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

**INTERAGENCY WORKING GROUP ON FOOD MARKETING TO CHILDREN:  
PROPOSED NUTRITION PRINCIPLES: FTC PROJECT NO. P094513**

Thank you for the opportunity to comment on the Interagency Working Group's proposed voluntary guidelines on food marketing to children. The California Department of Public Health (CDPH) supports the guidelines as sound and scientifically justified. CDPH believes the guidelines will help parents' efforts to feed their children more healthfully. Of particular importance is the broad definition of marketing to include celebrity endorsements, fundraisers, sponsorships etc.

**Question 1: Congress directed the Working Group to develop proposed nutrition principles for foods marketed to children and adolescents up to the age of 17. Does the prevalence of obesity in both children and adolescents warrant the same approach to limits on food marketing for both age groups? Given the wide age range, should there be two sets of nutrition principles, one for younger children (2-11 years) and one for adolescents (12-17 years), based on differences in the nutritional needs and recommended caloric intake of adolescents compared to younger children?**

CDPH Response: Nutrition advertising principles should be the same for all children ages 2-17. The need for children to learn and practice life-long nutrition habits is more important than a focus on detailed nutrient needs at any particular age.

**Question 2: The Working Group recognizes that companies often engage in brand advertising and marketing, without reference to a specific food product in the brand line. How should the nutrition principles be adapted to accommodate advertising and marketing of a general brand or an entire product line as opposed to specific food products or menu items?**

CDPH Response: Brand advertising for younger children ages 2-11 should be allowed only if all meals designated for children under that brand meet the suggested nutritional guidelines.

**Question 3: The proposed nutrition principles do not include a separate proposal setting targets for nutrients to encourage, including specific nutrients of concern as identified in the 2010 DGA, such as calcium, potassium, fiber, magnesium, and vitamins A, C, and E. Should the Working Group recommendations include targets for nutrients to encourage and, if so, how should the recommendations address the issue of nutrients added to foods through fortification as opposed to nutrients that are inherent in foods?**

CDPH Response: Nutrients added to foods through fortification should not be considered in determining whether a food meets the guidelines.

**Question 4: The proposed nutrition principles do not include limits on portion size or calories for foods marketed to children. Should the Working Group recommendations address portion size or calories directly or is over-consumption adequately addressed by the recommendations that all foods marketed to children make a meaningful contribution to a healthful diet and minimize consumption of saturated fat, *trans* fat, and added sugars?**

CDPH Response: Calories should be considered for snack foods, caloric sweetened beverages, candy, and frozen or chilled desserts and should not exceed the number of discretionary calories allowed in a 2000 calorie daily diet from the Dietary Guidelines for Americans (DGA). Portion sizes portrayed in marketing should not exceed this number of calories for these items. In addition, snack cakes, pastries, doughnuts, and toaster pastries should be considered snacks for the purposes of the recommendations.

**Question 5: Are there specific food products or categories of foods that should be added to or dropped from the proposed list? What are the advantages and disadvantages of focusing on the most heavily marketed foods rather than on all foods marketed to children?**

CDPH Response: The proposed list should not eliminate or exclude particular food products or categories just because they are not among the most frequently marketed products. Different food products may be marketed more heavily in the future.

**Question 6: The Working Group is seeking comment on the proposed adjustments to the nutrition principles for main dish and meal products. For instance, should main dishes and meals make meaningful contributions from at least two and three food groups respectively, as proposed under Principle A? Should the targets set under Principle B be tied to a 100-gram amount, a labeled serving, a 40-gram portion, or some combination of these? What would be the advantages or disadvantages of using a 100-gram basis to set food group**

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**contributions and nutrient targets for all individual foods, main dishes, and meals?**

CDPH Response: Main dishes and meals should make meaningful contributions from at least two or three food groups respectively.

**Question 7: The Working Group also seeks comment on alternative approaches to address the marketing of children's meals by restaurants. One possible approach would be to recommend that a minimum number of the offerings on a children's menu be healthier and that at least two out of three components of the meals marketed to children meet certain nutrition principles that make them healthier choices. What would be the advantages or disadvantages of such an approach? Are there other approaches to the marketing of children's meals by restaurants that the Working Group should consider?**

CDPH Response: Marketing of children's meals in restaurants should meet different standards. The Working Group could consider using the standards for school meals for grades K-5, as most children's meals are purchased for younger children.

