

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex W)  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Re: Interagency Working Group on Food Marketed to Children: FTC Project No. P094513

To Whom It May Concern:

FOCUS Brands submits these Comments in response to the proposed restrictions on advertising to children and adolescents issued by the Working Group as part of the above-referenced Project. FOCUS Brands has serious concerns about these proposed restrictions, because they are extremely vague and overbroad and also because there is no evidence that a shift in the way food is marketed would have any effect on childhood obesity.

To begin, the Working Group's restrictions rely on unworkable definitions of "marketing to children/adolescents." These definitions go beyond restrictions on "child" and "adolescent" marketing, because they touch on many marketing activities that primarily reach adult audiences. For example, companies would be precluded from advertising on television shows where only 20% of the audience is 12-17. This goes too far and would have a wide reaching impact—affecting companies that have no intention of marketing their products to children or adolescents. Companies' commercial speech cannot be restricted in this way.

Moreover, as a general matter, we find it troubling that the Working Group's restrictions extend to marketing to adolescents up to 17 years old. This country allows adolescents to, among other things, drive a motor vehicle and hold down a job. To say that adolescents should be shielded from certain types of marketing because they cannot make their own informed purchase decisions is illogical, and inappropriately puts the federal government in the role of a parent.

Finally, while working to address childhood obesity is an important objective, there is no evidence that these marketing restrictions would even have a positive impact on childhood obesity. Childhood obesity rates have been on the rise while advertising has been on the decline. There is simply no causal connection between the two, and the Working Group has not presented any evidence that would say otherwise.

FOCUS Brands respectfully requests that the Working Group withdraw its proposal.

Sincerely,

Cara Becker  
Vice President, Consumer Product Licensing  
FOCUS Brands