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

Dear Sirs:

Thank you for taking time to consider my input and opinions on the above
proposal. My name is Wayne Brejcha, and I am creative director at Calabash
Animation in Chicago.

We are proud of our company's eighteen years of work in support of brands like
Trix and Lucky Charms – some of the most iconic brands in the United
States.   We are very concerned to hear that four federal agencies are proposing
that advertising of these and other brands be banned.   Such a ban is bad public
policy. It eliminates a large category of our studio's business.   I am strongly
opposed to this plan.

None of the four agencies involved in this proposal has mustered any evidence
to support the notion that food advertising to children and teens causes
obesity.   On the contrary, the FTC's own Bureau of Economics established that
food advertising has been declining in parallel to the recent rise in childhood
obesity.

Advertising bans like this have been implemented for many years in other
countries with no reduction in obesity rates relative to countries without these
bans.   Advertising is not making children or teens obese.

The range of products targeted by the advertising ban strains belief. Not even
bottled water satisfies the restrictive requirements!   Nor do most breads,
yogurts, or canned vegetables. Cereal is the number one individual food product
advertised to kids; its advertisement is banned to such a degree that virtually all
cereals -- even Cheerios! --   fall subject to the whims of the proposed ban.

This ban fails to align with consistent and unanimous scientific evidence

establishing that kids who frequently eat cereal (including sweetened cereal) are far less likely to be overweight than those who do not.   Furthermore, two of the agencies behind this proposed advertising ban elsewhere promote cereal consumption.   The FDA defines most of the banned cereals as "healthy" and authorizes many of the banned cereals to make health claims on their labels.   The USDA encourages consumption of cereals that are subject to the ban through the U.S. Dietary Guidelines and through its WIC (Women, Infants, Children) food assistance program.   Banning the advertising of these cereals is therefore accurately described as disingenuous and tainted with hypocrisy.

Childhood obesity is, of course, a serious issue.   But it requires a serious and real solution, not an attack on advertising that will yield no results and simply distract attention away from the real causes of childhood obesity. In its section on childhood obesity causes, the Mayo clinic website observes tersely:

Although there are some genetic and hormonal causes of childhood obesity, most of the time it's caused by kids eating too much and exercising too little.

There isn't a big warning in the site about advertisements for breakfast cereal.

In this arena, a disciplined and fit government will have fully discharged its duty to free and intelligent people by enforcing existing laws requiring accurate lists of ingredients to be displayed on the product packaging, and seeing to it that manufacturers make no false claims about their products.

The degree of intrusion represented by the proposed ban amounts to an eviscerating of First Amendment rights of advertisers.   We note that the government has attempted to position this ban in the hopes of avoiding a First Amendment challenge. The four agencies have put this ban forward as a set of voluntary standards. But because the FTC, FDA, USDA, and CDC have the most regulatory power over the food industry, these translate to involuntary regulations.

If the government gets away with this, there will be no end to its attempts to limit free speech rights through nominally "voluntary" restrictions on advertising of other products it may arbitrarily dislike.

This proposal should be withdrawn entirely.

Wayne Brejcha
Creative Director
Calabash Animation