

*Before the*  
FEDERAL TRADE COMMISSION  
Washington, DC 20580

In the Matter of )  
 )  
Complaint and Request for Investigation of )  
McDonald's Corporation's Violation of the )  
Children's Online Privacy Protection Act in )  
Connection with HappyMeal.com )

**COMPLAINT AND REQUEST FOR INVESTIGATION**

**Submitted by**

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Berkeley Media Studies Group  
Campaign for a Commercial-Free Childhood  
Center for Media Justice  
Center for Science in the Public Interest  
Children Now  
Consumer Action  
Consumer Federation of America  
Consumer Watchdog  
ChangeLab Solutions  
Global Action Project  
Media Literacy Project  
Privacy Rights Clearinghouse  
Public Citizen  
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The Center for Digital Democracy (“CDD”), by its attorneys, the Institute for Public Representation (“IPR”), joined by American Academy of Child and Adolescent Psychiatry, Berkeley Media Studies Group, Campaign for a Commercial-Free Childhood, Center for Media Justice, Center for Science in the Public Interest, Children Now, Consumer Federation of America, Consumer Watchdog, ChangeLab Solutions, Global Action Project, Media Literacy Project, Privacy Rights Clearinghouse, Public Citizen, Public Health Advocacy Institute, and Rudd Center for Food Policy & Obesity at Yale (collectively, “Children’s Privacy Advocates”), ask the Federal Trade Commission (“FTC”) to investigate and bring an action against McDonald’s Corporation for operating the website HappyMeal.com in violation of the Children’s Online Privacy Protection Act (“COPPA”). HappyMeal.com is a website directed at children under age 13 that collects personal information from children without giving clear and understandable notice to parents and without even attempting to obtain verifiable parental consent.

**I. Background**

McDonald’s Corporation owns and franchises the McDonald’s chain of fast food restaurants. McDonald’s, the leading global foodservice retailer, serves over 68 million people each day in more than 33,000 restaurants.<sup>1</sup> McDonald’s was founded in 1940 and is

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<sup>1</sup> McDonald’s, Getting to Know Us, [http://www.aboutmcdonalds.com/mcd/our\\_company.html](http://www.aboutmcdonalds.com/mcd/our_company.html) (last visited August 21, 2012).

headquartered in Oak Brook, Illinois.<sup>2</sup> Throughout its history, McDonald's has tailored its foodservice to appeal to children. McDonald's mascot and "Chief Happiness Officer" is the clown Ronald McDonald.<sup>3</sup> Many McDonald's restaurants feature "PlayPlaces"—playgrounds designed to attract children.<sup>4</sup> The McDonald's menu features several products for children, most notably "Happy Meals," which are boxed meals that come with toys.<sup>5</sup> As of August 19, 2012, HappyMeal.com indicates that Happy Meals come with moving figurines of characters from the popular Nickelodeon series *SpongeBob SquarePants*. Each Happy Meal also comes with an "mCode" that can only be used on the HappyMeal.com website. The insert with the mCode says, "Use this mCode in McWorld to unlock a virtual SpongeBob surprise! Plus, help break a virtual world record!"<sup>6</sup>

HappyMeal.com is a sophisticated interactive website operated by McDonald's, clearly geared to children under the age of 13. HappyMeal.com offers "advergames"—online video games and other child-oriented activities that incorporate McDonald's products. "McWorld," one portion of HappyMeal.com, is

McDonald's new, free virtual world where You rule!

....

Also a code can be found on various Happy Meal items such as the Happy Meal box or bag, White and Chocolate Milk Jugs and

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<sup>2</sup> McDonald's, McDonald's History, [http://www.aboutmcdonalds.com/mcd/our\\_company/mcdonalds\\_history\\_timeline.html](http://www.aboutmcdonalds.com/mcd/our_company/mcdonalds_history_timeline.html) (last visited August 21, 2012); McDonald's, Board of Directors Biographical Information, [http://www.aboutmcdonalds.com/mcd/investors/corporate\\_governance/board\\_of\\_directors.html](http://www.aboutmcdonalds.com/mcd/investors/corporate_governance/board_of_directors.html) (last visited August 21, 2012).

<sup>3</sup> See *Should Ronald McDonald Be Forced to Retire?*, ABC World News (Mar. 31, 2010), <http://abcnews.go.com/WN/ronald-mcdonald-group-promotes-childhood-obesity-retire/story?id=10248551>.

<sup>4</sup> Playtime, McDonald's PlayPlace Systems (2012), available at [http://playtime.com/sites/experienceplaytime.com/files/gallery-pdf/2012\\_McDonaldsPlayPlaceSystems.pdf](http://playtime.com/sites/experienceplaytime.com/files/gallery-pdf/2012_McDonaldsPlayPlaceSystems.pdf) ("McDonald's Owner-Operators now know the benefits of attracting the right demographics by having an area for play.").

<sup>5</sup> [http://www.happymeal.com/en\\_US/#/Toys](http://www.happymeal.com/en_US/#/Toys).

