

June 16, 2011

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:

As a proud partner of the food industry and as responsible marketers of youth and family products, The Marketing Store is troubled by the federal government's proposal to ban advertising of nearly all food products to children and teens. We wish to express the following concerns:

The federal government's proposed advertising ban does not take into account the broad economic impact of eliminating food advertising to this segment of our population. The advertising ban proposed by the Interagency Working Group may have serious negative consequences for many Americans whose jobs and livelihoods are closely linked to the food industry.

The industry employs millions of Americans including those who work in food production and agriculture, manufacturing, restaurants, advertising, and grocery/retail stores. Other markets such as transportation, logistics, energy, and packaging are directly affected by shifts in food production and sales. Numerous colleges and universities obtain funding for scientific research directly from food industry sources. By sharply restricting the ability of food companies to advertise their products, American jobs would be placed at risk.

The proposed advertising ban is also much too broad in its assessment of what constitutes "marketing to children." Among the activities that would be banned: sponsorships of charities that benefit children; portrayals of athletes or celebrities that are "highly popular" with children (how

does one define?); use of words like "child" or "kid" on food packages; depictions of characters such as the Easter Bunny; advertising on programs where as few as 20% of the viewing audience are kids (or even on 100% adult-audience programs that fall within the same part of the broadcast day where child-oriented programs appear). These are incredibly sweeping definitions infringing on speech directed toward, and received by, adults.

The precedent that is being set here is troubling. The United States federal government, to our knowledge, has never before felt that it would be appropriate to employ the force of four federal agencies behind a supposedly "voluntary" set of restrictions on First Amendment rights. And, if this is permitted to move forward with immunity from legislative or judicial challenge, what will stop the government from using this method to limit other advertising or, for that matter, other forms of free speech?

For the reasons listed above, we respectfully ask that you consider a rejection of this proposal as it currently stands.

Sincerely,

Mark Landolt
President
The Marketing Store