We urge the agencies and industry alike to ensure that any self-regulatory measures purporting to involve the restriction of commercial speech be examined closely for constitutionality and, in any event, be founded solely on solid, well-conducted scientific research.

Respectfully submitted,

Edward M. Kabak, Esq.
Chief Legal Executive
Promotion Marketing Association, Inc.
257 Park Avenue South
New York, NY 10010-7304

cc: Claire Rosenzweig, CAE, President, PMA
Sabrina Ironside, Chairman of the Board, PMA

OF COUNSEL TO PMA

Linda A. Goldstein
Christopher A. Cole
MANATT, PHELPS & PHILLIPS, LLP
7 Times Square
New York, NY 10036