<sup>6</sup> See Appendix A at Figure 1.s

Apple Dippers. The codes unlock all kinds of cool stuff like exclusive accessories for your avatar or treehouse, interactive pets, or even events where your favorite movie, TV, or comic book characters may appear and play with you!<sup>7</sup>

Kids can play advergames at HappyMeal.com and enter McWorld without creating a member account; however, if they go to McWorld as a non-member visitor, they are reminded that “[o]nly members can use Happy Meal codes to get special stuff!”<sup>8</sup>

The website not only encourages children to spend time playing in the McDonald’s branded environment, but it also encourages them to purchase (or ask their parents to purchase) Happy Meals, create user accounts, and develop positive associations with Happy Meals. As McWorld loads on a child’s computer, a Happy Meal box appears with the caption “Happiness.”<sup>9</sup> At least two games on the site—“Great Space Rescue” and “Suzi Van Zoom”—reward kids for collecting Happy Meals during gameplay.<sup>10</sup>

Although a number of aspects of HappyMeal.com likely constitute unfair and deceptive marketing practices, this complaint and request for investigation focuses on one aspect in particular: “refer-a-friend” marketing. Using this marketing tactic, HappyMeal.com encourages children to facilitate viral marketing by supplying the email addresses of their friends, so that McDonald’s can send the friends emails urging them to visit the website and play the advergames as well.

## **II. HappyMeal.com Fails to Comply with the Children’s Online Privacy**

### **Protection Act**

COPPA makes it unlawful for any operator of a website directed to children to collect personal information from a child unless it complies with certain requirements. These

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<sup>7</sup> McWorld, [http://mcworld.happymeal.com/en\\_US/](http://mcworld.happymeal.com/en_US/) (follow “About” link at top of page) (last visited August 21, 2012).

<sup>8</sup> See Appendix A at Figure 2.

<sup>9</sup> See Appendix A at Figure 3.

<sup>10</sup> See Appendix A at Figures 4, 5.

requirements include providing notice of the information collection and obtaining “verifiable parental consent for the collection, use or disclosure of personal information from children.”<sup>11</sup>

**A. The HappyMeal.com Website Is Directed to Children Under the Age of 13**

A company is subject to COPPA if it operates a website directed to children, defined as “an individual under the age of 13.”<sup>12</sup> HappyMeal.com is clearly directed to children under age 13. Indeed, nearly every page at HappyMeal.com announces, “Hey Kids, this is advertising!” Further, it is clear from the site’s subject matter, visual and audio content, and language that the site is directed at children. For example, when a child enters the kids’ portal, she is greeted by a colorful cartoon farm scene with a large Happy Meal box in the middle. The center of the page features revolving photographs linking to advergames and other features on the site. The first image in the rotation features characters from Nickelodeon’s popular *SpongeBob SquarePants* program with an invitation to “See the toys!”<sup>13</sup> A child who clicks on the link is taken to a screen featuring images of all sixteen of the SpongeBob toys currently in Happy Meals.

**B. McDonald’s Collects Personal Information from Children on HappyMeal.com**

There are a number of children’s activities on HappyMeal.com that collect personal information from children. For example, on the “Games” tab on the homepage, under the “Just for Fun” category, there are sixteen different games listed. IPR tested five of these games and found that all five collect personal information.<sup>14</sup> In addition, at least three other activities on the

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<sup>11</sup> 15 U.S.C. § 6502.

<sup>12</sup> 16 C.F.R. § 312.2-3.

<sup>13</sup> See Appendix A at Figure 6.

<sup>14</sup> IPR tested Be a Yummivore!, Seashell Fling, Sunken Ship Diver, Great Space Rescue, and Suzi Van Zoom.

site collect photos of children as well as their names and the names and email addresses of their friends.

To illustrate how these games collect personal information, IPR took screenshots of “Suzi Van Zoom,” a game in which the child controls a cartoon girl traveling by bicycle through a zoo full of animals. Upbeat rock music plays in the background. The child playing the game can collect Happy Meals along the way to earn additional points and build Suzi’s “boost meter,” then use “boosts” to temporarily increase Suzi’s speed.<sup>15</sup>

After a child finishes playing Suzi Van Zoom, she is given two options: “play again” or “invite friends.”<sup>16</sup> If she selects the second option, a popup window appears containing “a quick reminder” of the site’s privacy policy. The child must click “accept” to continue to the form where she can enter her friends’ contact information.<sup>17</sup>

After the child selects “accept,” a form pops up inviting the child to provide her name and up to five friends’ names and email addresses.<sup>18</sup> As shown in the screenshot we took of this form, although it only asks for the first name of both the sending child and recipient child(ren), we were able to fill out the form using simulated full (first and last) names, “Coppa Research” and “Coppa Research 2.”<sup>19</sup> After the child clicks “continue,” the site tells her, “Success! Your friends should receive their invitation to join the online Happy Meal experience within the next few minutes. Why not challenge them to one of your favourite [sic] games in the Games section?”<sup>20</sup> The recipient child receives a friendly message composed in the voice of her friend, “inviting” her to try the game.<sup>21</sup> The email concludes with the note, “Now pass it on!”

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<sup>15</sup> See Appendix A at Figure 7.

<sup>16</sup> See Appendix A at Figure 8.

<sup>17</sup> See Appendix A at Figure 9.

<sup>18</sup> See Appendix A at Figure 10.

<sup>19</sup> *Id.*

<sup>20</sup> See Appendix A at Figure 11.

<sup>21</sup> See Appendix A at Figure 12.