**Question 8: Under both the Option 1 and Option 2 proposals for Principle A, companies can aggregate contributions from more than one of the specified food categories to meet the meaningful amount targets for individual foods. Does this approach diminish the meaningful contribution to the diet by allowing small contributions from multiple food groups? Should the principle recommend that the entire contribution come from one food group?**

CDPH Response: The entire contribution to meaningful amount targets does not need to come from one food group. However, fish, extra lean meat, poultry, eggs, nuts, seeds, and beans should be combined into one category, as in MyPlate and the DGA, so that protein foods are not over-emphasized. In addition, clarify that sweetened fruit juice drinks should not be counted as fruit.

**Question 9: The list of food groups that make a meaningful contribution to a healthful diet under Principle A includes both the basic food groups to encourage as identified in the 2010 DGA – fruits, vegetables, whole grains, fat-free and low-fat milk products – as well as other food categories that are compatible with an overall healthful diet – fish, lean meat and poultry, beans, nuts and seeds, and eggs. Are there food categories that should be added to or eliminated from Principle A?**

CDPH Response: Fish, extra lean meat, poultry, eggs, nuts, seeds, and beans should be combined into one category, as in MyPlate and the DGA, so that the protein foods are not over-emphasized. In addition, clarify that sweetened fruit juice drinks should not be counted as fruit.

**Question 10: The 2010 DGA recommend consuming a variety of vegetables, especially dark green and red and orange vegetables and beans and peas. Given that children consume starchy vegetables disproportionately to other subgroups like dark-green and red and orange vegetables, should Principle A include recommendations for specific subgroups of vegetables?**

CDPH Response: No comment.

**Question 11: The Working Group has included two possible approaches for Principle A. What are the advantages and disadvantages of Option 1 (based on weight) and Option 2 (based on amounts per RACC)?**

CDPH Response: CDPH recommends using Reference Amount Customarily Consumed (RACC) for both Principle A and Principle B, with the exception of whole grains. Whole grain recommendations should be based on a percentage as per Option 1. At least 50 percent of grains should be whole grain to satisfy Principle A.

**Question 12: The food contribution amounts proposed in Option 2 are calculated based on a 2,000 calorie daily diet and assume four eating occasions per day. Should this calculation be adjusted to reflect children's caloric needs and eating patterns?**

CDPH Response: No. The focus should on helping children develop lifetime good nutrition habits, not on specific needs at a particular age.

**Question 13: Principle B provides that any nutrients naturally occurring as part of the food contributions under Principle A are not counted toward the proposed limits for specific nutrients under Principle B. This exemption is intended to resolve any inherent inconsistencies between Principle A and Principle B. At the same time, the Working Group recognizes that the calculations involved in partially "netting out" certain nutrients would entail a detailed knowledge of the product recipe or formulation and make it difficult for any third party to verify whether a product meets Principle B. Are there alternative approaches the Working Group should consider in reconciling the provisions of Principles A and B?**

CDPH Response: No comment.

**Question 14: Under Principle B, the proposed nutrient targets for individual foods are generally tied to the RACC. The proposal recommends that individual foods with a small RACC (30 grams or less), meet the targets for saturated fat, *trans* fat, added sugars, and sodium per 50 grams (with the exception of the interim sodium value of 210 milligrams per serving). What are the implications of this approach in particular for smaller serving foods like cereals or for foods marketed in smaller children's portions? What would be the advantages and**

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**disadvantages of tying Principle B recommendations to labeled serving instead of the RACC?**

CDPH Response: No comment.

**Question 15: Are there other nutrients or ingredients not currently included in Principle B that the Working Group should recommend be limited in foods marketed to children? If so, what is the evidence regarding the nutrition and health justification for including the nutrient or ingredient?**

CDPH Response: No comment.

**Question 16: The Working Group proposal recommends a target for added sugars for foods marketed to children. What are the advantages and disadvantages of the proposal for limiting added sugars content as opposed to total sugars content?**

CDPH Response: CDPH supports the recommendation to limit added sugar rather than total sugar content of foods marketed to children. Limiting total sugar content could impede the marketing of healthy foods.

**Question 17: The Working Group proposal recommends an interim goal for limiting sodium content for foods marketed to children of 210 milligrams per serving for individual foods and 450 milligrams per serving for main dishes and meals, with a target date of 2016. Is there a nutrition-based rationale for an alternative interim goal for sodium that the Working Group should consider? The Working Group's final value for sodium is 140 milligrams per RACC for individual foods and 300 milligrams per serving for main dishes and meals, with a target date of 2021. Is there a nutrition-based rationale for an alternative final goal on sodium that the Working Group should consider?**

CDPH Response: CDPH supports the sodium proposal.

Thank you for your consideration of these comments.

Sincerely,

Rón Chapman, MD, MPH °  
Director