

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:

Hispania Public Relations works with the food industry in marketing food products to Hispanic consumers. We are writing this comment because we are extremely troubled by the federal government's proposal to prohibit marketing of essentially all foods to anyone under age 18 and the impact of such a proposal on businesses we support.

The proposal claims that its goal is to improve children's health and reduce the high rate of childhood obesity. However, many of the food products that would be banned from marketing to children are not only recommended by the USDA in the recently released MyPlate food guidelines and by the USDHHS in the 2010 Dietary Guidelines as part of a healthy eating pattern, but are also authorized by the FDA to make health claims, such as cereal and yogurt. These foods provide important health benefits. For example, cereal is extraordinarily dense in key nutrients while contributing very few calories to the diet. Moreover, eating cereal for breakfast promotes milk consumption and 48% of all milk consumed by Hispanic children is consumed with cereal. It has also been shown that children who eat cereal for breakfast have higher nutrition levels and healthier body weights. It would seem that banning the marketing of these food products is actually contrary to achieving the stated goal of promoting children's health and combating obesity while imposing significant economic harm on the food industry.

We believe that the advertising ban is bad public policy as well. As a public relations agency, Hispania is deeply concerned about the limitation placed on commercial speech by the proposal. None of the food products banned from advertisement by the proposal is illegal and yet the ban will result in a likely unconstitutional restraint on the purchase of lawful and healthful food products. Furthermore, while the agencies behind the proposal portray the ban on advertising food products to children as "voluntary," the reality is that the food industry will have little choice but to adhere to the proposed regulations since these agencies regulate its business. In this manner, these agencies have effectively imposed very onerous restrictions on the food industry while attempting to avoid subjecting them to the scientific, economic and constitutional review that is required for real "regulations."

Lastly, we would expect that before the government would undertake the drastic actions included in the proposal, it would require significant evidence that these actions would accomplish the desired outcome. However, in this case the government has failed to show any evidence that a ban on advertising foods products will result in a reduction in childhood obesity. In fact, there is no evidence of a causal connection between advertising food products and childhood obesity. The proposed regulations are imprudent and unfounded and will have immensely adverse effect on the food industry and those of us who do business with it.