In addition to games, HappyMeal.com offers at least three activities (“Star in a Music Video,” “Get in the Picture,” and “Ronald Gram”) that invite the participating child to upload a picture of herself or activate the webcam on her computer to take one.<sup>22</sup> The website then inserts the photo into an e-card or video featuring Ronald McDonald, or a music video featuring a dancing cartoon body with her face as its head.<sup>23</sup> Once the child creates an e-card or music video, she is prompted to send it to her friends by entering their email addresses.<sup>24</sup> Upon clicking “Send,” her friend receives an email with a link to view the e-card or video featuring her photo on HappyMeal.com.<sup>25</sup>

These refer-a-friend forms collect personal information from children. The COPPA Rule defines “collects” as “the gathering of any personal information from a child by any means, including but not limited to . . . [r]equesting that children submit personal information online.”<sup>26</sup> An operator need not store the information it receives to “collect” it. As the Commission explained in its Statement of Basis and Purpose when it published the COPPA Rule in 1999, “the definition of collects or collection has been modified to cover any request by the operator that children submit information online.”<sup>27</sup>

The COPPA Rule defines “personal information” as “individually identifiable information about an individual collected online.”<sup>28</sup> This includes “an e-mail address or other online contact information, including but not limited to an instant messaging user identifier, or a screen name that reveals an individual’s e-mail address.”<sup>29</sup> Email addresses thus indisputably constitute personal information under the rule.

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<sup>22</sup> See Appendix A at Figure 13.

<sup>23</sup> See Appendix A at Figures 14-16.

<sup>24</sup> See Appendix A at Figure 17.

<sup>25</sup> See Appendix A at Figure 18.

<sup>26</sup> 16 C.F.R. § 312.2(a).

<sup>27</sup> Children’s Online Privacy Protection Rule: Final Rule, 64 Fed. Reg. 59,888, 59,889 (1999).

<sup>28</sup> 16 C.F.R. § 312.2.

<sup>29</sup> 16 C.F.R. § 312.2 (c).

**C. HappyMeal.com’s Collection of Children’s Personal Information Does Not Comply with the COPPA Rule**

Under COPPA, collecting personal information from a child constitutes unfair and deceptive trade practice in violation of Section 5 of the Federal Trade Commission Act unless the site operator complies with the notice and consent provisions set forth in the COPPA Rule.

**1. McDonald’s Fails to Comply with COPPA’s Notice Requirements**

The COPPA Rule requires that any website directed to children that collects personal information from children provide notice “of what information it collects from children, how it uses such information, and its disclosure practices for such information.”<sup>30</sup> All notices must be clearly and understandably written, complete, and contain no unrelated, confusing or contradictory materials. Further, the COPPA Rule specifies that the website operator “must post a link to a notice of its information practices with regard to children on the home page . . . and at each area on the website . . . where personal information is collected from children.”<sup>31</sup>

McDonald’s provides a link to its privacy policy on the HappyMeal.com home page. That privacy policy states in relevant part:<sup>32</sup>

**Our Privacy Policy Regarding Children**

McDonald's is very sensitive to privacy issues. We are proud of our longtime commitment to our customers. We are especially careful in any communications with one of our most treasured customers - children.

On our web sites, we offer many features, like games and coloring books, which do not require a child to provide any personal information. We collect only limited personal information from children 12 and under (like their email addresses) to respond to their online requests. For example, we may collect a child's email address in order to send the child a screen saver, but we

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<sup>30</sup> 16 C.F.R. § 312.3-4.

<sup>31</sup> 16 C.F.R. § 312.4(b).

<sup>32</sup> <http://www.mcdonalds.com/us/en/privacy.html> (last visited August 19, 2012). The full text of the privacy policy is attached as Appendix B.

promptly delete the email address from our system. Or, we may collect a child's email address in order to enter the child in a sweepstakes. We may also ask a child to provide an email address of a parent so we can notify the parent or seek consent. We will not collect more detailed information from a child 12 and younger, such as a postal address or a telephone number, without the consent of a parent or guardian. McDonald's will not condition a child's participation in any online activity on the child's disclosure of more personal information than is reasonably necessary to participate in that activity.

Personal information collected from children is used solely by McDonald's or other entities that provide technical, fulfillment or other services to McDonald's. For example, such entities may provide services, such as, improving our web sites, fulfilling requests or administering sweepstakes. This personal information is not sold or transferred to third parties.

We urge parents to regularly monitor and supervise their children's on-line activities.

The notification that the website may collect a child's email address to send her a screensaver or to enter her into a sweepstakes does not provide a complete or accurate description of what information it collects from children, how it uses such information, or its disclosure practices. For example, it does not disclose that the site uses children's email addresses to send games, videos, e-cards, or marketing messages to friends. In addition, the policy makes no mention of the site's interaction with kids' webcams, collection and storage of children's photographs, or the fact that those photographs will be emailed to others. Moreover, the policy is confusing and contradictory because it claims that McDonald's is "very sensitive" to children's privacy, but in fact, it uses its child-oriented website to collect children's email addresses and photographs and send them marketing messages without adequate notice or verifiable parental consent.

