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Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room H-135, Annex H
Washington, DC 20580

Re: Food Marketing to Children and Adolescents Report to Congress
Comment, Project No. P064504

Dear Mr. Clark:

Members of the Children's Media Policy Coalition, including Action Coalition for Media Education, Benton Foundation, Children Now, National Institute on Media and the Family, and the Office of Communication of the United Church of Christ, Inc. are pleased that the Federal Trade Commission ("FTC" or "Commission") is investigating food industry marketing activities and expenditures targeted to children and adolescents. *Request for Information and Comment: Food Marketing Practices to Children*, 71 Fed. Reg. 10535 (2006) ("Request for Information"). Because only industry can provide the information requested by the FTC, we strongly urge the FTC to utilize its authority to compel disclosure of the relevant information. We also suggest some additional types of information that the Commission should obtain to create an accurate and complete picture of food marketing to children.

The Children's Media Policy Coalition is made up of a variety of public health, children's advocacy, and other non-profit groups that have long been concerned about excessive, deceptive

or unfair advertising to children. The Coalition often participates in rulemaking proceedings at the Federal Communications Commission (“FCC”). For example, just last year we filed comments in the FCC’s proceeding on interactive advertising. One of the members, the American Psychological Association (“APA”), recently issued a report reviewing the research literature on advertising to children. The APA Task Force on Advertising and Children was able to make many scientific determinations about how advertising influences children’s product preferences and eating habits, but found that there were not enough studies available involving the analysis of advertisements on the Internet, interactive advertising, and in-school commercialism. *Report of the Task Force of the American Psychological Association, Summary of Findings and Conclusions*, available at http://www.apa.org/releases/childrenads_summary.pdf, at 4-6, 8 (“APA Report”).

As the Commission recognized, it is unlikely that much of the data needed to prepare its report will be publicly available. The Institute of Medicine (“IOM”) experienced this problem while developing its report on the effects of advertising on children. Even though the IOM report did an excellent job reviewing marketing to children, the Committee had a difficult time obtaining the data necessary to fully answer their inquiries. For example, the IOM encountered notable challenges in obtaining and using commercial marketing research on product purchases and target markets. *IOM Report, Food Marketing to Children and Youth: Threat or Opportunity*, National Academies Press (2006) at 1-14 (“IOM Report”). Furthermore, research on new strategies to deliver messages to youth was proprietary information or, alternatively, the information was only available at a prohibitively high price. *Id.* Thus, it is crucial that the FTC use its power under §6(b) of the FTC Act, 15 U.S.C. §46(b) to gather the research needed for effective review.

Use of the Commission’s investigative power is especially important where little publicly available data is accessible. For instance, the IOM report indicated that there were few publicly available studies about online marketing practices. *IOM Report*, at 4-46, 5-2, 5-60, 5-61; *APA Report*, at 8. Thus, the Commission should be particularly thorough in gathering data responsive about online marketing practices. While we are pleased that the FTC has included questions about Internet advertising, e.g. Question 2, we urge the FTC to obtain any research and data relevant to a broad range of important questions, including: How much time children spend viewing websites that markets products to youth or watching commercial advertising on television that targets young people specifically? What types of advertising and marketing occur through the internet, cell phones, movies, and video games? How interactive advertising is directed at children and how it affects them? What kinds of advertising techniques are used online? Whether parents have adequate tools to monitor or limit their child’s exposure to pervasive commercial material online?

In addition, we urge that when the Commission issues orders, that it expands on the questions listed in the Request for Information. For example, Question 1(a) asks about the “types of foods and beverages marketed to children and adolescents” and “the categories or subcategories used to describe these products.” We are concerned that this question may generate information of insufficient detail to address the problem of how food marketing affects children’s health. At a minimum, the FTC should obtain information about the nutritional value of foods marketed to children.

The Commission should also compel the submission of pertinent industry research. Question 3 covers the “techniques used in marketing to children and adolescents.” This question should include proprietary studies that determine how to make products more attractive to children, how that data is then integrated into marketing practices, and the results that follow. Additionally, it is important to ask how companies plan to market to children in the future. A recent article in AdAge reports that major advertisers are turning away from traditional television advertising. Abbey Klaassen, *Marketers Lose Confidence in TV Advertising* (2006), available at adage.com. For example, advertisers are using video on demand, interactive advertising during television programs, online video advertisements, and product placement. *Id.* To be most helpful to Congress, the Commission’s report should include information about industry’s future marketing plans.

We appreciate the opportunity to share our views with the Commission. If members of the Coalition can help in any way in the preparation of this important report, please do not hesitate to contact us.

Respectfully Submitted,

/ s /

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Now, National Institute on Media and the
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