



American Dental Association
www.ada.org

August 12, 2005

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex H)
600 Pennsylvania Ave NW
Washington, DC 20580

RE: Food Marketing to Kids Workshop—Comment (Project No. P034519)

To Whom It May Concern:

The American Dental Association (ADA) is pleased to comment on the Federal Trade Commission's (FTC's) joint initiative with the U.S. Department of Health and Human Services (HHS), to reduce the prevalence childhood obesity. These comments are offered in response to the joint *Federal Register* notice¹ of May 12, 2005—and subsequent to your recent and highly successful *Food Marketing to Kids Workshop*.

As you move forward with your initiative to promote more health conscious marketing practices within the food and beverage industry, the ADA urges you to highlight our nation's schools in your efforts. The Association is particularly concerned about the wide-spread use of school vending contracts that permit the targeted marketing of soft drinks to children.

The ADA has long recognized the link between good oral health and sound nutrition. We oppose targeting children in the promotion and advertisement of foods low in nutritional value and high in cariogenic carbohydrates. We also oppose contractual arrangements—including pouring rights contracts—designed to influence youth consumption patterns and increase soft drink access for children.

Carbonated soft drinks are now the leading source of added sugar among children and teens.²⁻³ Long known to promote tooth decay^{4,5,6,7}, mounting evidence suggests that excessive, long-term soft drink consumption may also be associated with higher rates of childhood obesity⁸ and obesity-related health conditions. These conditions include heart disease, diabetes⁹, osteoporosis¹⁰⁻¹¹, various forms of cancer, and other chronic conditions.¹²

Youth soft drink consumption has spiked¹³ in recent years while, at the same time, public schools have come to rely on exclusive vending contracts with food and beverage distributors, as a means to sustain their educational activities. These arrangements (sometimes referred to as “pouring rights contracts”) enable public schools to share a portion of school vending machine revenue in exchange for allowing soft drink companies market and sell their products to schoolchildren.

Since 1998 over 300 school districts in 32 states have entered into pouring rights contracts. In 2000 alone, 47.1 percent of public schools and 49.9 percent of public school districts had exclusive licensing agreements with soft drink distributors.¹⁴

These vending contracts inevitably provide for direct and indirect product advertising on school grounds (i.e., providing free samples, posting signage, branding school equipment, sponsoring events, etc.). They often require some minimum number of vending machines to be housed on campus and, in some cases, govern where they must be placed and when they must be in operation (i.e., placed within 25 feet of a school cafeteria, operating during student meal times, etc.). Some contracts even entice schools with bonus profit-sharing payments when sales volumes increase.

Washington Office
1111 14th Street, NW, Suite 1100, Washington, DC 20005
p 202-898-2400 f 202-898-2437