McDonald's also fails to post a link to its privacy policy at each point at which it collects personal information. In the case of many of the games, the website posts "a quick reminder"

about its privacy policy prior to asking a child to input the email addresses of her friends.<sup>33</sup> The child is invited to click on the green “accept” button or the red “decline” button. Children that do not read the reminder are likely to know that green means go and red means stop. Even if children do read the reminder, they are unlikely to comprehend the meaning of the disclosure that “eCard and game/activity sharing system has been specially designed only to pass information through the site.” Moreover, even if the site were to provide this “quick reminder” each time it collected children’s email addresses, that would not negate its obligation under the COPPA Rule to provide a link to the full policy, which it does not do.<sup>34</sup> This is a clear violation of Rule 312.4(b)(1).

More importantly, none of the privacy reminders IPR examined on HappyMeal.com makes any mention at all of parents. This violates COPPA Rule 312.4(c), which requires a website operator to “make reasonable efforts . . . to ensure that a *parent* of a child receives notice of the operator’s practices with regard to the collection, use, and/or disclosure of the child’s personal information” (emphasis added).

## **2. McDonald’s Fails to Comply with COPPA’s Requirement that it Obtain Verifiable Parental Consent Before Collecting Personal Information From a Child**

COPPA Rule 312.5 requires the website operator to “[o]btain verifiable parental consent prior to any collection, use, and/or disclosure of personal information from children.” HappyMeal.com makes no attempt to obtain parental consent before collecting a child’s personal information.

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<sup>33</sup> See Appendix A at Figure 9.

<sup>34</sup> See Appendix A at Figures 9-10.

### **3. McDonald's Collection of Email Addresses is Not Exempt Under COPPA's One-Time Contact Exception**

McDonald's collection of children's personal information without giving notice to parents and obtaining verifiable parental consent does not fall within any of the COPPA exceptions. COPPA Rule 312.5(c) sets forth five exceptions to the consent requirement, only one of which arguably has any relevance here.<sup>35</sup> COPPA Rule 312.5(c)(2) provides that verifiable parental consent is not required "[w]here the operator collects online contact information from *a child* for the sole purpose of responding directly on a one-time basis to a specific request from *the child*, and where such information is not used to recontact *the child* and is deleted by the operator from its records."<sup>36</sup>

It is clear from the language that the terms "a child" and "the child" refer to the same child. The FTC anticipated that this exception would apply when a child requested homework help or a copy of a document.<sup>37</sup> When McDonald's collects the email address of a child's friend for the purpose of sending marketing messages to that friend, the child's friend has not requested that McDonald's send her anything. Thus, McDonald's collection of email addresses is not exempt under the plain language of §312.5(c)(2).

### **4. McDonald's Collection of Personal Information Does not Follow the Guidance in the FTC's Frequently Asked Questions**

The FTC's website has a section entitled "Frequently Asked Questions about the Children's Online Privacy Protection Rule" (FAQ) that is intended to supplement other compliance materials on the FTC website. One question, Question 44, addresses practices similar to the send-to-a-friend function utilized by McDonald's.

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<sup>35</sup> The other exemptions are for collecting the parent's address for purposes of obtaining consent, or where disclosure is necessary to protect the safety of the child.

<sup>36</sup> 16 C.F.R. § 312.5(c)(2) (emphasis added).

<sup>37</sup> Children's Online Privacy Protection Rule: Final Rule, 64 Fed. Reg. 59,888, 59,902 (1999).

**44. My child-directed website wants to offer electronic post cards and the ability for children to forward items of interest on my site to their friends. Can I take advantage of one of the email exceptions to parental consent?**

It depends on how you design your e-card or forward-to-a-friend system. Any system providing the opportunity to reveal any personally identifiable information (PII) other than the recipient's email address requires you to obtain heightened verifiable consent from the sender's parent, and does not fall within one of COPPA's limited exceptions. This means that if your e-card/forward-to-a-friend system permits PII to be disclosed in either the "from" or "subject" lines, or in the body of the message, then you must notify the sender's parent and obtain parental consent using one of the more reliable methods to obtain verifiable consent enumerated in the Rule *before* collecting any PII from the child.

In order to take advantage of COPPA's one-time contact exception for your e-cards, your webform may only ask for recipient's email address (and, if desired, sender and/or recipient's first name and last initial). Your e-card system must not permit the sender to enter her full name, her email address, or the recipient's full name. In addition, you may not provide users with the ability to freely type messages in either the subject line of the e-card or in any text fields.

Finally, you should immediately send the e-card, and then automatically delete the recipient's email address after sending. If you choose to retain the recipient's email address until some point in future (*e.g.*, until e-card is opened by the recipient, or if you allow the sender to indicate a date in the future when the e-card should be sent), you must collect the sender's parent's email address and provide notice and opt-out to sender's parent *before* the e-card is sent. *See* Statement of Basis and Purpose, 64 Fed. Reg. 59888 *et seq.*, available at [www.ftc.gov/os/1999/10/64fr59888.pdf](http://www.ftc.gov/os/1999/10/64fr59888.pdf), p. 59902, n.222

While this guidance appears applicable to the e-card features on HappyMeal.com, it may not apply to the send-to-a-friend feature that follows HappyMeal.com advergames. Its references to "e-cards" and "forward to a friend features," suggest that the guidance was intended to allow children to send birthday cards and holiday greetings to their friends, or to forward an article of

interest—not to allow children to be used to share advergames as part of a viral marketing campaign.<sup>38</sup>

Even if the guidance applies here, McDonald’s has failed to follow its conditions. FAQ 44 specifies that “your webform may only ask for recipient’s email address (and, if desired, sender and/or recipient’s first name and last initial). Your e-card system must not permit the sender to enter her full name, her email address, or the recipient’s full name.” Even though the HappyMeal.com web form asks only for first names, nothing stops the child from entering either her full name or the full name of the recipient, as our investigation discovered.<sup>39</sup>

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<sup>38</sup> According to the FAQ, Question 44 was revised on October 7, 2008. Children’s Privacy Advocates have not been able to find any additional information about the purpose of the question or the revision.

