

June 15, 2011

To Whom It May Concern,

I am writing on behalf of Coyne Public Relations to express our deep concerns with the advertising ban referred to above. Enclosed please find the formal Comment that Coyne is filing with the Federal Trade Commission on this issue.

Coyne Public Relations has had the privilege of working with the world's leading food companies for nearly 20 years. In our vast experience, these food companies have acted both morally and ethically to ensure the interest of the child are always at hand. Careful consideration of portion sizes, calorie consumption, activity levels and overall health of their consumers is always at the forefront of every communication.

This is an industry acutely aware of the issues concerning obesity both in children and adults. Food companies have answered the call proactively by taking the lead with nutrition programs, offering lower calorie and sugar options and removing trans fats at an accelerated pace.

This positive approach should not be rewarded with restricted bans on advertising that could potentially limit positive messages that are making a difference every day. Perhaps the most troubling aspect of the proposed regulations is their implicit assumption that parents cannot make the best food choices for their families. Banning food advertisements to children and teens will also effectively deprive parents (those who, in contrast to minors, actually make purchasing decisions and have economic power) of information about foods for their children.

The proposed ban on food advertising to children and teens represents misguided economic policy and is likely unconstitutional.

Food advertisements are also First Amendment-protected commercial speech that, over the past two decades, the U.S. Supreme Court has protected vigorously. In addition to constitutionality issues, the Interagency Working Group's proposal likely runs afoul of President Obama's January 18, 2011 Executive Order mandating that federal agencies must regulate in a manner that preserves and promotes "economic growth, innovation, competitiveness, and job creation" and that regulations "must be based on the best available science." Without data to link childhood obesity to advertising, the regulations would not pass muster.

Individually, each of these reasons is enough rationale to oppose the new restrictions. In the aggregate, these reasons demonstrate that the proposed regulations are bad governmental policy and could have far-reaching negative consequences on both consumers and business.

We would appreciate your support in addressing this unwarranted policy.
Respectfully,

— Tom Coyne
CEO, Coyne Public Relations