



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 15, 2008

Ms. Jane F. Thorpe
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309

Dear Ms. Thorpe:

We would like to thank you, as counsel for The Coca-Cola Company, for your cooperation in responding to the Commission's July 31, 2007, Order to File Special Report ("Order"). The submission contributed useful information to the Commission's recently published report entitled *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation* ("2008 Report"). As stated in the 2008 Report, the Commission will continue to monitor future developments in the marketing of food and beverages to children and adolescents, and after allowing a reasonable time for response to the Report's recommendations, will issue a follow-up report.

In contemplating the follow-up report, we anticipate requesting nutrition information related to products that the company identified in the Excel spreadsheet it submitted in response to Specification 2, Attachment E to the Order. As you may recall, Specification 2 asked the company to report expenditure data for food and beverage food products, sub-brands, and brand variants marketed toward children and/or adolescents during calendar year 2006. For the follow-up report, we likely will request copies of the Nutrition Fact panels — or if the 2006 panels are unavailable, summaries of the information contained on such panels — for each of the products, sub-brands, and brand variants the company identified in Attachment E of its submission. In addition, we expect to request the panels for products, brands, and brand variants marketed to children or adolescents in 2007 and beyond. Accordingly, please ensure that the company suspends any routine procedures for destruction of these Nutrition Fact panels and takes other measures to preserve the panels and the information contained on those panels, irrespective of whether you or the company believe such documents and information are protected from discovery by privilege or otherwise.

Finally, pursuant to page 8 of the Order, the company was asked to submit two printed and two electronic copies of the requested information. If the company submitted more than one copy, please advise us by no later than **October 10, 2008** whether we should return the additional copy. If we have not heard from you or the company by that date, we will have any extra copies destroyed.

If you have any questions, please call Carol Jennings at (202) 326-3010, or Sarah Botha at (202) 326-2036. Thank you for your cooperation in this important effort.

Very truly yours,

Carol Jennings
Sarah Botha
Attorneys

Keenan, Jenifer

From: Jennings, Carol
Sent: Thursday, December 18, 2008 10:04 AM
To: Keenan, Jenifer; Thorpe, Jane
Subject: FTC document retention request of September 15, 2008

Jenifer and Jane,

Below is a clarification of our document retention request of September 15. Please let me know if I should also email this to someone at Coca Cola and who that would be. Thank you.

Carol Jennings

This message is a follow-up to our letter of September 15, 2008, requesting that the company retain the nutrition fact panel information for those food and beverage products for which 2006 advertising expenditures directed to children and teens were reported pursuant to the Commission's July 31, 2007, Order to File Special Report. The information below is provided in response to numerous questions and concerns that have been conveyed to the FTC staff about the document retention request.

1. The nutrition fact panel information can be retained electronically, provided that the electronic copies are fully legible. It is not necessary to retain actual packaging or photocopies of packages.
2. It is not necessary to retain separately the information for each of various package sizes of the same product. The nutrition fact panel information is based on a standard serving size that would be common to all of the packages.
3. The nutrition fact panel information should be retained for each sub-brand or brand variant for which advertising expenditures were reported separately in the company's response to the Commission's Order to File Special Report. If the sub-brands or brand variants were grouped together with the primary (i.e., top-selling) brand for purposes of reporting advertising expenditures, the nutrition fact panel information should be retained for the primary brand.

We appreciate your cooperation with this request. If you have additional questions, please contact one of the following:

Carol Jennings
Mary Johnson
Sarah Botha
Keith Fentonmiller

ALSTON & BIRD LLP

Jenifer N. Keenan

Direct Dial: 8

E-mail:

June 24, 2010

VIA EMAIL

Carol Jennings
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, NW NJ-3212
Washington, DC 20580

Re: Food Industry Marketing to Children and Adolescents Study

Dear Carol,

I am writing regarding the scope of nutrition information contemplated in the FTC's May 25, 2010 Notice related to the upcoming Food Industry Marketing to Children and Adolescents Study. The Notice states:

The proposed information requests also will require the 48 respondents to provide specific nutritional data for each food product that the companies marketed to children or adolescents in 2009.⁹ Recipients of the FTC's previous information requests for the 2006 study likewise must provide the requested nutrition data for each food product that the company identified as marketed to children or adolescents in 2006.¹⁰ The nutrition data to be requested include common nutrient information that typically appears on the Nutrition Facts panel of packaged goods, such as serving size, total calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, potassium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium, and iron. The Commission also intends to seek certain other information, including added sugar, all grain content and whole grains content, fruit and fruit juice content, vegetable and vegetable juice content, dairy content, and information on certain protein-rich foods (e.g., fish, lean meat/poultry, egg, nuts, and beans).

The scope of nutrition information listed in the May 25, 2010 Notice exceeds the scope of nutritional information outlined in both the 9/15/08 letter we received from you as well as your 12/18/2008 follow-up email. (See attached). Your 12/18/2008 email specifically states:

1. The nutrition fact panel information can be retained electronically, provided that the electronic copies are fully legible. It is not necessary to retain actual packaging or photocopies of packages.
2. It is not necessary to retain separately the information for each of various package sizes of the same product. The nutrition fact panel information is based on a standard serving size that would be common to all of the packages.
3. The nutrition fact panel information should be retained for each sub-brand or brand variant for which advertising expenditures were reported separately in the company's response to the Commission's Order to File Special Report. If the sub-brands or brand variants were grouped together with the primary (i.e., top-selling) brand for purposes of reporting advertising expenditures, the nutrition fact panel information should be retained for the primary brand.

The Coca-Cola Company (TCCC) maintained and preserved nutrition information consistent with the above instructions we received from you in 2008. Expanding the scope of the nutrition information requested in the upcoming compulsory orders more than a year and a half after we received specific instructions on the scope of nutrition information to be preserved by TCCC will be overly burdensome to companies such as TCCC that followed the instructions sent by the FTC in 2008. Accordingly, TCCC trusts that the scope of nutrition information requested in the upcoming compulsory orders will be consistent with the instructions contained in your 9/15/08 letter and 12/18/08 email.

We appreciate your time and attention to this matter and look forward to working with you on the upcoming report on Marketing to Children and Adolescents.

Very truly yours,

Jenifer N. Keenan

JNK:jnk LEGAL02/31987576v1

cc: Jane F. Thorpe
Russell S. Bonds