<sup>39</sup> See Appendix A at Figure 10.

### **III. Conclusion**

For the foregoing reasons, Children's Privacy Advocates respectfully request that the FTC take prompt action against McDonald's for its collection of personal information from children in violation of COPPA. By failing to comply with its obligation to provide notice of its privacy practices and obtain verifiable consent from parents before collecting personal information from children, McDonald's endangers children's privacy, exposes children to intrusive marketing behind parents' backs, and violates the FTC's regulations.

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Respectfully submitted,

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Figure 1  
mCode Message with Image of Box (from HappyMeal.com)



Figure 2  
mCode Reminder



Figure 3  
"Happiness" Happy Meal Box

**HOW TO PLAY** Help Gary rescue his brother from Gargus the Morrible!

Find gear for Gary's space suit that give him powers he will need to complete the adventure. This gear will help you **jump higher**, **see in the dark**, **unlock the sky ladder** and **fly through space**.

To energize along the way, he'll need to snack on Happy Meals® with delicious apples and milk.

Avoid these! They'll take away your energy!

Look around: L  
Energize with a snack: Return/Enter  
Climb up: ↑  
Move left: ←  
Move right: →  
Climb down: ↓  
Space Bar: Tap once for jumping, twice for flying

**HINT:** Follow the green arrow! 

**PLAY NOW!**

Figure 4  
Great Space Rescue Game Instructions



Figure 5  
Suzi Van Zoom Game Instructions



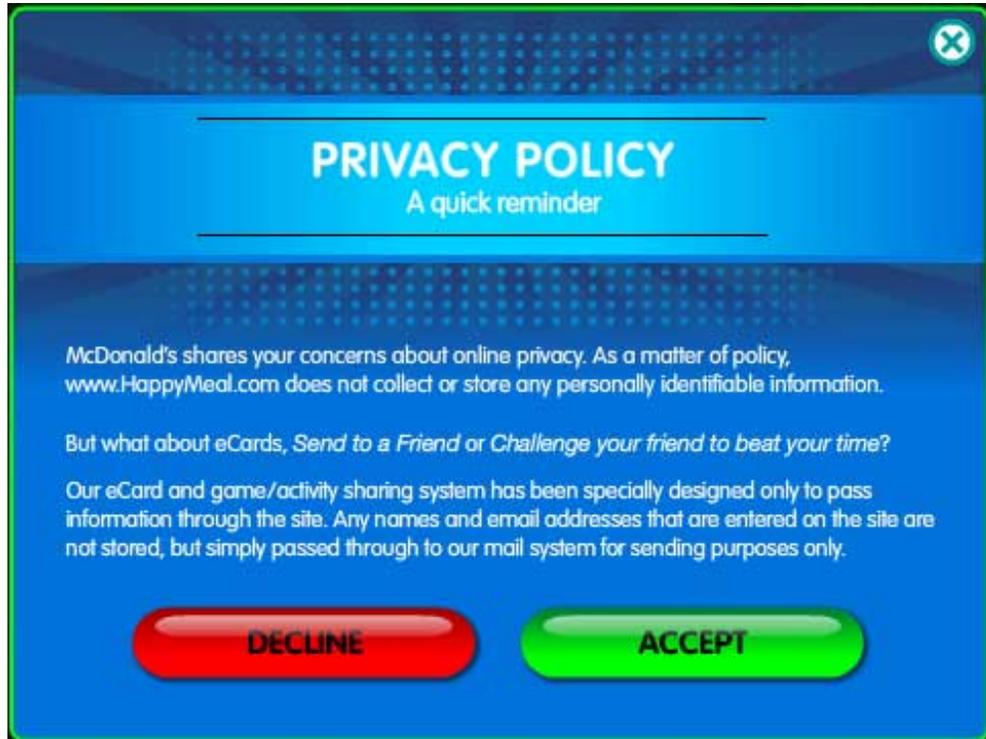
Figure 6  
HappyMeal.com Homepage



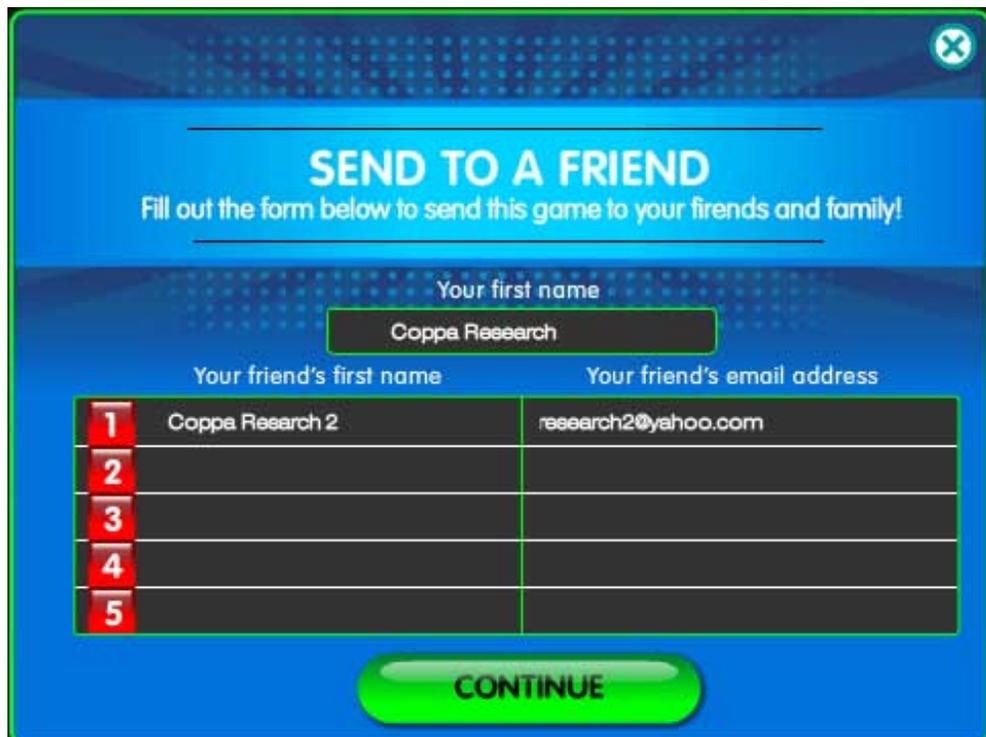
**Figure 7**  
Suzi Van Zoom Gameplay



**Figure 8**  
Suzi Van Zoom End Screen

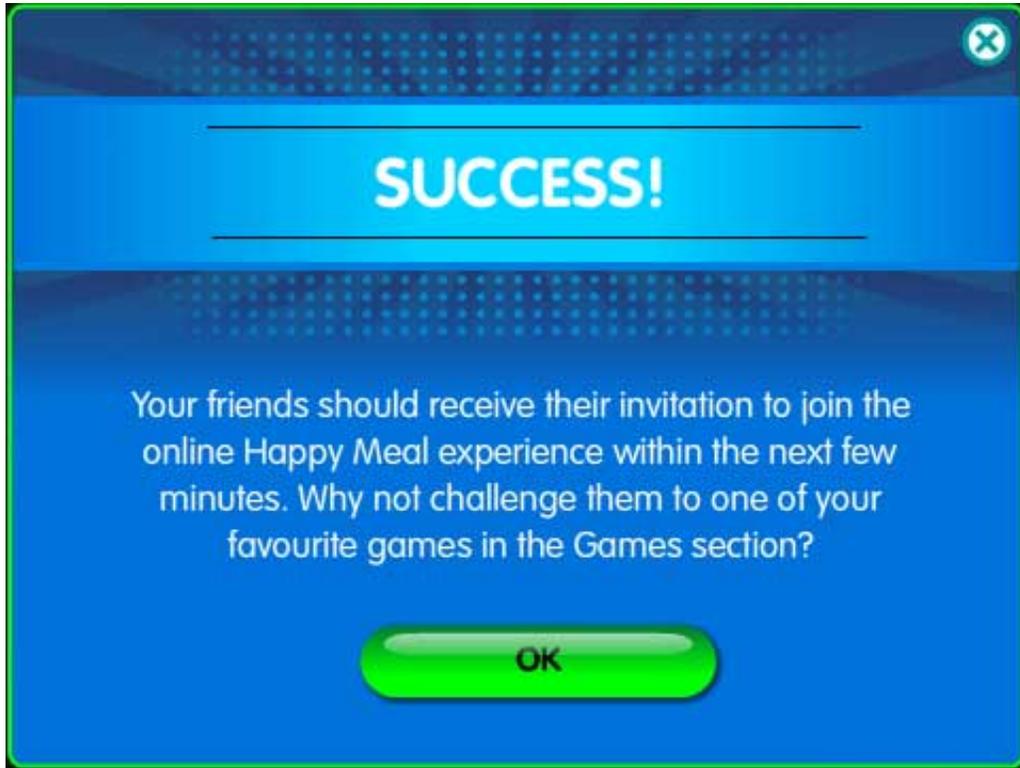


**Figure 9**  
Privacy Policy "Reminder"

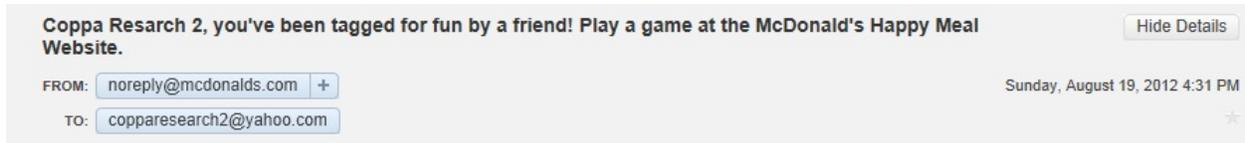


**Figure 10**  
Send to a Friend Form

Appendix A: HappyMeal.com Screenshots



**Figure 11**  
Send to a Friend Success



Coppa Research says "Tag! You're it."

