



MALDEF

Mexican American Legal Defense and Educational Fund

July 14, 2011

National Headquarters

Los Angeles

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Interagency Working Group on Food Marketed to Children
c/o Federal Trade Commission
Office of the Secretary, Room H-113 (Annex W)
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Re: Interagency Working Group on Food Marketed to Children: Proposed
Nutrition Principles: FTC Project No. P0945513

Chicago

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Dear Secretary Vilsack, Chairman Leibowitz, Director Frieden, and Commissioner
Hamberg:

The Mexican American Legal Defense and Educational Fund (MALDEF) is committed to addressing childhood obesity and hunger in the Latino community. Latino children and youth are the subject of the highest obesity and diabetes statistics in the nation.

San Antonio

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We thank the Interagency Working Group for taking this important step in improving the ways in which food companies market to children by developing nutrition and marketing guidelines for voluntary use by industry. MALDEF supports the notion that such guidelines are necessary because of the harm caused by the marketing of unhealthy foods to Latino children and youth. We offer the following limited comments:

With respect to the proposed nutrition standards:

- Specify that the principles apply to *all* food marketed to children ages 2 to 17, not only foods heavily marketed to kids. In other words, the principles should apply to all foods, not only the ten categories of food the IWG has determined are most marketed to children. This will safeguard against companies shifting their marketing to products not listed in the ten categories (breakfast cereals, snack foods, candy, dairy products, baked goods, carbonated beverages, fruit juice and non-carbonated beverages, prepared foods and meals, frozen and chilled deserts and restaurant foods).

With respect to the proposed marketing definitions, we also recommend that the IWG:

- Adapt the FTC marketing definitions (detailed in the 2008 *FTC report Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self Regulation*, Appendix B) to a set of model definitions that can easily be adopted by companies and that clarifies that the principles apply to all types of media and marketing in English as well as other languages, such as Spanish.

Washington, D.C.

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Advancing Latino Civil Rights for over 40 Years

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- Include a section regarding the particular vulnerabilities of adolescents when they are the target of food marketing but also consider all promotional activities that are marketed to adolescents (not solely social media and in-school marketing). It is equally important to recognize and address the overlapping and interconnected nature of contemporary media and marketing (i.e. integrated marketing), particularly as it impacts Latino children and youth. For example, a high percentage of Latino youth use their personal cell phones to send and receive text messages, and popular social networking sites to communicate with one another. One marketing practice with veiled consequence is that Latino youth are targeted to receive messages from popular Latino entertainers, whose commercial pops up on the internet. Viewers are invited to view a message and performance and then encouraged to send it forward, with a positive message to friends and also post on their social network pages, common practices among youth. What they don't know until the action is completed, is that they have also forwarded what appears to be an endorsement of a product from the identified ten categories list.
- Additionally, it is important to supplement objective criteria with subjective criteria for all media approaches (including but not limited to the Internet, on-package, premiums, events, celebrity endorsements, mobile devices, television, print, movies, toys/premiums and the use of licensed characters) and to stipulate that percent audience share, an objective criterion, does not apply when marketing is personalized or individually targeted. Also, the FTC should review and update the nutrition principles and marketing definitions every five years given the constantly-evolving nature of modern media.
- More clearly define in-school marketing and promotions and make the standard applicable to pre-schools, elementary, middle and high schools.
- Expand the current definition of movie theater/video/video game advertising to include marketing that appears in, during, or contiguous not only to G-rated movies but also movies rated PG.

Finally, we recommend that the IWG include a guideline that discourages excessive and/or unfair marketing of food and beverage products that do not meet the nutrition principles and that specifically target low-income communities and communities of color, particularly in digital TV technologies and other marketing approaches, including via Spanish-language programming.

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Thank you for the opportunity to provide comments. We look forward to the release of the final guidelines later this year.

Sincerely,

/s/

Claudine Karasik
Mexican American Legal Defense and Educational Fund
Childhood Obesity Initiative