Hey Coppa Resarch 2,

I'm inviting you to try Suzi Von Zoom at the McDonald's Happy Meal website!

Click here to play:  
[http://www.happymeal.com/en\\_US/#/game\\_undefined](http://www.happymeal.com/en_US/#/game_undefined)

Or copy the link and paste it into your internet browser and hit enter.

Remember to visit to [HappyMeal.com](http://HappyMeal.com) for more fun and games and to see the toys!

Now pass it on!  
Coppa Research

**Figure 12**  
Message to Friend from HappyMeal.com



**Figure 13**  
Upload or Take a Photo



**Figure 14**  
Star in a Music Video



Figure 15  
Get in the Picture

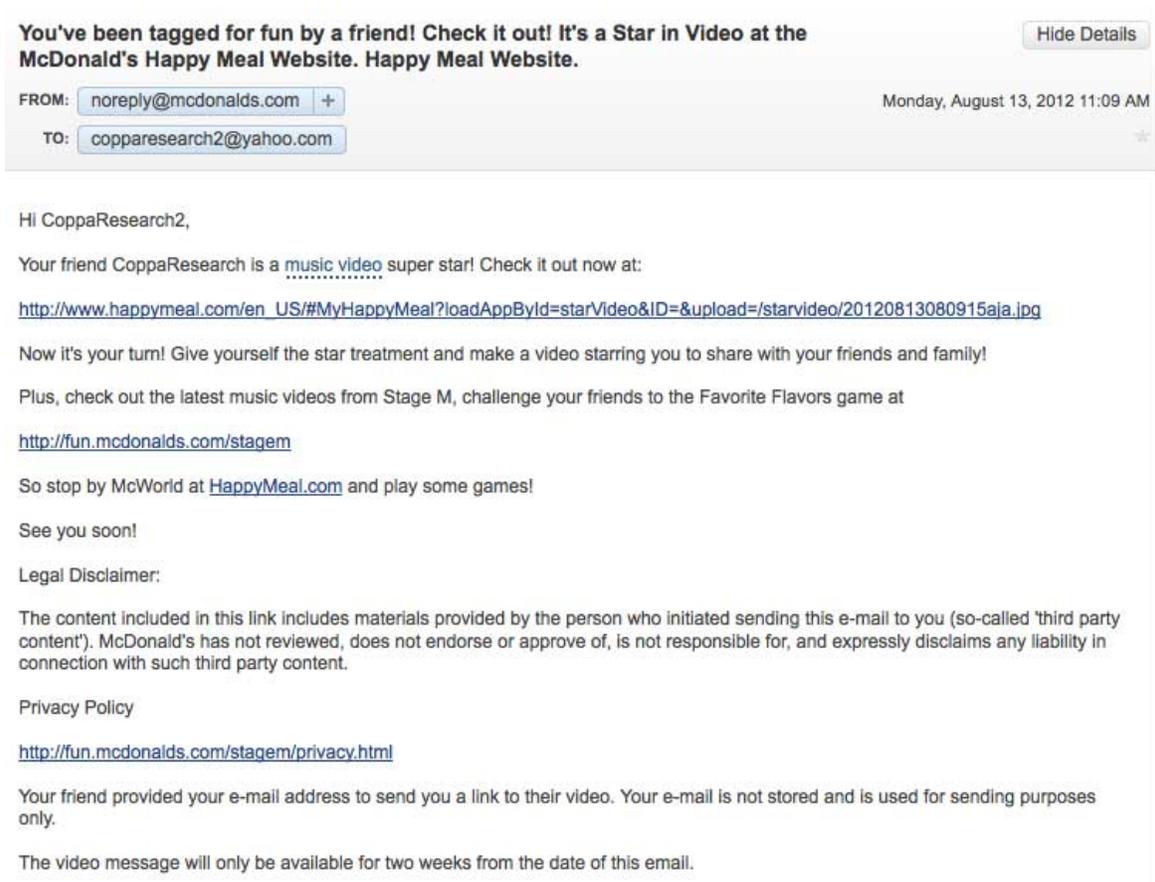


Figure 16  
Ronald Gram

## Appendix A: HappyMeal.com Screenshots



**Figure 17**  
Star in a Music Video “Challenge Your Friends” Form



**Figure 18**  
Star in a Video Email Invitation

## **McDonald's Internet Privacy Policy<sup>40</sup>**

Thank you for visiting us online at McDonalds.com. At McDonald's, we strive to do everything we can to respect the trust customers have in our brand and our commitment to your privacy is no exception. We are committed to protecting and safeguarding consumer privacy on the Internet, especially for children.

Thanks again for visiting our website and for placing your trust in McDonald's.

### **McDonald's Internet Privacy Policy**

McDonald's Corporation ("McDonald's") is pleased to provide information to all of its customers about its online privacy policy. Please be assured that McDonald's uses its best efforts to protect the privacy of visitors to this web site.

#### **Types of Information We Collect and How It Is Used**

McDonald's only gathers personal information, such as, first and last names, addresses and email addresses, when voluntarily submitted by you. For example, personal information may be collected from you in order to get your feedback on our web sites and our products or to enter you in one of our contests or sweepstakes.

#### **Sharing of Personal Information**

McDonald's may share personal information within the McDonald's Family. The McDonald's Family includes McDonald's Corporation, our franchisees, our subsidiaries and our affiliates. Of course, any use of this information by the McDonald's Family will comply with this policy. Occasionally, with your permission, we will send marketing information to you, such as discount coupons, information about new product offerings, etc. If you do not elect to receive such materials, we will not send them to you.

Companies may be engaged by McDonald's to perform a variety of functions, such as, fulfilling orders, assisting with promotions, providing technical services for our web sites, etc. These companies may have access to personal information if needed to perform such functions. However, these companies may only use such personal information for the purpose of performing that function and may not use it for any other purpose.

McDonald's does not sell, transfer or disclose personal information to third parties outside the McDonald's Family. However, with your permission, we will, on occasion send marketing information on behalf of one of our business partners about products or services they provide that may be of interest to you. You may be asked if you wish to receive marketing materials from McDonald's business partners. If you elect to receive such materials, McDonald's will not share your personal information with such partners but rather will send a mailing or email on behalf of the partners.

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<sup>40</sup> Current as of August 19, 2012. Available at <http://www.mcdonalds.com/us/en/privacy.html>.

## Appendix B: HappyMeal.com Privacy Policy

McDonald's reserves the right to use or disclose any information as needed to satisfy any law, regulation or legal request, to protect the integrity of the site, to fulfill your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety. Our Privacy Policy Regarding Children

McDonald's is very sensitive to privacy issues. We are proud of our longtime commitment to our customers. We are especially careful in any communications with one of our most treasured customers - children.

On our web sites, we offer many features, like games and coloring books, which do not require a child to provide any personal information. We collect only limited personal information from children 12 and under (like their email addresses) to respond to their online requests. For example, we may collect a child's email address in order to send the child a screen saver, but we promptly delete the email address from our system. Or, we may collect a child's email address in order to enter the child in a sweepstakes. We may also ask a child to provide an email address of a parent so we can notify the parent or seek consent. We will not collect more detailed information from a child 12 and younger, such as a postal address or a telephone number, without the consent of a parent or guardian. McDonald's will not condition a child's participation in any online activity on the child's disclosure of more personal information than is reasonably necessary to participate in that activity.

Personal information collected from children is used solely by McDonald's or other entities that provide technical, fulfillment or other services to McDonald's. For example, such entities may provide services, such as, improving our web sites, fulfilling requests or administering sweepstakes. This personal information is not sold or transferred to third parties.

We urge parents to regularly monitor and supervise their children's on-line activities.

### **Access**

You are in control of any personal information you provide to us on-line. If at any time, you would like to correct the personal information we have about you or if you would like to change your preferences for contacts from us or on behalf of our business partners, you can let us know by contacting us at the email or postal address listed below.

In order to review any personal information we have about you or to ask us to delete that information or to stop further use of the information, please submit this information request form.

In order to review any personal information we have about your child or to ask us to delete that information or to stop further use of the information, please submit this information request form.

### **Cookies**

"Cookies" are pieces of information that a web site transfers to an individual's hard drive for record-keeping purposes. Cookies allow the web site to remember important information that

## Appendix B: HappyMeal.com Privacy Policy

will make your use of the site more convenient. Like most web sites, McDonald's uses cookies for a variety of purposes in order to improve your on-line experience. For example, we track the total number of visitors to our site on an anonymous aggregate basis. We may also employ cookies so that we remember you when you return to the site, to keep track of the items in your shopping cart if you purchase merchandise online, to administer certain contests and sweepstakes and to help customize your McDonald's web experience. We may associate personal information with a cookie file in those instances.

Use the options in your web browser if you do not wish to receive a cookie or if you wish to set your browser to notify you when you receive a cookie. Click on the "Help" section of your browser to learn how to change your cookie preferences. If you disable all cookies, you may not be able to take advantage of all the features of this web site.

### **Links to Other Sites**

We may offer links to sites that are not operated by McDonald's Corporation. If you visit one of these linked sites, you should review their privacy and other policies. We are not responsible for the policies and practices of other companies, and any information you submit to those companies is subject to their privacy policies

### **Other McDonald's Websites**

All McDonald's web sites operated by McDonald's Corporation will adhere to this privacy policy. The policies of some McDonald's sites may vary, however, because of local customs, practices or laws or due to circumstances unique to that site. In all cases, however, sites operated by McDonald's Corporation will honor the commitments to our customers set forth in this policy regarding the collection and use of personal information.

#### **McDonald's Franchisee Websites**

Many McDonald's restaurants are owned and operated by franchisees, who are independent businessmen and women. Some franchisees also operate web sites. In many cases, franchisee sites follow this privacy policy. However, please review the privacy policy of each site to determine the privacy policies of that site.

### **Changes to our Privacy Policy**

This privacy policy is effective as of June 8, 2004. From time to time, it may be necessary for McDonald's to change this privacy policy. If we change our policy, we will post the revised version here, so we suggest that you check here periodically for the most up-to-date version of our privacy policy. Rest assured, however, that any changes will not be retroactively applied and will not alter how we handle previously collected information.

### **How to Contact Us**

If you have any questions about our McDonald's Internet Privacy Policy, please contact us at:

Privacy at McDonald's

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Dept. 062  
One Kroc Drive  
Oak Brook, IL 60523  
USA  
(800) 261-9827  
or e-mail us at [contact.privacy@us.mcd.com](mailto:contact.privacy@us.mcd.com)